



**Planning
Commission**

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Department, at 520-432-9300. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

**COMMUNITY DEVELOPMENT DEPT.
HOURS OF OPERATION**
Monday through Friday
7:30 a.m. to 5:00 p.m.
Phone: 520.432.9240
Fax: 520.432.9278



Cochise County Planning Commission

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

Regular Meeting
January 13, 2016
4:00 p.m.

AGENDA

1. **4:00 P.M. - CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
3. **Recognition of new Commissioner Tom Borer filling a vacant Commission seat in District One.**
4. **APPROVAL OF PREVIOUS MONTH'S MINUTES**
5. **CALL TO THE PUBLIC – CALL TO THE PUBLIC** - Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on *any issue within the Commission's jurisdiction*. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

6. NEW BUSINESS

Item 1 - (Page 1) –PUBLIC HEARING -- Docket SU-15-22 (Chaffin): A request for a Special Use authorization for a small engine repair shop on an RU-4, Rural zoned property located on North No Name Road approximately two miles north of Highway 90, east of Sierra Vista, AZ. The applicant is Stan Chaffin.

Item 2 - (Page 45) –PUBLIC HEARING – Docket SU-15-23 (Barney): A request for a Special Use authorization to approve a large and small engine repair shop on an RU-4, Rural zoned property

located near the intersection of N. Pomerene Road and E. Barney Lane near Benson AZ. The applicant is Ryan Barney.

Item 3 - (Page 75) –PUBLIC HEARING -- Docket SU-15-21 (Canna): A request for a Special Use authorization to approve the cultivation and infusion of medical marijuana on an RU-4, Rural zoned property located at 10049 Katies Lane south of Whitewater School Road, Elfrida AZ. The applicant is Canna Consultants Inc.

Item 4 - (Page 135) –PUBLIC HEARING -- Docket SU-15-25 (Lock): A request for a Special Use authorization to approve the cultivation and infusion of medical marijuana at on an RU-4, Rural zoned property located at 8521 N. Ingram Road, Willcox, AZ. The applicant is Amy Lock.

7. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.

Recent Board of Supervisors:

January 5, 2016

- a. SU-15-18 (Sonoran Care) Appeal near Elfrida

Next P&Z Commission meeting

February 10, 2016

- a. Richardson professional services office near Sierra Vista
- b. Z-15-08 (Newell) GB expansion near Willcox

Upcoming:

- a. Verizon stealth cell tower in St. David
- b. Kramme tire aggregate recycling near Willcox

8. CALL TO COMMISSIONERS ON RECENT MATTERS.

9. ADJOURNMENT

COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
December 9, 2015
REGULAR MEETING at 4:00 p.m.

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Mr. Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated that there was one Special Use Authorization Docket on the agenda. Mr. Greene explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Carmen Miller, Wayne Gregan, Liza Weissler, Pat Edie, and Nathan Watkins indicated their presence. Staff members present included; Paul Esparza, Planning Director; Jesse Drake, Planning Manager; Peter Gardner, Planner I; Jim Henry, Planner I; Karen Lamberton, Transportation Planner.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the November 18, 2015. **Action:** Approve

Moved by: Mr. Martzke **Seconded by:** Ms. Miller

Vote: Motion passed (**Summary:** Yes =4, No = 0, Abstain = 3)

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, and Ms. Edie

No: 0

Abstain: Mr. Greene, Ms. Weissler, and Mr. Watkins

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke on matters of personal concern.

NEW BUSINESS

Item 1 PUBLIC HEARING Docket SU-15-20 (Pinnacle Tower Naco)

A request for a Special Use authorization for an 80-foot communications tower in a General Business (GB) zoning district located at 3864 S. Towner Ave, Naco, AZ. The applicant is Sun State Towers.

Chairman Greene then opened the Public Hearing. Mr. Garrett Jonilonis, the Applicant's representative, explained the request as part of Verizon's push into Southern Arizona and increased data capacity. He cited the improved 911 service, the existing industrial nature of the site, and invited questions. Mr. Gregan asked for verification that there were no other suitable towers were available. Mr. Jonilonis confirmed that there were indeed no alternatives.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. There being no discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Gregan

seconded the motion. There being no further discussion, Mr. Greene called for a vote on the motion. The motion passed 7-0.

Motion: Motioned to Approve the Docket with the Conditions recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Gregan

Vote: Motion passed (**Summary:** Yes = 7, No =0, Abstain = 0)

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Greene, Ms. Weissler, Ms. Edie, and Mr. Watkins

No: 0

Abstain: 0

Item 2 PUBLIC HEARING Docket SU-15-19 (Crisantes)

A request for a Special Use authorization to approve the cultivation of medical marijuana at on an RU-4, Rural zoned property located at 3402 N Mesquite Rd, Cochise, AZ. The applicant is Crisantes California Investments LLC.

Chairman Greene called for the Planning Director's report. Planning Manager Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She explained the existing agricultural nature of the area and the road conditions. Ms. Drake noted the support and opposition received, and closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. Adam Trank introduced himself as the Applicant's attorney, and his client, Mr. Hector Crisantes. Mr. Trank explained the background of the legal issues on Medical Marijuana. He explained the medical conditions that permitted its use under state law. Mr. Trank explained that the proposal was for cultivation only, with no dispensary aspect. Mr. Crisantes spoke explaining his family's organic farming background, and his intention to live on the site. He showed an example of his family's farming operations in Yuma.

Mr. Greene then asked for Speakers in favor.

Ms. Olga Cutting of Cochise spoke, noting that she was a neighbor to the site, and had a pistachio grove on her property. She stated that she was encouraging other growers to the area, and was impressed with the applicant and their proposal. Ms. Cutting closed by stating that her mother lived nearby as well, and supported the project.

Ms. Sharon Thomas of Saint David spoke, both as a resident and as the chair of the Cochise County Democratic Committee. She supported the project as economic development that would also preserve the agricultural nature of the County. Ms. Thomas emphasized the low water usage and organic farming techniques as positives.

Ms. Rebecca Chadburn of Cochise spoke, supporting the use of medical cannabis, explaining how oils are extracted from the plants. She also spoke about road improvements and charitable donations.

Mr. Kurt Minick of Bisbee spoke, as an organic farmer, in support of the request.

Mr. Greene then asked for speakers in opposition.

Ms. Dorothy Pickett of Cochise spoke, with concerns about the proximity to Cathy's Compassion Center and a school bus pickup and drop off area. She also expressed concern about what she felt were errors in the staff report, and about the road maintenance agreement. Ms. Pickett asked how the road maintenance agreement would create a financial burden on other property owners in the area, especially given that she paid to maintain a different access for herself.

Ms. Patricia Borders of Cochise spoke, raising concerns regarding the private maintenance agreement, and asked how it impact other property owners.

Mr. Edward Picket of Cochise spoke, emphasizing the poor condition of Mesquite Road. He presented digital photos of the road to support his opposition. He noted the large cost of repairing the road. Mr. Pickett stated that very few of the property owners could afford to pay to maintain the road.

Mr. Terry Maddux of Elfrida spoke, expressing opposition to medical marijuana based on his personal experience with marijuana users. He spoke about the federal classification of marijuana.

There being no further speakers, Mr. Greene invited the Applicant to rebut. Mr. Trank noted that the proposal met all criteria for approval, and that if approved, Mr. Crisantes would be living on the site and growing other crops in addition to marijuana. He noted that the Crisantes family was prepared to improve the road and work together with neighbors on maintenance with the applicant paying a proportionate amount. Mr. Trank also compared the use to other agricultural uses that would be permitted by right with no restrictions. He also pointed out that the presence of other facilities was not an approval criterion and further noted that the free market economy would dictate the business.

Mr. Gregan asked Mr. Crisantes why Cochise County. Mr. Crisantes explained that the weather was more appropriate in Cochise County than in Yuma, as cold weather was a great help in pest control. Mr. Gregan asked Ms. Drake about the feasibility of the road maintenance agreement in light of previous failures in the neighborhood. Ms. Drake deferred to Ms. Karen Lamberton, the County Transportation Planner. While Ms. Lamberton was preparing, Ms. Weissler asked for clarification that if any crop other than cannabis was being grown on this site, than no Special Use Authorization would be required. Ms. Drake stated that this was correct, and Mr. Gardner added that additionally, any other crop would lead to the use being exempt from all zoning regulations and building codes. Ms. Lamberton then addressed Mr. Gregan's question, explaining how Planning Staff analyzes traffic impacts. She noted that the proposed use would generate approximately half the trips than would be generated if the site were developed at the existing permitted residential density. Ms. Lamberton explained that the connection to Dragoon Road was the primary concern for Staff, and that the maintenance agreement was a partnership between the Applicant and existing property owners. She stated that the conditions on Mesquite Road were common on existing county dirt roads, and that the proposed project would not unduly harm the existing conditions.

Mr. Greene closed the Public Hearing and asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Mr. Greene called for discussion. Mr. Greene then called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions recommended by Staff. Ms. Edie seconded the motion. Ms. Weissler asked why the private

road maintenance agreement was a condition if it would not be required for any other crop. Ms. Lamberton noted that the Commission could waive the requirement, but that the regulations require that any commercial use take access from a state or county maintained road, or sign a private maintenance agreement for the access. Ms. Weissler asked if the purpose of this agreement was to ensure that the Applicant was aware that all weather access may not occur, and was not intended to provide a means for neighbors to stop the project by refusing to sign an agreement. Ms. Lamberton stated that this was correct. Mr. Watkins commented that if the Applicant improved the road, it would benefit the neighbors at no cost to them. Ms. Drake explained that Mr. Crisantes had offered to pay for the improvements to the road, but was not required to do so now or in the future. Mr. Crisantes stated that he wanted all the neighbors to also have good, safe access to their properties. There being no further discussion, Mr. Greene called for a vote on the motion. The passed unanimously.

Motion: Motioned to Approve the Docket with the Conditions recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 7, No =0, Abstain = 0)

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Greene, Ms. Weissler, Ms. Edie, and Mr. Watkins

No: 0

Abstain: 0

PLANNING DIRECTOR'S REPORT:

Board of Supervisors: no items

**Next P&Z Commission meeting
January 13, 2016**

- a. SU-15-21 (Canna) Medical Marijuana cultivation
- b. SU-15-22 (Chaffin) Large Engine Repair
- c. SU-15-23 (Barney) Large Engine Repair
- d. SU-15-25 (Lock) Medical Marijuana cultivation and infusion kitchen

Upcoming:

- a. Richardson professional services office
- b. Verizon St. David stealth cell tower
- c. Arabian north of Ramsey fire station cell tower

CALL TO COMMISSIONERS ON RECENT MATTERS:

Mr. Martzke wished everyone a Merry Christmas and a Happy New Year. Ms. Weissler asked if a new Chair and Vice-Chair would be elected in January. Staff stated that this was correct.

ADJOURNMENT – Mr. Gregan moved to adjourn, Ms. Weissler seconded, and the meeting was adjourned at 5:31 pm.



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jim Henry, Planner I *JJK*
FOR: Paul Esparza, AICP Planning Director
SUBJECT: Docket SU-15-22 (Chaffin)
DATE: December 29, 2015 for the January 13, 2016 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant is requesting a Special Use Authorization to approve a small engine repair shop in a Rural (RU) zoning district. The proposed use is considered repairs services, small engine and requires a Special Use Authorization per Section 607.31 of the Zoning Regulations. The subject property APN 107-43-012G is located on N. No Name Road approximately two miles north of Highway 90, east of Sierra Vista, AZ. The Applicant is Stanley Chaffin.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.63 acres
 Zoning: RU-4
 Growth Area: D-Rural
 Comprehensive Plan Designation: Rural
 Area Plan: None
 Flood Zone: X
 Existing Uses: Unoccupied Garage
 Proposed Uses: Small Engine Repair Shop

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Low Density Residential
South	Ru-4	Low Density Residential
East	RU-4	Low Density Residential
West	RU 4	Low Density Residential

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov



Location map

II. PARCEL HISTORY

2015 – 2400 sq. ft. garage (opt out, no utilities)

2015 – Violation for operating a business w/o a permit with bright security lights (resolved)

2015 – Request for a home occupation for mobile auto repair business (denied)

III. NATURE OF REQUEST

The Applicant built a 2400 sq. ft. opt out garage earlier this year with the hopes of being able to run a mobile auto repair out of it as a home occupation. However, the department was not able to approve the Applicant’s request for a home occupation due to the fact that Mr. Chaffin did not reside on the property. Subsequently, it was explained that the only alternative would be to apply for a Special Use Authorization. Therefore, the Applicant is requesting a Special Use Authorization to operate a mobile auto repair business on a Rural (RU-4) zoned property. Most of the Applicant’s work (approximately 85-90%) will take place on offsite. However, there are times when certain repair work will take place onsite, which necessitates the need to request a Special Use Authorization. The Applicant is an ASE Master certified mechanic and has been in the auto repair business for approximately 35 years.

The Applicant is requesting a Special Use Authorization for the following use:

Repair Services, Small Engines - Services designed to repair vehicles with no more than two axles, recreational vehicles and/or other small engines and may include incidental retail sales (Section 203 of the Zoning Regulations).



View to the west of the property with the opt-out building in the back

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, approval with conditions and/or modifications or denial.

All ten factors apply to this request. The project, as submitted, fully complies with five of those ten factors; does not comply with one factor, partially complies with two factors, and will comply with seven factors if several modifications are granted and conditions approved.

A. Compliance with Duly Adopted Plans: Partially Complies

The project supports the goals of the Cochise County Comprehensive Plan including goals in the Economic Development and Land Use Elements. The Economic Development element supports entrepreneurship and small business development. Additionally, the proposal supports the Comprehensive Plan Rural Designation. An element of this particular designation calls for *“non-residential enterprises to generally serve the rural/agricultural community as well as visitors passing through, if located on a major arterial road”*. Though the proposal is not located on a major arterial, the Applicant proposes to provide mobile small engine repair services to the rural area of “High Knolls Ranches”, and throughout Cochise County including visitors passing through, which is supported by the Comprehensive Plan.

B. Compliance with the Zoning District Purpose Statement: Complies

The following RU (Rural) Zoning District purpose statements are relevant to this request (Section 601 of the Zoning Regulations):

601.01 To preserve the character of areas designated as “Rural” in the Cochise County Comprehensive Plan;

601.02 To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;

601.04 To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;

601.07 To allow consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural

environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.

The proposal complies with the following Rural (RU) Zoning District purpose statements:

601.01 and 601.04: Staff does not anticipate the proposal will generate a significant amount of additional traffic. The square footage of the existing garage and portable shed equal approximately 2784 sq. ft., which is less than two percent of the entire parcel. Thus, most of the parcel will remain vacant and undisturbed with minimal traffic impact preserving the rural character of the area.

601.02: The Applicant is proposing to provide mobile small engine repairs services, which will benefit the local area as well as greater Cochise County.

601.07: Although a small engine shop is not allowed by right in a Rural zoning district. The Rural zoning district is clearly intended to allow this type of use under the appropriate circumstances through the Special Use Authorization process.

C. Development Along Major Streets: Does Not Comply

The site is accessed via a series of roadways under the "High Knolls Road Improvement District". The site is best reached from High Knolls Rd., then east on Dry Springs St., then north on Gunsmoke Ave., then west on Raindance St., then north on No Name Rd (other access points potentially exist, but may be constrained by the terrain and or weather conditions). There is a significant wash crossing on High Knolls Rd. that was severely damaged in a past flooding event. None of the access roadways are County maintained nor built to County standards.



View to the west showing an existing power utility pole, 20 ft. wide gate, and the driveway

D. Traffic Circulation Factors: Complies

While concerns for an increase in traffic in the area, especially larger truck traffic is duly warranted, the Applicant is not proposing to work on large trucks, nor does the Applicant anticipate towing vehicles on a routine basis, if at all. On a site visit, staff noted that most of the residential units in the area had a higher percentage of larger, high clearance vehicles than would be seen in an urban subdivision. Consequently, it is not likely the access roadways will be severely impacted by the proposal, given that the typical use of the access roadways are by heavier pick-ups and horse trailers (see attachment C).

E. Adequate Services and Infrastructure: Partially Complies

Although the Applicant proposes to utilize a composting toilet, due to the commercial nature of the proposal the Applicant will be required to install a commercial septic tank along with a sand and grease interceptor at the commercial permitting phase of the project. A shared private well provides water to the parcel and electricity is provided by SSVEC. The property is not covered by fire service, but is covered by Bisbee EMS.

F. Significant Site Development Standards: Complies (with Modifications)

Staff recently had a meeting with the Applicant on December 21, 2015 to explain the various site development standards that will apply should the Special Use be approved. Staff also explained the process of converting the existing opt-out garage to a building code compliant structure. The subject parcel is 4.63 acres in size most of which will remain undeveloped and is surrounded by other parcels of RU-4 (Rural). These parcels consist primarily of open space except for the residences. The Applicant is therefore requesting several waivers from the County's site development standards (see Section V).

G. Public Input: Complies

The Applicant sent letters to property owners within 1,500 ft. of the parcel to notify them of his application and to address any neighbor concerns. While this notification produced no responses, the Applicant went to his neighbors with a petition and received 25 signatures in support. The Planning Department staff mailed notices to neighboring property owners within 1,500-ft. of the subject property on December 15, 2015, posted the property on December 14, 2015 and published a legal notice in the *Bisbee Observer* on December 24, 2015.

H. Hazardous Materials: Complies (with Conditions Four & Five)

The Applicant will be using various engine repair related oils and solvents such as fuel and lubricants. Staff therefore recommends conditions related to the proper storage and disposal of such substances to ensure that the health safety and welfare of those people living within "High Knoll Ranches" is not compromised.

I. Off-Site Impacts: Complies

According to the Applicant's application, all work will take place inside the existing the garage and there will be no outdoor storage. The site is not situated near to any existing residences, thus any adverse impacts including noise or vibrations that may result from the Special Use Authorization should be mitigated by its relatively remote location. The Applicant will also be utilizing dark sky approved lighting to mitigate any impacts the existing garage lighting might have on the dark skies in the area (see attachment D). The business will be in operation during normal business Monday through Saturday from 8 AM to 5 PM. Being the only employee, the Applicant expects there to be no more than one to two vehicle trips a day. Conversely, staff anticipates that the proposal will not exceed the high end of a typical residential unit (21 trips per day) on any given day (see attachment C).

J. Water Conservation: Complies

The project is located within the Sierra Vista Subwatershed area, and will comply with all applicable requirements. No significant increase in water usage over the existing residential usage is expected, as the Applicant will be utilizing low flow fixtures, and recycled gray water.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant has requested the following waivers from the County's site development standards:

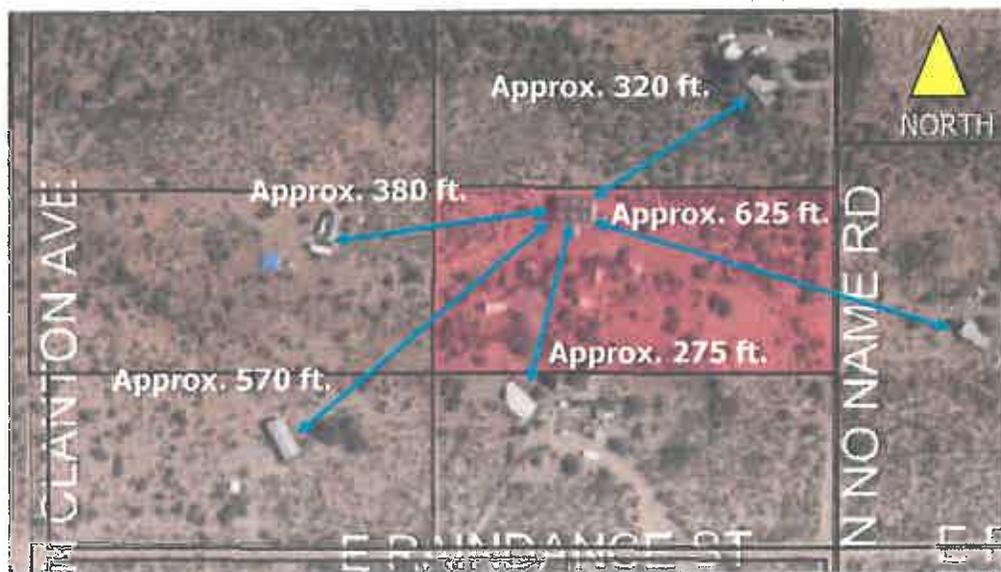
1. A waiver from Section 604.03 that would require a 40 ft. setback between the existing garage and the northern property line, should the Special Use Authorization be approved.
 - a. Currently the existing garage is approximately 20 ft. from the northern property line and will meet the required setbacks on every side except the north side should the Special Use be

approved (see attachment B).

- b. The nearest residence lies approximately 275 ft. to the south of the Garage.
2. A waiver from Section 604.06 that would require a six ft. tall solid screen between the subject parcel and the surrounding Rural Residential (RR) parcels.
 3. A waiver from 1804.06.F.3 of the zoning regulations concerning commercial driveway widths.
 - a. Per the County’s design guidelines, a commercial driveway is required to be at least 24 ft. wide; the current driveway is 20 ft. wide.
 4. A waiver from Section 1804.07.D to allow the existing native driveway and parking area to remain in its current condition as native soil.
 - a. No retail is being proposed on site nor will the garage be open to the general public.
 5. A waiver from Section 1807.02 that would require the Applicant to submit a Private Maintenance Agreement for the maintenance of the access roads.
 - a. The Applicant is presently required to contribute to the maintenance of the existing access roads via the “High Knolls Road Improvement District”.

The County transportation planner has determined that given the remoteness of the site, the relatively small trip generation and the lack of unusual traffic impacts on the roadway beyond that typical for the subject parcel under as-of-right uses, there would be no objection to granting a modification to allow the Applicant to keep the native surfaced driveway and parking areas.

In addition, due to the fact the Applicant is currently required to contribute to the maintenance of the access roads under the 'High Knolls Road Improvement District'. Staff recommends that the Commission waive the requirement to submit a Private Maintenance Agreement. Alternatively, staff would request a modified Private Maintenance Agreement to be submitted during the Commercial Permit phase (see attachment C).



An aerial showing the approximate distance from the garage to the surrounding residences



A view of N. No Name Road



A view of N. No Name Road

VI. PUBLIC COMMENT

In response to County mailings, the Planning Department has received four responses, two in support and two unsupportive of the request. Both opposition responses cite noise and property value concerns. One opposition response cited fire concerns being that there is no fire district coverage in the area and the proposal's conformance with the Covenants, Conditions, and Restrictions (CC&Rs) of "High Knolls Ranches" (see attachment E). Additionally, the department received a phone call from one of the Applicant's clients expressing support for the request.

VII. SUMMARY AND CONCLUSION

The scope of the business is not expected to create any significant negative impacts upon neighboring property owners, nor create any significant increase in traffic.

Factors in Favor of Approving the Special Use

1. With the requested Modifications, the request will comply with six out the ten applicable Special Use factors used by staff to analyze this request;
2. The Comprehensive Plan encourages supporting entrepreneurship and small business;
3. The subject parcel is located an appropriate area for the proposed use; and
4. The Applicant has received a signed petition of 25 supporters and staff has received two letters and one phone call in support of the request.

Factors Against Allowing the Special Use

To date staff has received two letters in opposition.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** with the requested Modification to site development standards, subject to the following Conditions:

1. Within 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 apply for a building/use permit for the project within 12-months of approval. The building /use permit shall include a site plan in conformance with all applicable site development standards, except as modified, and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. 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;
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;
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. Any fuels or other flammable materials related to the repair shop shall be stored in containers meeting National Fire Protection Standards; and
5. All waste fuels, oils, or other potentially hazardous materials shall be disposed of per manufacturer's guidelines or industry standards.

Staff further recommends that the following Waivers of development standards be applied to the use:

1. A waiver from the setback requirements per Section 604.03 of the County's Zoning Regulations that require a 40 ft. setback between structures and the property line on parcels associated with a Special Use Authorization.
2. A waiver from the screening requirements per Section 604.06 of the County's Zoning Regulations that would a require a six ft. tall solid screen between the subject parcel and the surrounding Rural Residential (RR) parcels.

3. A waiver from Section 1804.07.D of the County's Zoning Regulations that would require every parking and loading area and all driveways to be improved with a two inch thick layer of gravel or with an equivalent or better surface approved by the County Zoning Inspector.
4. A waiver from Section 1804.06.F.3 of the County's Zoning Regulations that requires commercial driveways to be at least 24 ft. wide.
5. A waiver from Section 1807.02 of the County's Zoning Regulations that would require the Applicant to submit a Private Maintenance Agreement.

Sample Motion:

Mr. Chairman, I move to Conditionally Approve Docket SU-15-22, with the Conditions of Approval and Modifications and Waivers recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Application
- B. Site plan
- C. Agency comment memos
- D. Lighting information
- E. Public comment



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

Attachment A

**COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT
 QUESTIONNAIRE
 (TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER 107 430 12G
 APPLICANT Stanley Chaffin
 ADDRESS NO NAME rd.
 CONTACT TELEPHONE NUMBER 520-279-7274
 EMAIL ADDRESS: Lambotech1@yahoo.com
 PROPERTY OWNER (IF OTHER THAN APPLICANT) N/A
 ADDRESS _____

DATE SUBMITTED 11/25/15

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300.00</u>
Building/Use Permit Fee	\$ <u>0</u>
Total paid	\$ <u>300.00</u>

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A Commercial Permit requires 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.**) A Special Use Authorization request requires (2) copies of the site plan.

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

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. 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.)
6. 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? Commercial bldg - personal use
and storage
2. What is the proposed use or improvement? Large Engine Repair
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?
Engine and transmission repair when needed - All repairs will be in the building

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

Automotive repair

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)

NONE - (Existing buildings)

6. Will the project be constructed/completed within one year or phased? One Year N/A
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: 6 Hours (from 8 AM to 5 PM) m-sat

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

C. Total average daily traffic generated: 1 per day

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

1-2 a day

(2) Total trucks (e.g., by type, number of wheels, or weight)

1 Pick up truck

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

2 way traffic

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

During hours of operation

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 50 Gallons per year _____

Private well (shared)

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.

Installing ~~septic~~ A Composting toilet

F. Does your parcel have permanent legal access*? Yes No

If no, what steps are you taking to obtain such access?

N/A

*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. *N/A*

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	<i>Private</i>	
Sewer/Septic	<i>Installing Composting toilet</i>	
Electricity	<i>Sulphur spring</i>	
Natural Gas	<i>N/A</i>	
Telephone	<i>N/A</i>	
Fire Protection	XXXX	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

No outside storage

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.

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?

Impact wrench noises occasionally during business hours

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 0 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. _____

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 SOIL

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 Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

Composting toilet

Low Flow Fixtures

Gray water

2. How many acres will be cleared? N/A

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.)

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemical 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 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' impact.

The Arizona Department of Environmental Quality 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 Stan Chaffin

Print Applicant's Name STAN CHAFFIN

Date signed 11-23-15

Cochise County Planning Department Hazardous or Polluting Materials Questionnaire

To be filled out if yes was checked on Section C, Hazardous or Polluting Materials on application for Commercial Permit, Special Use Permit, or Master Development Plan.

Section 1: Facility Information

Applicant

Name of facility/firm: STAN CHAFFIN

Name of responsible party (e.g., owner or operator): STAN CHAFFIN

Mailing address of responsible party: PO Box 633

City: SIERRA VISTA State: AZ Zip: 85636

Physical address of responsible party: 107430126

City: SIERRA VISTA State: AZ Zip: 85635

Phone/fax number(s) of responsible party: _____

E-mail address of responsible party: Lambotech1@yahoo.com

Previous name(s) of firm/operation: N/A

Previous location(s) of firm/operation: N/A Date(s): _____

Fire district: _____

Nearest main thoroughfare intersection. Street names: _____ Distance: _____ miles

Distance in miles to nearest high use and other sensitive areas:

School <u>N/A</u>	Day Care Center <u>N/A</u>	Playground <u>N/A</u>
Residence <u>500'</u>	Medical facility <u>N/A</u>	Water channel/pond <u>N/A</u>
Well <u>500'</u>	Wildlife preserve <u>N/A</u>	Agricultural crop land <u>N/A</u>
Shopping Area <u>N/A</u>	RV/Mobile Home Park <u>N/A</u>	Utility pipelines <u>N/A</u>
Railroads <u>N/A</u>	Utility Transmission Lines <u>240'</u>	Microwave towers <u>N/A</u>
Residential neighborhood/subdivision <u>N/A</u>	Other, describe _____	

Staff Use: Standard Identification Classification (SIC) code: _____

Activities

- Other permits required or obtained:** (e.g., Arizona Department of Environmental Quality / State Fire Marshall / Environmental Protection Agency). Identify by name and authorizing agency any other permits, licenses, registrations or other authorizations the firm is required to obtain. Indicate the date of application and date authorization was or is expected to be obtained. Indicate application or file number for pending applications and authorization number for those already obtained. Use a separate sheet if necessary.

N/A

Kind of authorization (permit, license, etc.) _____

Authorizing agency _____

Application or Authorization number _____ Date _____

2. **Compliance history:** List any legal actions (notices of violation, etc.) for infractions of environmental requirements (laws, regulations, standards, etc.) brought against the firm, any of its corporate divisions, or any of its corporate officers during the past 25 years. Use a separate sheet for each action.

Name of firm, division or party names as defendant in the action: N/A _____

Title: _____

Date action commenced: _____ Date closed (if applicable): _____

Jurisdiction of action. City/County/Municipio: _____ State: _____ Country: _____

Name of plaintiff (agency, organization, person, etc.): _____

Describe the nature of action (civil complaint, criminal complaint, exceeding standards, name of applicable law or regulation, etc.): _____

Outcome of action. Indicate which outcome applies. Date of final action: _____

Dismissal _____ Judgment for applicant _____ Judgments against applicant _____ Pending _____

Describe court order or penalty if applicable: _____

3. **Accident history:** List any fires, explosions, reportable chemical leaks or spills or other non-routine or emergency releases to the environment at or from any sites or vehicles owned or operated by the applicant, its corporate divisions or its officers during the past 25 years. Use a separate sheet for each incident.

Kind of incident. NONE Fire _____ Explosion _____ Spill _____ Other _____

Release to air _____ Release to land _____ Release to surface water _____

Cause of incident _____ Duration of incident _____

Number of persons evacuated _____ injured _____ hospitalized _____ killed _____

Location of incident. City/County/Municipio: _____ State: _____ Country: _____

Name of agency or agencies responding to incident: _____

Identity of hazardous or polluting material(s) involved. List names and CAS numbers from Cochise County Materials Reference List (available from Planning Department staff). Indicate amount(s) released. Use separate sheet if necessary.

Name _____ Number _____ Amount _____ lb/gal.

Name _____ Number _____ Amount _____ lb/gal.

Section 2: Materials Information

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. Consult Cochise County Materials Reference List for names, CAS numbers and waste codes. It may be necessary to refer to product labels, MSDSs (Materials Safety Data Sheets) or other sources to obtain some of the required information. Use a separate sheet for each material.

Note: This question does not apply to ordinary household or office products or wastes such as cleansers, waxes, or office supplies. It applies only if the hazardous or polluting materials are involved in the commercial or special use

process, or if grounds or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

Material name OIL ANTIFREEZE, GASOLINE OTHER SHOP CHEMICALS

CAS number _____ Code _____

Brand/commercial name VARIES

Physical hazard. Explosive ___ Flammable Corrosive ___ Reactive ___ Biological ___ Radioactive ___

Health hazard. Acute ___ Chronic ___ Carcinogenic ___ Mutagenic ___ Teratogenic ___

Quantity. Indicate maximum amount of material which at any given time could be:

Present on-site _____ lb/gal Released _____ lb/gal Transferred _____ lb/gal

Frequency. Indicate how often material will be received at and released or transferred from the site:

Hourly Daily Weekly Monthly Yearly Other

Received _____

Transferred _____

Duration. Indicate how long material will be present on-site or released:

Continuously Intermittently ___ Maximum duration of presence or release _____

Use of material. Indicate what will be done to material on-site:

Storage only Repackaging ___ Formulation ___ Manufacture ___ Process ___ Other ___

Indicate type, quantity and capacity (in US gallons or pounds) of storage on-site:

Drums/carboys	Number _____	Total capacity _____	gal/lb
Above-ground storage tanks	Number <u>2</u>	Total capacity _____	gal/lb
Under-ground storage tanks	Number _____	Total capacity _____	gal/lb
Other	Number _____	Total capacity _____	gal/lb

NEW OIL
150 gal oil tank

100 gal USED
OIL TANK
to FULL
CAPACITY

Form. Indicate in what physical form(s) the material will be on-site, released or transferred and if the material will be in a pure state or as a component in a waste or other compound or mixture.

	Pure	Compound	Mixture	Solid	Liquid	Gas	Sludge
Raw material	___	___	___	___	___	___	___
Stored	___	___	___	___	<input checked="" type="checkbox"/>	___	___
Manufactured	___	___	___	___	___	___	___
Processed	___	___	___	___	___	___	___
Treated	___	___	___	___	___	___	___
Otherwise used	___	___	___	___	___	___	___
Released to air	___	___	___	___	___	___	___
Released to water	___	___	___	___	___	___	___
Released to land	___	___	___	___	___	___	___
Transferred as product	___	___	___	___	<input checked="" type="checkbox"/>	___	___
Transferred as waste	___	___	___	___	<input checked="" type="checkbox"/>	___	___

Staff Use: Results of Western States Project analysis

Indicate number of additional pages attached _____

Hello,

My name is Stanley Chaffin, I recently moved here from Illinois to get away from the harsh winters and enjoy the great weather and views Arizona has to offer. I had a very successful automotive repair shop in Illinois for the last five years. I am ASE Master certified in automotive repair and have been doing it for 35 years now. My good friends of twenty five years moved here about 8 years ago. They love it here. They had called me in December of 2014 and had told me that 5 acres of property had come up for sale. I flew down here in December and looked at the property and met with the owner. I was interested in opening my own shop up on my own property and get rid of the expensive overhead to keep cost down. After seeing the property my friend and I had went to the county to ask if I could open a repair shop up on the property and the gentleman said because it was RU4 I could do so. I went back to the owner and had paid cash and bought the property. I had some concerns about having my business back there because high Knoll road is so bad and I was not sure how customers felt about driving out there. I decided to look around in Sierra Vista for a place to reopen my repair shop. After quite a search I was able to find a gentleman in the garden canyon storage area that had a small business there for the last 5 years and was ready to retire and move back to Florida. His name is Mark Whewell and his business name was Gear Heads. In the following weeks after I had returned to Illinois Mark and I came to an agreement on me purchasing some of his equipment and that he was going to refer all of his customers to me to help me get the business started.

January 1st I had put my house up for sale and had closed my business and started the big and expensive move to Arizona. During the month of January I had made three trips with a 26 foot u haul truck and a trailer behind each time. And I flew back. The first two trips I had paid friends to follow me with a camper the first time and a 24 foot pontoon boat the second time. Each time we came I had brought my friends to meet mark and show them the new shop. They were excited for me and a little jealous because the weather. Mark was not ready to move out until March 1st so in the meantime I had time to shop for a house to put on my property. After looking at many models of manufactured homes I had decide to purchase on from Clayton homes in Sierra Vista. The home was 72,400.00 and I had put 50,000 down on it. I was Basically Financing the delivery, set up, electric and septic. Hoping it would be on the property before I opened the shop up March 1st. That way I could focus on the shop and getting it started.

March 1st comes around and I pay Mark for his things and I start moving into the shop. Mark is pulling stuff out and putting it in storage as I am bringing stuff in. I was setting up shop for a few days and I had noticed mark moving stuff back into another part of the building right next door to me. He said he had to finish two cars and a Tractor before he left. After the first week I realized that he had remained open and not held up his part of the deal. I spoke to his accountant and she said he cancelled his EIN Number and was doing it as a hobby. Unfortunately we just had a gentleman's agreement on a hand shake, (That's how I grew up, a hand shake was a done deal) and I was not able to do anything about it.

I confronted Mark and he said that he never told me he was leaving. He never referred anyone to me and because we were located off Carmichael and Wilcox there was not a lot of traffic in the area after

about three weeks of not getting any kind of substantial work to pay the bills I was getting concerned that this was not going to work very well.

Vanderbilt mortgage was the company I was dealing with the house and they could not give me a closing date because they said they still needed information because I was self-employed. The whole time that the loan was being processed they always needed something else and I was getting frustrated with them. After seeing how the business was going or not going I decide to pull out of the house deal until I was financially comfortable. After staying in that location for 3 months I decided I needed to do something else. I took my 50,000 from the house and invested in the building so I could have a place to put my tools and equipment. I took a job as a parts counter person at Truck and trailer parts on Hwy 90 for 9.00 an hour. After being there a month I was going nuts. The manager smoked all the time in the store and Sitting there all day and only making 65.00. I couldn't do it anymore so because the weather is so nice here I decided to take my auto repair business to the streets and go mobile. I found a used 1996 3/4 ton utility type pickup truck and bought it. I had bought a Vinyl cutting lettering machine and lettered up my truck and went mobile. That job I had is the only pay check I had since I closed my shop prior to my move here in January and had to do something. I have spent money flying my son out here three times so far and my ex isn't paying anything. I have invested over 80,000.00 in moving here trying to start the shop in town and my funds are just about depleted.

I am finding out that People are very appreciative of me being a mobile car/light truck mechanic. They say it's usually just the big trucks get the mobile repair. And the fact that I can come and do the work in their driveway or parking lots while they work is awesome. It's very convenient. Plus the fact my labor is a lot less than shops in town. My services include everything except tire and alignments. However, I cannot do everything onsite due to chemicals and fluids or needing a lift to perform work safely. I have all the correct storage containers for these fluids to keep everything safe and clean. I personally will drive into town to pick up and deliver their vehicle to them for repair work. I don't plan on having any customers out at the shop for any reason. I enjoy having my privacy and Also the fact that high Knoll road is so bad I wouldn't expect them to drive out to the shop. Because this is my only source of income and because on a rare occasion I need to bring a vehicle out to perform repairs to I need to have this Special use permit allowed. I am going to keep this a very small business and do not want a lot of traffic on my property.

Thank You, Stan Chaffin

11/18/2015

Hello Neighbors,

My name is Stan Chaffin, I recently moved here from Illinois in January this year to enjoy the weather that Arizona has to offer and eventually retire and enjoy the life that I have. I had a very successful Automotive repair shop in Illinois with many happy customers. I am ASE Master certified with over 13 Certificates in the automotive repair industry and have been repairing cars for 35 years now. I have lower prices than other shops with high quality work. I am planning on building a home soon for my son and I to live in. I love to work on my own things and projects that I have, as you can see I have put up a large building on my property for my personal use and storage. In March I had opened up a repair shop in town and due to location and competition next to me I could not justify spending the money on rent so after three months I had to close the shop and move my equipment home in my building.

Not able to retire yet, I still need to make a living. I have decided to go mobile with my auto repair services so I bought a service truck and put my tools in it. I am a one man business and plan to keep it small. I am not planning on generating a lot of extra traffic in the area. I leave in the morning with my service truck to head into town to perform repairs and try and return around 5 just as in any other job. 85-90 % of the repairs I do will be at the customer's house or their place of business. My services offer everything but tires and alignments. I can come to your work place or residence to perform repairs. I travel to whetstone, Huachuca city, Tombstone, Bisbee, Hereford and surrounding areas. Roads side repairs are often done as well. However I can't do everything onsite due to equipment and on occasion will have to bring a vehicle back to my building to repair, I have set aside a portion of my building for this need. I do not want customers from town to drive back here so I plan to pick up and deliver their vehicle and drive it to my building for repairs. I like my privacy as well as you do. In addition to this I am currently trying to get involved with the road committee and get people involved to help get the washes fixed so it's safer for everyone and is less damaging to our vehicles. I am also offering my services to you as neighbors and friends. I would appreciate your support as a neighbor and friend.

Any Questions please call.

Stanley Chaffin (Owner) 520-279-7274

Or: Jesse Drake (Community Development) Cochise county. 520-432-9300

E-mail jdrake@cochise.az.gov

Thank you, Stan Chaffin

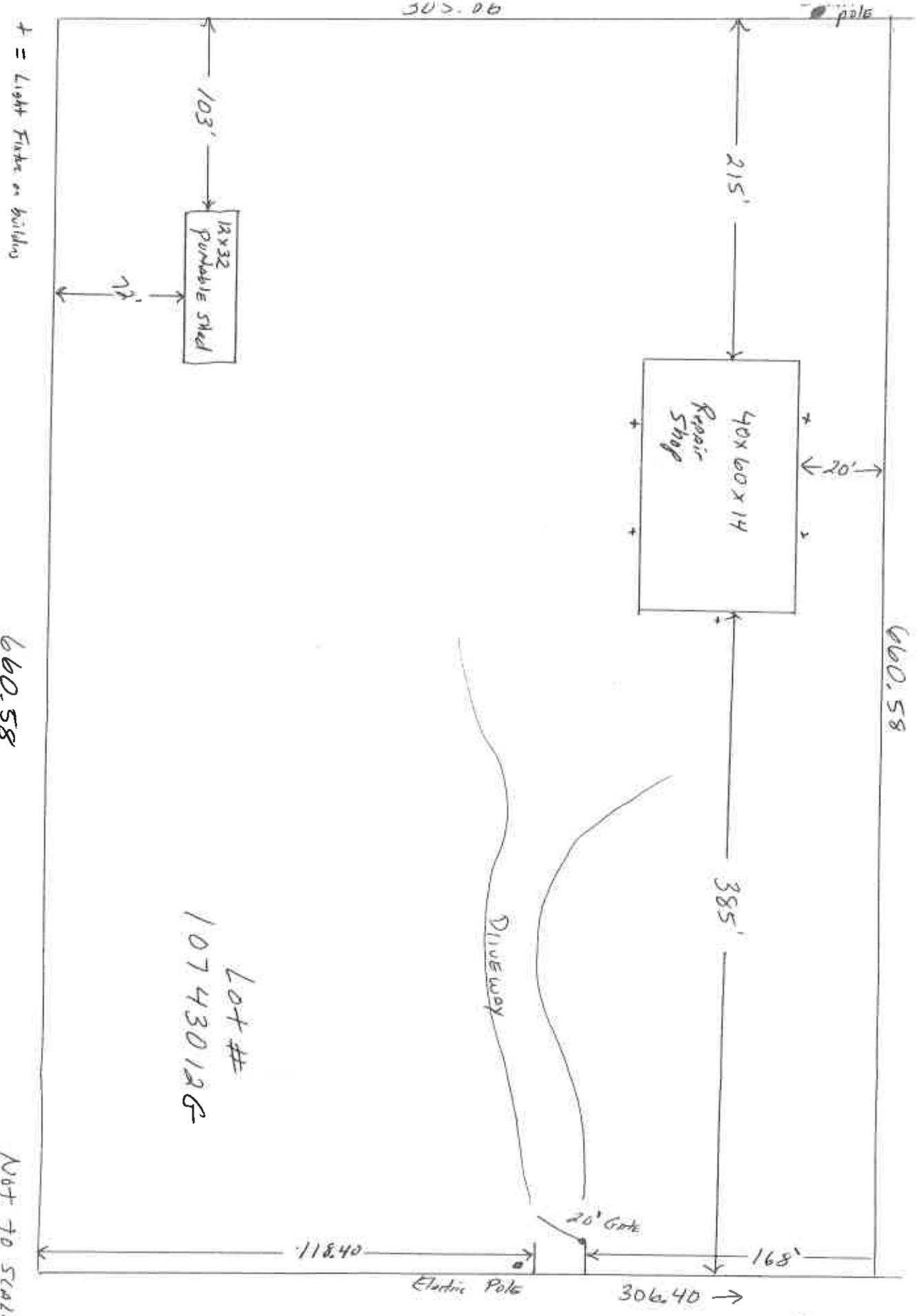
Hello,

My name is Stanley Chaffin and I am applying for a special use permit for my property.

The reasons I am writing you is to ask for a waiver on a few things. My business is Mobile Auto repair. 85-90 % of my work is away from the shop. I travel from Hereford to Tombstone, Whetstone to Huachuca city and surrounding areas. From residents driveways to their work place parking lots. I even stop when I see someone broke down on the side of the road and have the parts store deliver to me. I do everything but tires and Alignments. I do free pick up and delivery for local repairs because the roads are so bad on high knoll. I also Like my privacy The building I am wanting to use already exists and is placed 20 feet from the rear of the property line. I have a 20 foot gate at my driveway entrance and the native soil out here is a pretty hard surface

1. I would like to wave the distance from property line from 40 feet to 20 feet
2. I would like to wave the entrance to 24 feet to 20 feet. Due to existing gate. I could make the driveway 24 feet after that.
3. Also I would like to Wave the 2 inch gravel to have just native soil due to low volume of traffic/customers. Because of pick up and delivery services.
4. Also I would like to wave the ADA parking 2 inch gravel to just have native soil due to pick up and delivery service.

Thank you, Stan Chaffin

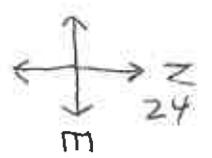


Attachment B

NOt TO SCALE

Lot # 107430126

NO NAME ROAD





**Cochise County
Community Development
Highway and Floodplain Division**

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

Attachment C

MEMORANDUM

Date: December 18, 2015
To: Jim Henry, Planner I
From: Karen L. Lamberton, County Transportation Planner
Subject: Chaffin Small Engine Repair/SU 15-22/Parcel #107-43-12G

The Applicant, Stanley Chaffin, is seeking a Special Use authorization to conduct small engine repair service on a parcel located within the High Knolls area. He may or may not eventually choose to reside at this same location; however, at this time the site is storing mechanic tools and has a building on-site that could be certified for this commercial use, if this Special Use Authorization is approved.

We have no objection to issuing the requested Special Use Authorization with the following condition:

- The applicant will need to submit a modified Private Maintenance Agreement in order to comply with Zoning Regulation 1807.02, unless waived by the Commission, as recommended by staff.

Traffic Analysis

Small Engine Repair Services are defined as services designed to repair vehicles with no more than two axels, RV's, and/or other small engines. Vehicles in need of repair could be expected to driven or towed to the site. However, most repair activities will occur off-site as the primary proposed use is to stage mobile vehicle repair services from the subject parcel with the majority of repairs and maintenance then occurring either at the location of the disabled vehicle or the vehicle owner's property or work site. On occasion, the applicant plans to use his garage to repair engine parts not easily done on location or are in need of specialized tools not easily and routinely transported in his mobile unit.

Automobile and repair shop trip generation models typically over estimate small, single owner, repair services in rural areas when based on building size or acres alone. This use is most appropriately treated as a general light industrial use with estimated ranges between 1.5 to 4.4 average daily vehicle trips per day given one sole employee; with the low end of the range for the building site and number of acre's ranging from 20 to 53 vehicle trips per day. What is most likely, given the remoteness of the location, the mobile nature of the principal commercial

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

use, the single ownership/employee status and the fact that this will not be a commercial site marketed to the general public is that this proposed use would not exceed the high end of a typical residential unit (21 vehicle trips per day) on any given day. *ITE Manual, 8th Addition.*

Tow Truck and Larger Vehicle Implications

Typically, concern is expressed about the potential increase of larger trucks, in this case the potential of tow trucks, in commercial uses of this type. Often this has implications for the need for larger turning radii or stronger pavement surface types. However, on these roadways, a tow truck could navigate more easily than a typical passenger car and the on-site visit noted that most residential units in this area had a higher percentage of larger, high clearance vehicles than would be seen in an urban subdivision. Although the applicant does not anticipate at this time towing vehicles on a routine basis, if at all, it is not likely that the access roadways would be adversely impacted by an occasional tow truck given the typical use of the heavier pick-ups and horse trailers using the transportation network serving this area at this time.

High Knolls Road Improvement Maintenance District Access

The site is accessed via a series of roadways under the High Knolls Road Improvement District. The site is best reached from High Knolls Rd., then east on Dry Springs St., then north on Gunsmoke Ave., then west on Raindance St., then north on No Name Rd. Other access points potentially exist but may be constrained by the terrain and/or weather conditions. There is a significant wash crossing on High Knolls Rd., that was severely damaged in heavy floods: none of these roadways are county-maintained or built to county standards.

However, all of these roads fall under an organized Road Improvement District. Typically dockets come before the Commission with two types of roadways: State or County-maintained roadways or private roadways for which we request, under Zoning Code 1807.02, a Private Maintenance Agreement putting the commercial use property owner on notice of their responsibility to participate with their adjacent neighbors to maintain their access roadway. These roadways fall under a third type of roadway: private but all property owners are compelled under a Road Improvement District to contribute through this special tax district to maintaining the roadways throughout the district to a minimal standard. This applicant is no exception and his property is assessed through the District for general road maintenance.

Recommendations for Modifications to Design Standards

Given the small trip generation anticipated for this use and the lack of unusual traffic impacts on the roadway beyond that typical for the subject parcel under as-of-right uses, there would be no objection to granting a modification to allow the applicant to keep the native surfaced driveway and parking areas.

In addition, it is recommended that the Commission waive the requirement to submit a Private Maintenance Agreement as the applicant is compelled to contribute under the Road Improvement Maintenance District and would have no additional duty towards the upkeep of the privately owned roadways serving his parcel. Alternatively, we would request a modified Private Maintenance Agreement to be submitted during the Commercial Permit phase.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

DATE: December 4, 2015

TO: Jim Henry, Planner I

FROM: Pam Hudgins, Right-of-Way Agent II

SUBJECT: Special Use Permit for Stanley Chaffin (SU-15-22)

Background: Stanley Chaffin requested a Special Use authorization to approve a large and small engine repair shop in a Rural (RU) zoning district. The proposed uses are considered repair services, large and small engine and require a Special Use Authorization per Sections 607.29 and 607.31 of the Zoning Regulations. Right-of-way staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from SR 90 North to High Knoll Road, East to Nanas Trail which becomes Gunsmoke Ave. North on Gunsmoke to Raindance Street. West on Raindance Street, then North on No Name Road. No Name Road adjoins and serves as the Easterly boundary of the subject property.
- Adjoining the subject parcel, No Name Road is not a county maintained road.

Recommendation:

- No further right-of-way dedication is required at this time.

Your Store: Sierra Vista, AZ

Attachment D

Your Store: Sierra Vista, AZ



Portfolio Ellicott 13.12-in H Galvanized Dark Sky Outdoor Wall Light

Item #: 337508 | Model #: FS130125-30



\$39.98

Was: \$43.98
Save 9%

Fixture Height (Inches)

360 View



Light bulb(s) not included

- Facebook
- Pinterest
- Twitter
- Google+
- Email

FREE Store Pickup
Your order can be available for pickup in Lowe's Of Sierra Vista, AZ today.

Lowe's Truck Delivery
Your order will be ready for delivery to you from your selected store.

Parcel Shipping
Sent by carriers like UPS, FedEx, USPS, etc.

Portfolio Ellicott 13.12-in H Galvanized Dark Sky Outdoor Wall Light **\$39.98**

Description

Ellicott 13.12-in H Galvanized Dark Sky Outdoor Wall Light

- Galvanized steel fixture is weather-resistant and sturdy
- 60-watt medium base incandescent bulb required (not included)
- 10.5-in W x 13.12-in H x 12.62-in D
- 3-year base warranty on the parts and labor gives you peace of mind
- ETL safety listing demonstrates this product has met minimum requirements of widely accepted product safety standards
- Hardware included for easy setup
- Lantern style offers a traditional look
- Dark sky design minimizes upward glare, preventing light pollution
- Ideal for entranceway lighting

Specifications

Type	Outdoor wall-mount light	Glass Style	No glass
Motion Activated	No	Power Source	Hardwired
Manufacturer Color/Finish	Galvanized	Style	Traditional
Fixture Height (Inches)	13.12	ENERGY STAR Qualified	No
Fixture Width (Inches)	10.5	Package Quantity	1
Fixture Depth (Inches)	12.62	Material	Steel
Weather Resistant/Weatherproof	Weather resistant	Color/Finish Family	Silver
Maximum Bulb Wattage	60	Dark Sky	Yes
		Collection Name	Ellicott
			Medium

11/24/2015

Shop Portfolio Ellicott 13.12-in H Galvanized Dark Sky Outdoor Wall Light at Lowes.com

Bulbs Included	No	Light Bulb Base Type	base (E-26)
Number of Bulbs Required	1	Recommended Light Bulb Shape	A19
UL Safety Listing	No	Size Classification	Large (9.1-in and above)
CSA Safety Listing	No	Damp Rated	No
ETL Safety Listing	Yes	Bulb Type	Incandescent
Hardware Included	Yes		
Glass Color	No glass		

© 2015 Lowe's. All rights reserved. Lowe's and the gable design are registered trademarks of LF, LLC

Stan Chaffin Special use permit petition for THE SHOP Sierra Vista

Located at Parcel # 10743012G High Knoll ranch

12/5/2015

We are neighbors of Mr. Chaffin. He came to us with this petition explaining his occupation and the mobile automotive repair work that he performs. He explained to us how vehicles needed to be brought to his building to perform certain repairs that could not be done on site at customer's homes, Businesses or roadside etc. He answered any questions we had about his business and we see no problem with this being done and support the special use permit.

Name.....

Address.....

Pamela Lifford	1720 N. No Name Rd. Sierra Vista, AZ.
Gary + Vicki Harvey	2111 N. Clanton Ave, Sierra Vista, AZ.
Bob Murray	10204 E Birdcage St. Sierra Vista, AZ.
Robert W. Lutter	1694 N. CLARICES COURT, SIERRA VISTA, AZ
Kurt DENNEY	1055 E. WATERING HOLE S.V. AZ 85635
DAVID SUE VASQUEZ GLENDA	1537 W. ENOIS Rd S.U. AZ 85635
Frank Caputo	1771 N Clanton SV AZ 85635
Art Perry	1855 N. CLANTON AVE S.V AZ - 85635
Joe T. King	105 CHOYOR DR. SV. AZ. 85635
Art King	1855 N. CLANTON AVE. AZ. 85635
DAVID MASON	10700 E Raindance SV AZ 85635
Melinda P. Miller	10750 E. Raindance H. AZ 85635
Kevin Vasquez	2651 N No Name Rd SV AZ 85635
Jennifer Warren	10733 E. Raindance, SV 85635
Billie Lott	10733 Raindance St Sierra Vista AZ 85635
Mark War	10733 E Raindance St SV AZ 85635
Ann Mary	2111 N. Clanton Ave Sierra Vista AZ 85635
William Lance Stroud	1500 N. High Knoll Rd Sierra Vista AZ
Melissa Woolly	1950 N. No Name Rd S.V. AZ 85635 85635
Beverly Sutter	1413 N. CLARICES CRT SIERRA VISTA AZ 85635
Mary Ann Benton	10544 E. WATERING HOLE ST. SIERRA VISTA
Bob Casner	Kenny Ranch - Prater Tombstone Vista AZ
Jim B. Jones	1720 N. NO NAME Rd SIERRA VISTA AZ

Stan Chaffin Special use permit petition for THE SHOP Sierra Vista

Located at Parcel # 10743012G High Knoll ranch

12/5/2015

We are neighbors of Mr. Chaffin. He came to us with this petition explaining his occupation and the mobile automotive repair work that he performs. He explained to us how vehicles needed to be brought to his building to perform certain repairs that could not be done on site at customer's homes, businesses or roadside etc. He answered any questions we had about his business and we see no problem with this being done and support the special use permit.

Name.....

Address.....

Lorie Billeci 10875 E. Watering Hole St,
Anne-Marie Gehr 11055 E Watering Hole St

Special Use Docket SU-15-22 (Chaffin)

DEC 24 2015

PLANNING

YES, I SUPPORT THIS REQUEST
Please state your reasons:

The repair area is back from the road. The lot is large. It would be a benefit for the community to have a mechanic in the area available. It is in keeping with the rural nature of the community. Customers would rather be visiting a business in a rural business.

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S):

William J. Reiser for Landmark Title Trust
176 parcels

YOUR TAX PARCEL NUMBER: 107-33-01 to 176 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Wednesday, December 30, 2015 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Jim Henry at the contact information listed on page one by January 12, 2016 to have your support or non-support noted verbally at the meeting; or you may personally make a statement at the public hearing on January 13, 2016. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Jim Henry, Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Special Use Docket SU-15-22 (CHAFFIN)

Phone call

YES, I SUPPORT THIS REQUEST
Please state your reasons:

EXCELLENT MECHANIC

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): LUCKY LESTER 1101 TERRA DR.
SV 85635

SIGNATURE(S): BY PHONE 12/10/15

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

Hearing date: 1-13-15

TAKEN BY : Jesse Drake, Planning Manger
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

DEC 29 2015

PLANNING

Special Use Docket SU-15-22 (Chaffin)



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):

JONATHAN L HARVEY

SIGNATURE(S):

YOUR TAX PARCEL NUMBER: 107-43-01226 (the eight-digit identification number found on the tax statement from the Assessor's Office) ROLL # 032324

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Wednesday, December 30, 2015 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Jim Henry at the contact information listed on page one by January 12, 2016 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the **public hearing on January 13, 2016**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Jim Henry, Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Special Use Docket SU-15-22 (Chaffin)

 YES, I SUPPORT THIS REQUEST

Please state your reasons:

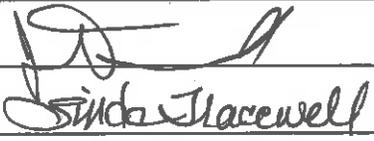
NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

IT SOUNDS (DUE TO NOISE) THAT THERE IS ALREADY A BUSINESS OPERATING
AT THE PROPERTY IN QUESTION. WE ARE CONCERNED THAT THIS WILL OR HAS
BECOME A FULL FLEDGED AUTO REPAIR SHOP WHICH WILL DRAMATICALLY
REDUCE OUR PROPERTY VALUE & QUALITY OF LIFE.
WE DID NOT MOVE OUT TO THE COUNTRY TO LIVE NEAR AN ENGINE
REPAIR BUSINESS OF ANY SORT.

(Attach additional sheets, if necessary)

PRINT NAME(S): JOSEPH & LINDA TRACEWELL

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 10743013 Ct # (the eight-digit identification number found on the tax statement from the Assessor's Office) 10743013J1

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Wednesday, December 30, 2015 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Jim Henry at the contact information listed on page one by January 12, 2016 to have your support or non-support noted verbally at the meeting; or you may personally make a statement at the **public hearing on January 13, 2016**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Jim Henry, Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Special Use Docket SU-15-22 (Chaffin)

COCHISE COUNTY

DEC 29 2015

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

See Attached

(Attach additional sheets, if necessary)

PRINT NAME(S): GEORGE E BROWN - RUTH A BROWN (ESTRADA)

SIGNATURE(S): *[Signature]*
Ruth A. Brown (Estrada)

YOUR TAX PARCEL NUMBER: *[Signature]* (the eight-digit identification number found on the tax statement from the Assessor's Office) 107-43-D12H 3

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Wednesday, December 30, 2015 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Jim Henry at the contact information listed on page one by January 12, 2016 to have your support or non-support verbally noted at the meeting; or you may personally make a statement at the **public hearing on January 13, 2016**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Jim Henry, Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

New Text Document

COCHISE COUNTY PLANNING DEPT.
DOCKET SU-15-22 (CHAFFIN)

Dec. 27, 2015

No, I do not support this request:

1. He constructed a large 30x60+ (?? size) commercial metal building near our property line with no neighbor or county notification.
2. He already had his auto repair shop location in Sierra Vista.....then moved is shop to the High Knoll property, put business signage on building and began conducting business.
3. HKR Declaration of Restrictions, #13-#15-#27 (enclosed) appear to address several concerns re: docket request....pertaining to hazardous materials noise, odor and other potential negative aspects and violations of our covenant.
4. The property is in a potential flood flow area during heavy rain and monsoon season. There has been water flow in the past.
5. Hazardous material storage is over our well-share/aquifer area and uphill from San Pedro Riparian area.
6. Noise potential.
7. Fire potential? We have no local Fire District available.
8. Large commercial building/motor repair shop may well reduce our property values.....the building has already negatively impacted our view of Huachucas and surrounding area.
9. We moved out to High Knoll in 1999 to be rural and residential.....

County
✓ Light needs shielding
or in timer
15 min
@ a time

DEC 13 1955 3/4
W-2 7.60

BROWN

21-000,632

DECLARATION OF RESTRICTIONS

HIGH KNOLL RANCHES

Access
easements

The purpose of these restrictions is to protect the quality of the property described herein for the benefit of all purchasers thereof, and to assure the continued value and marketability of the property. All persons anticipating a purchase of this property should familiarize themselves with these restrictions prior to purchase. Any person who purchases any portion of the property described herein will be expected to adhere in detail to the provisions of these restrictions and to comply with the same in all respects. This is a legally binding document. Any violation of these restrictions by any owner or resident of the property described herein, or of any portion thereof, is actionable in a court of law. These restrictions may be enforced in accordance with the provisions contained herein by any owner or by any holder of an interest in any portion of the herein described property.

Any owner of any portion of the property described herein shall, in the event of the sale of such property or a portion thereof to another party provide such party and any real estate agent involved in any such sale with a copy of this Declaration of Restrictions. Failure to provide such a copy of this declaration of restrictions constitutes a violation of the restrictions and is actionable in a court of law. Such failure does not, however, void any sale except as may be ordered by a court of law.

This declaration is made by Cochise Title Agency, an Arizona corporation, hereinafter called "Declarant", as Trustee under Trust #14004, as Trustee only, solely as bare title holder and not personally. This Declaration of Reservations, Covenants, Conditions and Restrictions is executed to run with the real property herein described for the purpose as herein set forth, and by Declarant as owner of all that certain tract of land situated in the County of Cochise, State of Arizona, described as follows, to wit:

HIGH KNOLL RANCHES according to "Records of Survey" rec'd in Book 3 of Surveys at page 87, records of Cochise County, Arizona.

DECLARANT DOES HEREBY CERTIFY AND DECLARE that it has established, and does hereby establish, a general plan for the improvement, development, ownership, use and sale of said property, and each and every part thereof, and does hereby establish the manner, provisions, covenants, conditions and restrictions upon and subject to which said property and parcels thereof shall be used, improved, occupied, owned, sold and conveyed, and does hereby declare that henceforth said property shall be used, improved, occupied, owned, sold and conveyed subject to the covenants, conditions and restrictions herein set forth, all of which shall be binding upon and inure to the benefit of the present and future owners of said property and all parcels thereof, and all of which shall apply to and bind the respective successors in interest of the said property and all parcels thereof, and all of which covenants, conditions and restrictions, and each of these is, impressed and imposed upon each and every parcel of the hereinbefore described property as a servitude in favor of each and every parcel thereof as the dominant tenements, as follows, to wit:

85024965

1. THOU SHALT BE A GOOD NEIGHBOR

2. No portion of said property may be subdivided into, sold, or otherwise conveyed in parcels of less than 174,240 square feet (4 acres) in size, not including contiguous roadways, access easements or utility easements, excepting only that, when permitted by county zoning regulations, parcels of lesser size may be conveyed for purposes of providing roadways and public access and utility easements, and for the establishment and maintenance by properly franchised public utility companies of water wells, gas, water or sewage pumping stations, telephone terminals and exchanges, electric power sub stations and for similar public utility purposes, but not including offices, warehouses, storage yards, shops, maintenance facilities for said utilities, or electric generating systems. This means that roads may not be included in the 174,240 square feet minimum measurement for any parcel.

3. The hereinbefore described property shall be considered as open-range under the laws of the State of Arizona. Under those laws, livestock may graze on property such as that hereinbefore described unless the owner of such property constructs an approved fence to established state standards for the purpose of fencing out such livestock. Accordingly, it is the responsibility of any property owner who wishes to exclude his/her property from intrusion by grazing livestock to construct adequate fences, in accordance with established standards, for the purpose of excluding such livestock. These covenants specifically relieve the Declarant herein, its heirs and assigns, from responsibility or liability whatever which may arise from the intrusion of livestock onto the purchaser's property. In plain language, this means that it is the responsibility of the property owner/resident to fence out any cattle or other livestock.

4. Dogs, cats and other domestic animals shall be controlled by their owners in such a manner that said animals will not constitute any hazard, menace, nuisance or inconvenience to other property owners, to livestock or to the public. This means that a property owner and/or resident cannot allow his/her dogs or other domestic animals to run loose and attack livestock or aggravate neighbors. It is the responsibility of the property owner and/or resident to control their animals.

5. Purchasers of said property or parcels thereof, or their lessees, heirs or assigns, shall cause to be erected and properly maintained fences, and corrals or other suitable enclosures, for the purpose of containing and controlling any horses, cattle or other livestock or poultry of said purchasers, their lessees, heirs and assigns, and said livestock and poultry shall be confined to the property of said purchasers, their lessees, heirs and assigns. This means that a property owner or resident shall confine his/her livestock to their own property.

6. No livestock or poultry, other than a reasonable number of domestic dogs, cats and similar pets, may be maintained within 100 feet of any dwelling place.

7. Corrals, stables, yards, pastures, etc., shall be maintained in a clean condition, free from accumulations of manure, and from obnoxious odors

85024965

which might constitute a nuisance or an offense to any other property owner, their lessees, heirs or assigns, or to the public, and flies and similar insects shall be properly controlled.

8. No hogs, pigs, goats, sheep or similar animals shall be maintained on any parcel of less than 16 acres in size, nor within 200 feet of any contiguous parcel or roadway, or public access easement, except that such animals or combination thereof not exceeding 10 in total number may be maintained on parcels of 4 or more acres in size, but not within 100 feet of any contiguous parcel or roadway or public access easement. Such animals and the pens, corrals and other enclosures therefore shall be maintained in such a manner that they do not constitute a nuisance of any sort to the owners, their lessees, heirs or assigns, of adjoining property, or to the public.

9. No chickens or other poultry in excess of 50 in total number shall be maintained on any parcel of less than 16 acres in size, nor within 200 feet of any contiguous parcel, roadway or public access easement, except that such poultry not exceeding 20 in total number may be maintained on parcels of 4 or more acres in size, but not within 100 feet of any contiguous parcel, roadway or public access easement. Such poultry and enclosures shall be maintained in such a manner that they do not constitute a nuisance of any sort to the owners, lessees, heirs or assigns of adjoining property, or to the public.

10. All fences, corrals and similar enclosures and construction shall be of good quality, straight, tight and of uniform height and construction, and shall be attractive in appearance.

11. No junkyards, salvage yards, rock crushers, cement plants, gravel pits, asphalt or paving plants or similar operations shall be maintained on any parcel of land.

12. No fence shall be over 8 feet in height without the written consent of all owners of property within 600 feet of said fence.

13. No noxious or offensive activity shall be carried on upon any parcel, nor shall anything be done, placed or stored upon any parcel or portion of the heretofore described property, which is, may be, or may become an annoyance or nuisance to the neighborhood, and there shall not be occasioned any noise or odor or other disturbance which will or might disturb the peace, comfort or the serenity of the occupants of the neighboring properties. No refuse, trash, garbage or manure shall be allowed to accumulate.

14. Garbage and trash disposal shall be by the property owner or by garbage collection service, said trash or garbage to be removed only to a dump site approved by the state, county or municipal authorities, except that Declarant may, at its sole authority, designate specific sites owned or otherwise controlled by it which may be additionally used as dumps in accordance with procedures to be specified by Declarant or its duly authorized representative.

15. No house, mobile home, garage, shop or outbuilding of any kind be erected or employed within 75 feet of any roadway or public access easement, or within 50 feet of any property line. This shall be construed to refer to any structure, other than fences, which are over 4 feet in height, and also to any building or sign of any size or type.

85024965

subjective

16. Any house, building, shed, fence, wall or structure of any kind for any purpose erected or placed on any portion of the hereinbefore described property shall be of good quality construction, and of attractive appearance and design, compatible with other structures in the neighborhood.

17. Any residence built or placed on the property shall contain a minimum of 750 square feet of floor space, excluding porches, garages, carports, etc., except that any mobile home shall contain a minimum of 500 square feet of floor space except as otherwise provided herein.

18. Any mobile home placed on the property shall be attractively skirted within 60 days of the time it is moved upon said property, unless the lower portion of such mobile home is, by means of shrubs, fences, etc., effectively hidden from view from all roadways, public access easements and contiguous property.

19. Mobile homes of less than 500 square feet in floor space may be placed on the property, provided that they shall not be located closer than 200 feet to any roadway, public access easement, or contiguous property unless they shall be completely hidden from view from such roadways, public access easements and contiguous property by means of trees, shrubs or construction otherwise meeting the requirements of these covenants and restrictions.
SEE SECTION 15.

20. Any mobile home placed on the property shall be of modern design and construction, attractive appearance, and must be in good state of repair and maintenance, including paint.

21. Sewage disposal methods and installations shall be approved by Cochise County Health Department.

22. No corrugated iron or steel, or uncorrugated sheets or pieces of iron or steel, or obviously scrap materials, shall be used in the construction of any building or fence, nor shall any other similar materials be used in such construction without the prior approval of declarant or its duly authorized representative, except that commercially fabricated buildings of similar materials, shall be considered acceptable when properly installed.

23. Declarant herein hereby reserves unto itself, its heirs, administrators, executors and assigns the right to, in their sole discretion, maintain the streets and highways adjacent to or providing access to the property described herein, and may also, in its sole discretion, maintain any drainageways, ravines and waterways which are adjacent to or on the property hereinbefore described, and Declarant's employees, agents, assigns, or others acting on behalf of Declarant in any capacity, may enter upon said property for the purposes of performing the work indicated above. By purchase of the hereinbefore described property, said purchaser, his/her heirs, assigns, administrators, executors and assigns does and do thereby release, remise and discharge Declarant's employees and Declarant's agents or assigns, and others acting in any capacity on behalf of Declarant from any and all claims, demands, actions and course of actions of any sort for any injury which may be sustained to any persons or property as a result of carrying on of the activities outlined above, whether or not such injury may be due to negligence or other fault.

24. Declarant may, at its sole authority, amend or modify these covenants, conditions and restrictions when the property against which such amendment is made effective is owned by Declarant or by a legal entity or personality in which Declarant holds an interest, and when such property is at least 16 acres in size.

25. Except as otherwise set forth herein, the aforesaid covenants, conditions and restrictions and each and all thereof, shall run with the land and continue and remain in full force and effect at all times, and against all persons until January 1, 1996, at which time they shall be automatically extended for a period of ten (10) years, and thereafter for successive ten (10) year periods unless on or before the end of one of such extension periods the owners of 75% by area, excluding roadways, of the property hereinbefore described shall be written instrument, duly recorded, declare the termination or modification of the same. Such termination or modification shall not take effect until January 1, 1996, or until the end of any ten year extension period thereafter. The owners of 100 percent, by area, excluding roadways, of the property hereinbefore described may at any time by written instrument duly recorded, declare the termination or modification of the aforesaid covenants, conditions and restrictions, but such written instrument shall contain the signature of each individual holder or attorney in fact thereof of any title or beneficial interest of any and every portion of the property hereinbefore described.

26. In the event of sale of any portion of the hereinbefore described property, when such sale is subject to the conditions of an agreement for sale, or a deed of trust or a mortgage resulting from the sale by Declarant or Declarant's administrators, executors, or agents, the seller shall require that the subsequent purchaser shall assume and agree to pay the balance due pursuant to the agreement with Declarant and under the same terms and conditions contained therein, or the seller shall upon said sale of such property establish a collection account with a licensed escrow agent, and shall assign a portion of the monies received into said collection account, from the sale of such property, to Declarant or Declarant's assigns in an amount sufficient to ensure the satisfaction of the underlying agreement in a timely manner, and such that the seller shall be able to deliver marketable title to any subsequent purchaser. This provision shall be included in any future agreement for sale, mortgage or deed of trust for such property to any subsequent purchaser, and shall be continued until such time as the Declarant's underlying agreement is fully satisfied. This condition is not subject to the provisions of Section 25 of this Declaration of Restrictions, and may not be modified or terminated under any conditions without the written approval of Declarant or its assigns.

27. The property described herein is subject to the zoning and subdivision regulations of Cochise County, Arizona. In the event of any conflict between this Declaration of Restrictions and such zoning or subdivision regulations, that condition which is the most stringent or restrictive shall apply. In plain language, this means that if this Declaration of Restrictions is more stringent or more restrictive than the county zoning or subdivision regulations then the conditions of these Restrictions are the ones which shall be enforced. If the zoning or subdivision regulations are more stringent or restrictive, then those regulations shall be enforced.

28. In the event of any violation of the restrictions herein, it shall be lawful for any owner of any portion of the property described herein, or for the Declarant or agent or assignee thereof, or any person or entity under contract with Declarant for the development or sale of said property or any portion thereof to seek and obtain judicial enforcement of these conditions, covenants and restrictions, and/or to cause refuse, trash, garbage or other unsightly object or objects to be removed from the property. The costs thereof shall be a charge or lien against the land and each and every parcel thereof owned wholly or in part by the person owning the land or any portion thereof upon which the restriction violation shall have occurred. An affidavit filed in the office of the County Recorder of Cochise County, Arizona stating that costs, which may additionally include legal fees and expenses, were created by reason of such a violation of these restrictions shall be sufficient to constitute a valid lien against the property from which the foregoing items were removed, and shall bear interest at the highest legal rate, but not at a rate to exceed 30 percent per annum, until paid. Such lien, however, shall be secondary and subsequent to any mortgage, deed of trust, agreement for sale or vendor's lien in existence at the time of the lien created thereafter under this section.

29. All of the provisions, conditions, restrictions, and covenants herein shall be binding on all portions of the hereinbefore described property and the owners thereof, regardless of the source of title of such owners, and any breach thereof, if continued for a period of thirty (30) days from and after the date that the Declarant or any person or entity authorized under Section 28, above, or any owners of any portion of the before described property shall have notified in writing the owner or lessee in possession of any parcel upon which a breach has been committed to refrain from a continuance of such action and to correct such breach, shall warrant the Declarant or any owner of any portion of the property described herein to apply to any court of law or equity having jurisdiction thereof for an injunction or other proper relief, and if such relief be granted, the court may in its discretion award to the plaintiff in such action his reasonable expenses in prosecuting such suit, including attorney's fees, provided however that any violation of the foregoing provisions, conditions, restrictions or covenants shall not defeat or render invalid the lien of any mortgage, or deed of trust or contract of sale made in good faith for value as to any portion of said property, but such provisions, covenants, conditions and restrictions shall be enforceable against any portion of said property acquired by any persons through foreclosure or by deed in lieu of foreclosure for any violation of the provisions, conditions, restrictions and covenants herein contained occurring after the acquisition of said property through foreclosure.

30. No delay or omission on the part of Declarant or any other persons or entity in exercising any right or power of remedy herein provided for in the event of any breach or any of the provisions, covenants, conditions and restrictions contained herein shall be construed as a waiver thereof or acquiescence therein. No right of action shall accrue nor shall any action be brought or maintained by anyone whomsoever against the undersigned or any agent or assignee thereof for or on account of the failure or neglect of the failure or neglect of the undersigned or agent or assignee thereof to exercise any right, power or remedy herein provided for in the event of any breach of any of the said covenants, conditions and restrictions which may be unenforceable.

31. In the event that one or more of the covenants, conditions and restrictions herein set forth shall be held by any court of competent jurisdiction to be null and void, all remaining covenants, conditions and restrictions herein set forth shall continue unimpaired and in full force and effect. X

32. After the date hereof, each party who acquires any interest in all or any part of any of the property described herein further agrees that upon such acquisition of such interest, said acquiring party shall look only to the immediately subsequent owner or owners of said interest for any performance or relief deemed equitable or necessary for the enforcement of the covenants, conditions and restrictions contained herein.

33. Any owner of any portion of the herein described property shall in the event of listing for sale or sale of such property, and prior to any listing or sale, provide any listing or selling real estate broker and any purchaser with a legible copy of this Declaration of Restrictions.

IN WITNESS WHEREOF, Cochise Title Agency as Trustee under Trust #24006, as trustee only and not otherwise, has hereunto set its hand this 11th day of December, 1985.

By: Mary Lu Boeckmann
Trust Officer

STATE OF ARIZONA)
) **
COUNTY OF COCHISE)

On this 11th day of December, 1985, before me, the undersigned officer, personally appeared Mary Lu Boeckmann, who acknowledged ~~to~~ herself to be Trust Officer of Cochise Title Agency, and that she being authorized to do so, executed the foregoing instrument for the purposes contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

William C. Beinst
Notary Public

My commission expires: 11-11-88



FEE # 891226969
OFFICIAL RECORDS
COCHISE COUNTY
DATE HOUR
12/13/85 3



REQUEST OF
COCHISE TITLE CO.
CHRISTINE RHODES-RECORDER
FEE 7.00 PAGES 1 ?

HIGH KNOLL RANCHES - RESTRICTIONS - Page 7 of 7

85024965



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jim Henry, Planner I *JH*
FOR: Paul Esparza AICP, Planning Director
SUBJECT : Docket SU-15-23 (Barney)
DATE: December 29, 2015 for the January 13, 2016 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant is requesting a Special Use Authorization to approve a large and small engine repair shop in a Rural (RU) zoning district. The proposed uses are considered repairs services, large and small engine and require a Special Use Authorization per Sections 607.29 and 607.31 of the Zoning Regulations. The subject property, APN 123-01-006H, is located near the intersection of N. Pomerene Road and E. Barney Lane. The Applicant is Ryan Barney.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

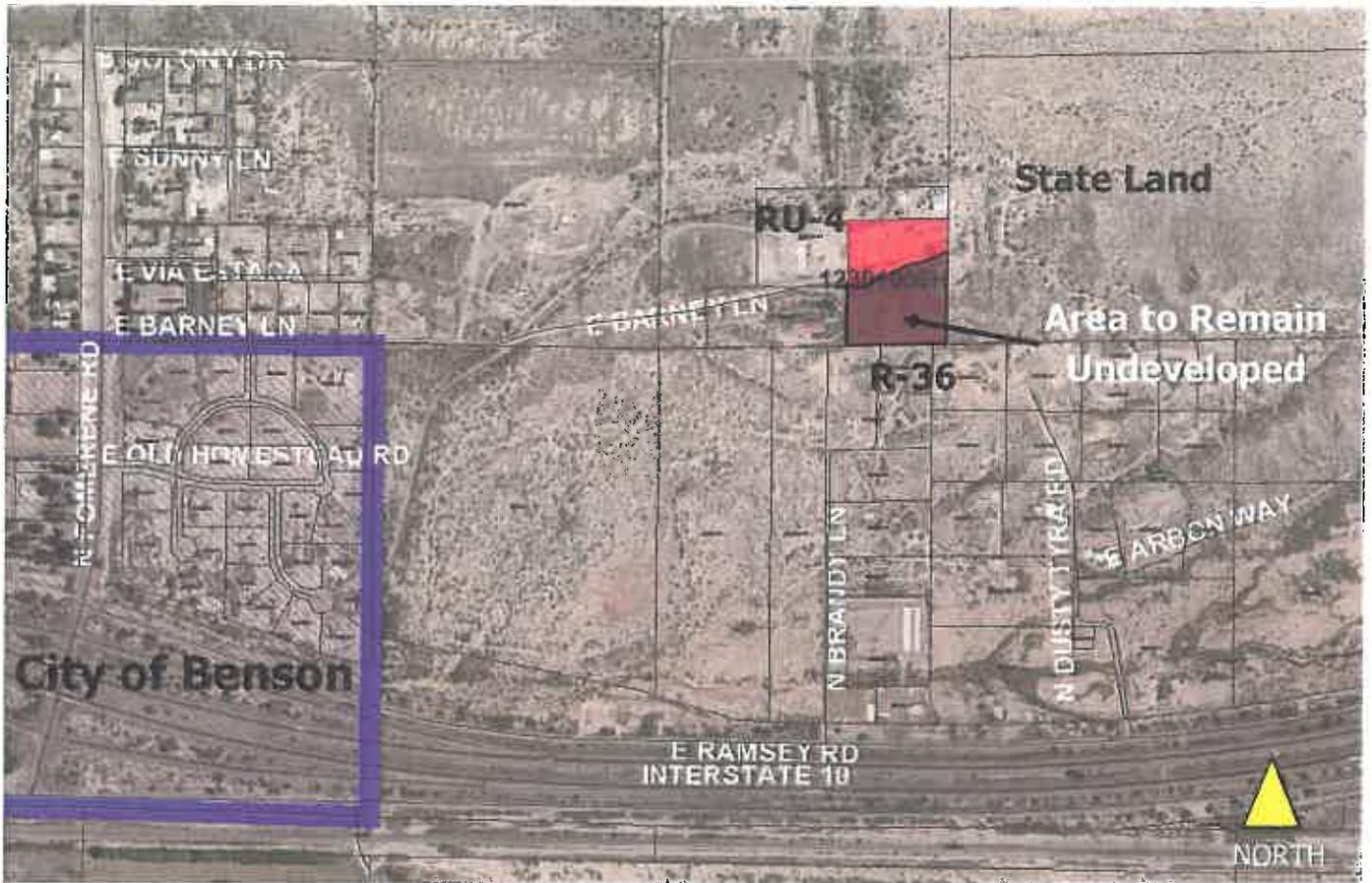
Parcel Size: 6.18 acres
 Zoning: RU-4
 Growth Area: D-Rural
 Comprehensive Plan Designation: Rural
 Area Plan: None
 Flood Zone: X
 Existing Uses: Office and a garage used for an existing auto repair business
 Proposed Uses: Small and large engine repair shop

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Residential / Service Garage
South	R-36	Vacant Residential
East	RU-4	Vacant State Land
West	RU 4	Residential / Service Garage

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov



Location map

II. PARCEL HISTORY

None

III. NATURE OF REQUEST

The applicant is requesting a Special Use Authorization to legitimize an existing commercial vehicle repair garage built without a permit. The structure was built shortly before the Applicant’s application for a Special Use Authorization. The subject parcel is adjacent to a gravel pit operation and beyond a school site. Prior to the creation of the subject parcel, after a lot split in 2013, the parcel was part of a larger dairy operation and a larger parcel, which was previously designated as agriculture by the Cochise County Tax Assessor. As a result, the Applicant was under the impression that the property was still designated as agriculturally exempt by the Assessor, even after the split. Which is the why the Applicant built the garage without a building permit.

Properties that meet certain criteria established by the Assessor’s office, may apply for agriculture status to receive certain tax benefits. Agriculturally designated properties are subsequently exempt from zoning and building codes, granted the proposed structure(s) are related to the agricultural use. However, anytime a parcel is split or combined with another parcel, the property owner must reapply for agricultural status through the Assessor’s office, and in this case, the current use of the property would not meet the Assessor’s criteria.

While a majority of the work proposed by the Applicant is small engine repair, the Applicant anticipates occasional work on farm equipment, which is why the request includes a request for large engine repair.

The Applicant is requesting a Special Use Authorization for the following uses:

Repair Services, Large Engines - Services designed to repair large vehicles such as trucks with more than two axles, recreational vehicles, tractors, combines, and/or other large engines and may include incidental retail sales of parts (Section 203 of the Zoning Regulations).

Repair Services, Small Engines - Services designed to repair vehicles with no more than two axles, recreational vehicles and/or other small engines and may include incidental retail sales. (Section 203 of the Zoning Regulations).



Metal building constructed without a permit

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, approval with conditions and/or modifications or denial.

All ten factors apply to this request. The project, as submitted, fully complies with five of those ten factors; does not comply with one factor, partially complies with one factor, and will comply with eight factors if several modifications are granted conditions approved.

A. Compliance with Duly Adopted Plans: Partially Complies

The project supports the goals of the Cochise County Comprehensive Plan including goals in the Economic Development and Land Use Elements. The Economic Development element supports entrepreneurship and small business and includes a policy encouraging development near infrastructure, which this proposal meets. The Land Use Element *“encourages an efficient provision of services and facilities within each zoning district.”* Additionally, the proposal supports the Comprehensive Plan Rural Designation. An element of this particular designation calls for *non-residential enterprises “to generally serve the rural/agricultural community as well as visitors passing through, if located on a major arterial road”*. This proposal partially supports this provision of the Comprehensive Plan. While the proposal is not located on a major arterial, the Applicant proposes to increase his capacity to continue to provide small engine repair including farm equipment repair services to the rural communities of Benson and Pomerene which is supported by the Comprehensive Plan.

B. Compliance with the Zoning District Purpose Statement: Complies

The following RU (Rural) Zoning District purpose statements are relevant to this request (Section 601 of the Zoning Regulations):

601.01: To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan; and

601.02: To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living; and

601.04: To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities; and

601.05: To provide recreational support services that are compatible with rural living; and

601.07: To allow consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.

The proposal complies with the following Rural (RU) Zoning District purpose statements:

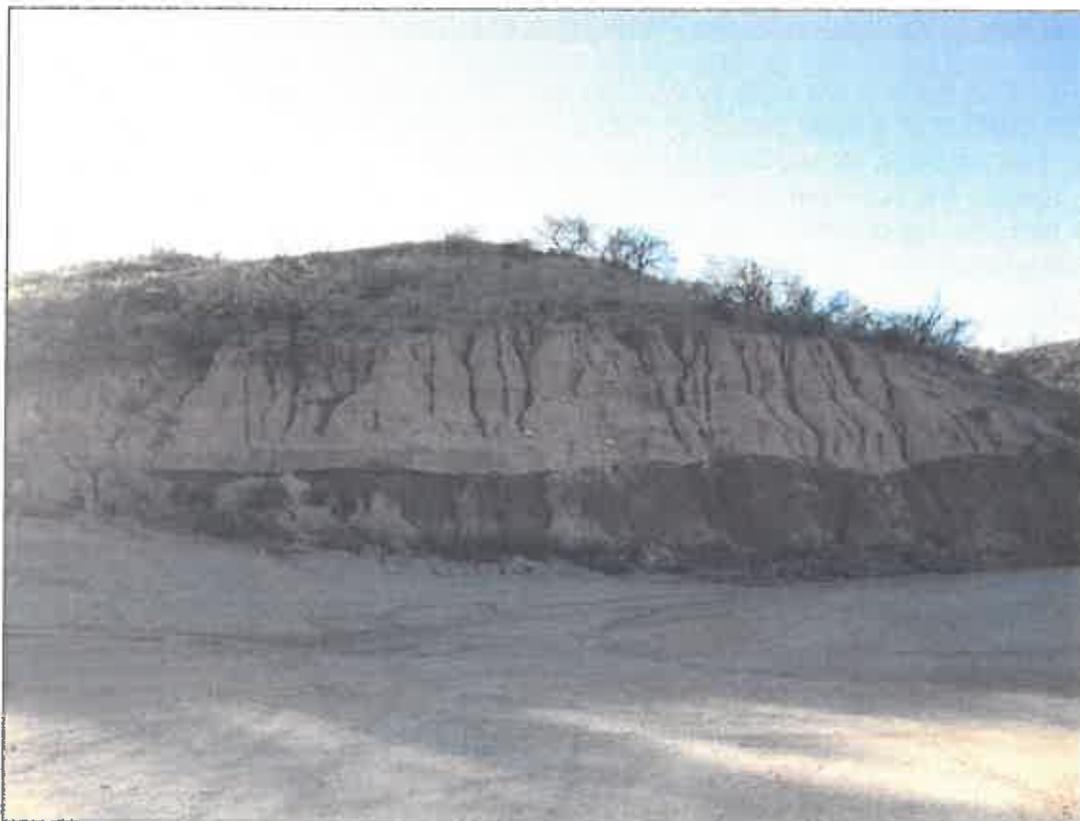
1. **601.02 and 601.05:** The Applicant seeks to provide large and small engine repair services to the rural communities of Benson and Pomerene, which will include a capacity to work on recreational vehicles. Recreational vehicles (RVs) are a common facet of many of the County's rural communities, including Benson and Pomerene.
2. **601.01 and 601.04:** The total square footage of both the office and garage buildings equal approximately 2880 sq. ft., which is less than two percent of the entire parcel. The forecasted daily vehicle trip generation for the proposal is estimated to be at the low end of the spectrum. Since most of the parcel will remain vacant and undisturbed with minimal traffic impact, should the proposal be approved, the area will maintain its rural character.
3. **601.07:** Although a large and small engine shop is not allowed by right in a Rural Zoning District. The Rural zoning district is clearly intended to allow this type of use under the appropriate circumstances through the Special Use Authorization process.

C. Development Along Major Streets: Does not Comply

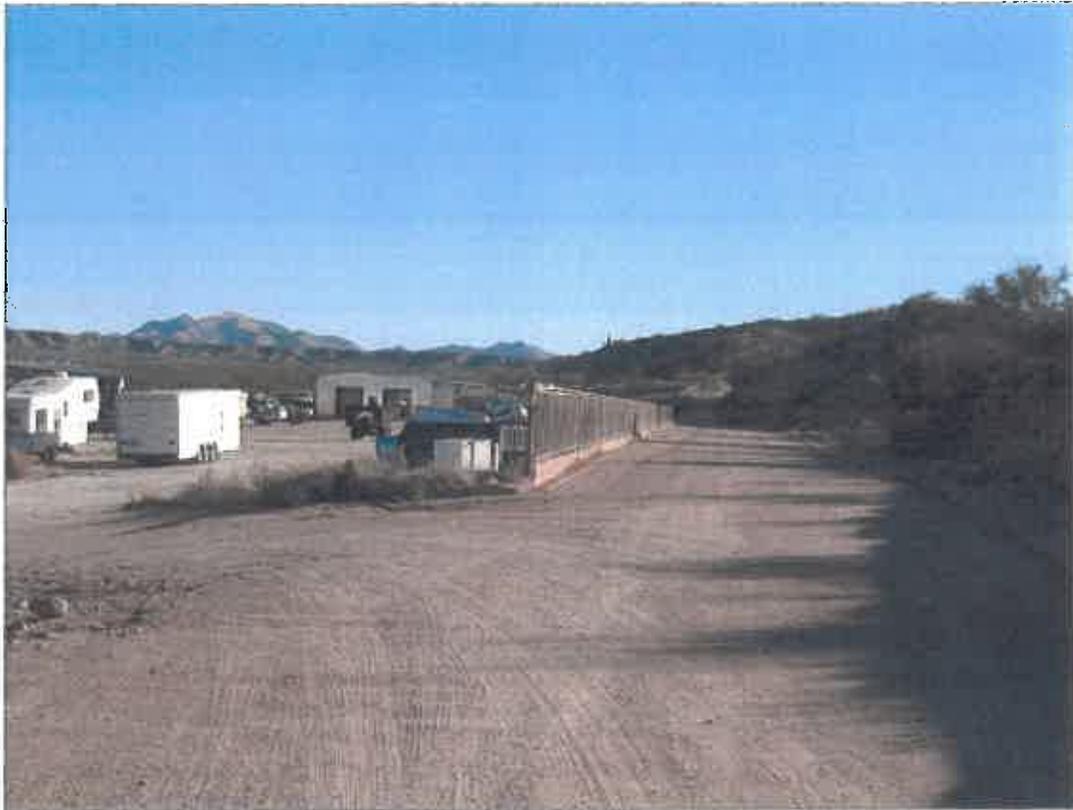
Primary access is obtained off Barney Lane via N. Pomerene Road and the subject parcel is located at the end of Barney Lane. Barney Lane is a non-maintained roadway in Cochise County. N. Pomerene Road is a County maintained, federally functionally classified Major Collector roadway north of the Barney Lane intersection and a City of Benson maintained roadway south of the intersection of Barney Lane and N. Pomerene Road.



A view looking to the northeast with the existing metal building in the background



A view to the south showing an existing dirt berm that impedes the view to the south



View to the east looking across the property

D. Traffic Circulation Factors: Complies (with Condition Four)

Seeing that the site is in close proximity to a school and a gravel pit, it is already in use by heavy, larger trucks and buses. The addition of a large and small engine repair service is unlikely to change the nature of the type of vehicles on this roadway, or substantially increase the impact on this privately owned roadway. Staff will nevertheless, require the Applicant to enter into a Private Maintenance Agreement to ensure Barney Lane is maintained in good driving condition from the driveway of the subject parcel to the intersection of Barney Lane and N. Pomerene Road (see attachment C).

E. Adequate Services and Infrastructure: Complies

The project site is serviced by existing utilities and is connected to a public water system. Power is provided via a nearby SSVEC utility easement and water is provided by Pomerene water. The Pomerene Fire District services the parcel and has a Mutual Aid Agreement with The City of Benson Fire Department.

F. Significant Site Development Standards: Complies (with Modifications)

The subject parcel is 6.18 acres, most of which will remain undeveloped and is surrounded by a RU-4 (Rural) zoned parcel to the north and west, R-36 (Residential) parcels to the south (which are currently vacant) and undevelopable State land to the east. The parcel to the north and west of the subject parcel is owned by the Applicant's father and will be a part of the requested use. Therefore, the Applicant is requesting several waivers from the County's site development standards (see Section V).

G. Public Input: Complies

The Applicant sent letters to property owners within 1,500 ft. of the parcel to notify them of his application and to address any neighbor concerns. This notification produced no responses from neighboring property owners. The Planning Department staff mailed notices to neighboring property owners within 1,500-ft. of the subject property on December 15, 2015, posted the property on December 4, 2015 and published a legal notice in the *Bisbee Observer* on December 24, 2015.

H. Hazardous Materials: Complies (with Conditions Five & Six)

The Applicant will be using various engine repair related oils and solvents such as fuel and lubricants. Staff therefore recommends conditions related to the proper storage and disposal of such substances to ensure that the health safety and welfare of those people living and working in the area is not compromised.

I. Off-Site Impacts: Complies

The Applicant stated that most work will take place inside the maintenance garage. Although the Applicant does not foresee storing any equipment or vehicles onsite, on a site visit, staff noticed a large lining of various vehicle parts and equipment along the driveway that appeared to be well screened and fairly organized. The Applicant anticipates that an average of 20 vehicles will be entering and leaving the property each day. However, County Transportation staff estimate that the average daily vehicle trips generated by this proposal would fall somewhere in between a range of 31 to 48 vehicle trips per day, based on the building's size, the acreage of the site, and its location. The business will be in operation during normal business Monday through Friday from 8 AM to 5 PM and will have approximately four employees, with up to ten employees planned for the future. The site is not situated near any residential development, therefore any adverse impacts including noise or vibrations that may result from the Special Use Authorization should be mitigated by its relatively remote location.



A view to the west showing the large lining of various vehicle parts and equipment along the driveway

J. Water Conservation: Complies

The project is not located within the Sierra Vista Subwatershed area and no significant increase in water usage is expected.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant has requested the following waivers from the County's site development standards:

1. A waiver from Section 604.03 that requires a 40 ft. setback between the existing garage building and the eastern property line.

- a. Adjacent to the east of the subject parcel is a large parcel of undevelopable State land.
- 2. A waiver from Section 604.06 that would require a six ft. tall solid screen between the subject parcel and the surrounding residentially zoned parcels.
 - a. The area to the south of the driveway consists of several large dirt berms, which impedes the view to the south and will remain undeveloped for the foreseeable future.
- 3. A waiver from Section 1804.07.D of the zoning regulations to allow the existing native driveway and parking area, to remain in its current condition as native soil.
 - a. Staff noted on a site visit that the driveway was in good condition and well maintained by the Applicant.

Transportation staff does not anticipate a significant increase in traffic volume, should the Special Use be approved. Given the rural location and the adjacent gravel pit, staff supports these requests, as they should not result in undue impacts to the surrounding area, or result in a development out of character with the existing development in the area. However, if the Applicant is permitted a sand/gravel driveway and parking area, rather than asphalt or other hard surface, the City of Benson noted that the City could not guarantee that emergency vehicles could reach the property.

VI. PUBLIC COMMENT

In response to County mailings as well as the Applicant’s notification, neither the Planning Department nor the Applicant have received a response to the request.

VII. SUMMARY AND CONCLUSION

The department has not received any complaints about the existing use and the scope of the business is not expected to create any negative impacts upon neighboring property owners, nor create any significant increase in traffic, and the Comprehensive Plan supports the request.

Factors in Favor of Approving the Special Use

- 1. With the requested Modifications, the request will comply with seven of the ten Special Use factors used by staff to analyze this request;
- 2. The Comprehensive Plan encourages supporting entrepreneurship and small business;
- 3. The subject parcel is located an appropriate area for the proposed use; and
- 4. Staff has not received any letters in opposition to the request.

Factors Against Allowing the Special Use

None

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** with the requested Modification to site development standards, subject to the following Conditions:

- 1. Within 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 apply for a building/use permit for the project within 12-months of approval. The building /use permit shall include a site plan in conformance with all applicable site development standards, except as modified, and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. 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;
- 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;

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. The applicant will be required to enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway, Barney Lane, from the driveway of the subject parcel to the intersection of Barney Lane and N. Pomerene Road. per Zoning Regulation 1807.02, at the Commercial Permit phase;
5. Any fuels or other flammable materials related to the repair shop shall be stored in containers meeting National Fire Protection Standards; and
6. All waste fuels, oils, or other potentially hazardous materials shall be disposed of per manufacturer's guidelines or industry standards.

Staff further recommends that the following Waivers of development standards be applied to the use:

1. A waiver from the setback requirements for a Special Use Authorization that would require a 40 ft. setback between the existing garage building and the eastern property line per Section 604.03 of the zoning regulations.
2. A waiver from the screening requirements that require a six ft. tall solid screen whenever a non-residential use abuts a residential zoning district per Section 604.06 of the zoning regulations.
3. A waiver from the requirements that every parking and loading area and all driveways to be improved with a two inch thick layer of gravel or with an equivalent or better surface approved by the County Zoning Inspector per Section 1804.07.D of the zoning regulations.

Sample Motion:

Mr. Chairman, I move to Conditionally Approve Docket SU-15-23, with the Conditions of Approval and Modifications and Waivers recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Application
- B. Site plan
- C. Agency comment memos



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

Attachment A

**COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT
 QUESTIONNAIRE
 (TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER 123-01-006H
 APPLICANT Barney Properties I LLC. Ryan Barney
 ADDRESS NA
 CONTACT TELEPHONE NUMBER Leland Barney (520) 631-1841
 EMAIL ADDRESS: ryanbarney@yahoo.com
 PROPERTY OWNER (IF OTHER THAN APPLICANT) NA
 ADDRESS 1573 E. Barney Lane
Benson, AZ 85602
 DATE SUBMITTED 11/24/15

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300.00</u>
Building/Use Permit Fee	\$ <u>N/A</u>
Total paid	\$ <u>300.00</u>

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A Commercial Permit requires 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.**) A Special Use Authorization request requires (2) copies of the site plan.

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

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. 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.)
6. 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? Building for Engine repair
LARGE AND SMALL
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?
Engine repair which will have no additional impact
on neighboring properties

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

Engine repair

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)

metal building

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: m-f Hours (from 8 AM to 5 PM)

B. Number of employees: Initially: 4 Future: 10
 Number per shift Seasonal changes N/A

C. Total average daily traffic generated:

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

20/day

(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?

East & West on Barney Ln

(4) If more than one direction, estimate the percentage that travel in each direction

(5) At what time of day, day of week and season (if applicable) is traffic the heavies

8 am & 5 pm

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 _____ 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	Pomeroy Water	
Sewer/Septic	in place	
Electricity	SSVEC	installed
Natural Gas	—	
Telephone	—	
Fire Protection	Pomeroy fire district	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

None

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.

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 0 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. _____

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 X

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 X

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) Gravel

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 X 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 Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A less than 1 acre

2. How many acres will be cleared? N/A
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.) _____

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemical 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 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' impact.

The Arizona Department of Environmental Quality 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 Ryan Barney

Print Applicant's Name Ryan Barney

Date signed 11-21-2015

Concept Plan Instructions for Special Uses

Sometimes, an applicant will seek approval for a particular special use or uses on a piece of property well ahead of actual construction or operation of that use. Often the exact dimensions of structures or configuration of uses on the property are not known yet until the uses have been approved and the applicant has invested resources into site planning. The Zoning Regulations (Section 1716.02.K.2) allow for the submittal of a "Concept Plan" in lieu of a site plan in the case of phased special uses on one property or a special use where construction is not anticipated within one year. However, if the use(s) are approved by the Planning and Zoning Commission, then a detailed site plan meeting the requirements of Section 1705 of the Zoning Regulations will be required for each use or phase, and shall be in substantial conformance with the approved special use. If the site plan is not within substantial conformance with the approved use and concept plan, then the special use will need to be reviewed, in a public hearing, by the Commission once again to modify the original proposal. **Note: any anticipated waivers of site development standards such as setbacks, screening, landscaping or parking spaces must be requested, justified, and approved by the Commission prior to the issuance of a building permit.**

In order to adequately review the proposed special use(s) on a piece of property, a Concept Plan must include at a minimum the following information:

- Parcel boundaries and adjacent roads;
- The general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries, washes and road travelways;
- The general location and minimum number of parking spaces to be provided, including proposed surface and width of driveways;
- Proposed screening and landscaping;
- Any significant topographical features (washes, hills, rock outcroppings, wetlands) and cultural features of the property and adjacent parcels;
- If applicable, project phasing (approximate schedule of uses and construction) and any other information deemed necessary to effectively review the Special Use.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

Hazardous Materials Attachment

Firm's current name: Barney Properties I LLC

Current location: 123-01-006 H

Fire district: Pomerene

Nearest main intersection with street names: Pomerene Rd & Barney Ln

Distance: .75 miles miles Direction: East

Firm's previous location(s)

Previous name(s) of firm/operation: NA

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	<u>Motor Oil</u>	Quantity	<u>50-100 gallons/month</u>
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.)

We have a closed oil container to store used motor oil until it is picked up monthly

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.)

NA

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.)

A licensed company picks the oil up monthly

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.)

NA

Signature Ryan Bannery

Date 11-21-2015

Dear Neighbor

We are in the process of building a shop next to an existing building to be used for engine repair. This new building is 40' x 60'. Enclosed is a picture from google maps with the new building drawn in. We do not anticipate this new building to affect the amount of traffic in and out or to increase noise levels in any way.

Barney Properties I LLC



Ryan Barney
Statutory agent

For questions or concerns contact:

Ryan Barney
(520)221-1556

ryanbarney@yahoo.com

or

Jim Henry
(520)432-9300

jhenry@cochise.az.gov

To whom it may concern

Due to the rural nature of this property and due to the distance of neighboring properties, we are requesting a waiver to exclude fencing around our property.

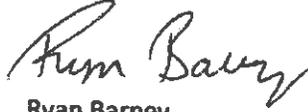
A handwritten signature in cursive script, appearing to read "Ryan Barney".

Ryan Barney

To whom it may concern,

We are requesting a waiver regarding the forty feet from property line to building. From the East property line we are requesting a waiver to have build-in 20 feet from property line. We are okay everywhere else.

Thank you

A handwritten signature in black ink that reads "Ryan Barney". The signature is written in a cursive style with a large, sweeping initial "R".

Ryan Barney

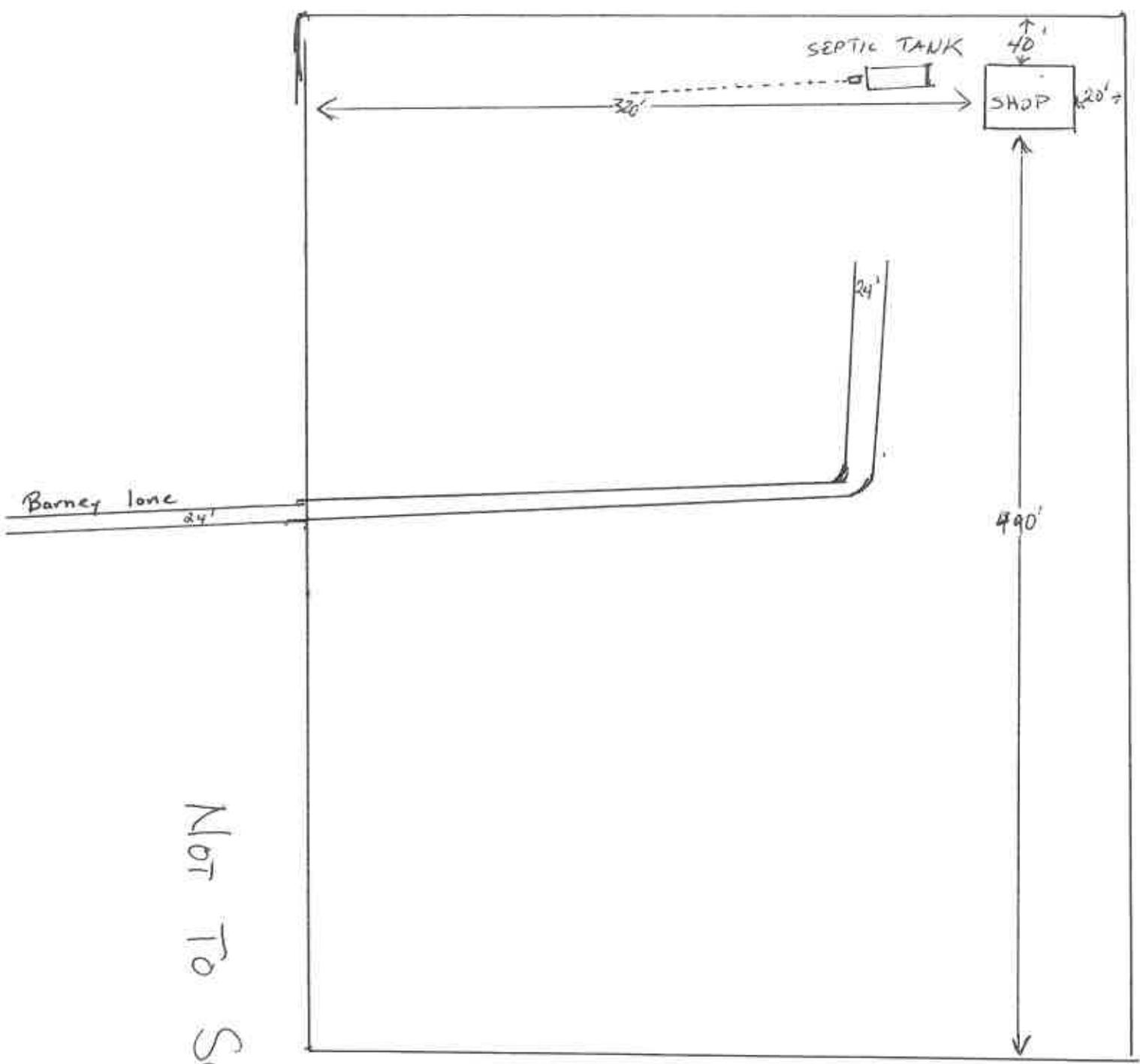
To whom it may concern

Due to the rural Nature of this property and the existing sand/gravel road and driveway , which has proven to be sufficient. We are requesting a waiver to leave the driveway with the current mixture of sand and gravel for the driveway and parking. We also have the equipment and manpower to maintain and upkeep the road to an appropriate condition.

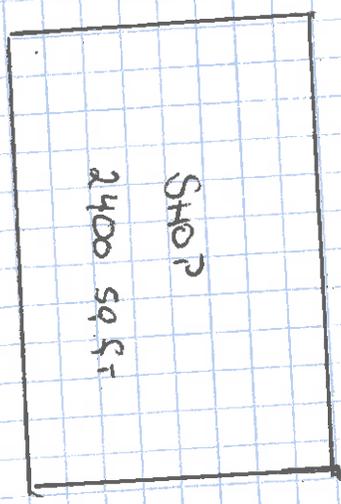
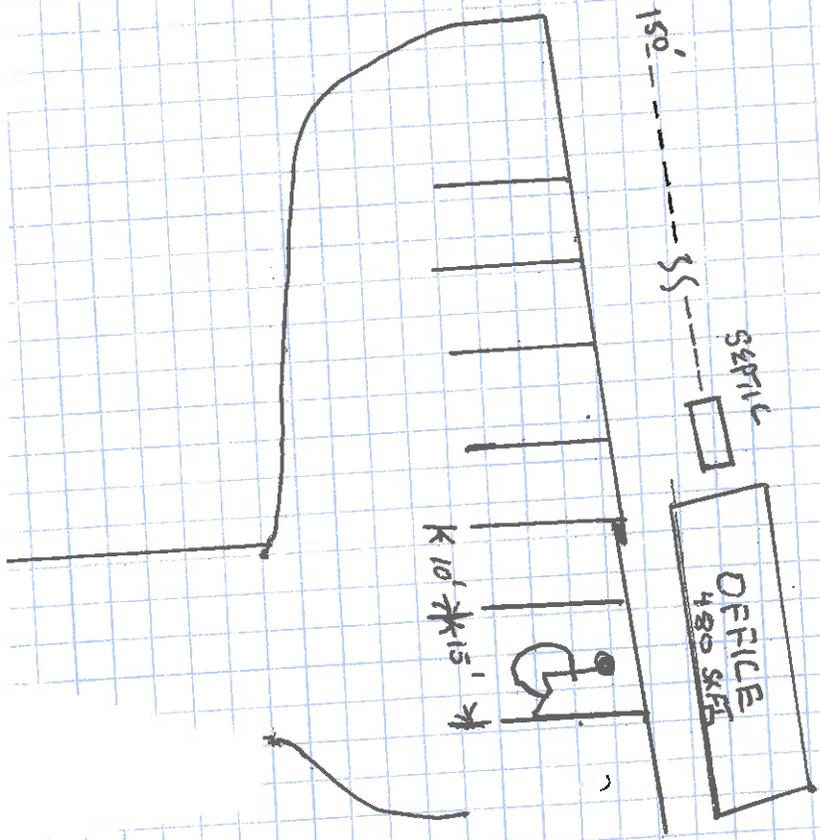

Ryan Barney

N ↑

Attachment B



Not To Scale



N
↑
69



Cochise County
Community Development
 Highway and Floodplain Division
Public Programs...Personal Service
 www.cochise.az.gov

Attachment C

MEMORANDUM

Date: December 18, 2015
To: Jim Henry, Planner I
From: Dennis L. Donovan, P.E. for Karen L. Lamberton, County Transportation Planner
Subject: Barney Large and Small Engine Repair/SU 15-23/Parcel #123-01-006H

The applicant, Barney Properties I LLC/Ryan Barney, is seeking a Special Use Authorization to conduct a large and small engine repair service (Barney's Complete Auto Care) on Vacant Commercial property (Land Use 024) located on E. Barney Lane (Ln) about 0.7 mile east of Pomerene Rd. near the City Limits of Benson. The approximately 6 acre parcel is owned by Barney Properties I LLC.

Barney Lane is a non-maintained roadway in Cochise County. It takes access from Pomerene Rd., which is a County-maintained, federally functionally classified Major Collector roadway north of the Barney Ln. intersection and a City of Benson maintained roadway south of the intersection.

We have no objection to issuing the requested Special Use Authorization with the following conditions:

- The applicant will be required to enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway, Barney Lane, per Zoning Regulation 1807.02, during the Commercial Permit phase.

Traffic Analysis

Large Engine Repair Services are defined as services designed to repair trucks with more than two axels, recreation vehicles, tractors, combines, and/or other large engines. Small Engine Repair Services allow for repair of vehicles with no more than two axels, RV's, and/or other small engines. Any and all types of vehicles could be expected to be driven, or towed, in and out of the subject parcel for which the Applicant is seeking this Special Use Authorization.

Automobile and repair shop trip generation models typically over estimate small, single owner, repair services in rural areas when based solely on building size or acreage. This use is most appropriately treated as a general light industrial use with ranges between 1.5 to 4.48 vehicle trips per day per employee. The applicant indicates the number of employees to be 4 initially (estimated range of 6 to 17 average vehicle trips per day) and possibly up to 10 in the future (estimated range of 15 to 45 average vehicles trips per day). Based on building size

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

and acres average daily vehicle trips would be estimated for this remote, rural use on the low end of the range between 31 to 48 vehicle trips per day. *ITE Manual, 8th Addition*. The applicant estimates about 20 vehicles a day; this equates to an estimated 40 vehicle trips per day, within the estimated typical ranges of trips for this type of land use. At full build out this proposed land use may generate about double the vehicle trips that might be anticipated with a typical residential use in this area.

Given that this site is adjacent to a gravel pit operation and beyond a school site, this access roadway is already in use by heavy, larger trucks and buses. This additional service to repair large and small engines is unlikely to change the nature of the type of vehicles on this roadway or substantively increase the impact on this privately owned roadway.

The applicant states that they do not intend to post any additional signs for this business.

Driveway Access

The access point of the privately owned Barney Lane with Pomerene Rd. is unfortunately not clearly defined and is in poor condition. Traffic frequently cuts the intersection corners, especially on the south edge, to reach grouped mailboxes located adjacent to the roadway. However, this intersection is in the City of Benson, and under the control of the City, not the County. Benson did not request any mitigation for this intersection; however, the applicant is advised that if they are approved for this Special Use a more detailed review of potential impacts to this intersection and needed mitigation may be required at the Commercial Permit phase. From a transportation standpoint an undefined intersection is not desired but often the traveling public creates these wide access points and do not support improvements to restrict vehicle movement at these rural intersection locations. The City of Benson states that they have not received any complaints about this roadway.

Given the rural location and adjacent gravel pit we have no objection to granting a modification to design standards to allow the use of a native surfaced/existing gravel and sand driveway and parking areas.

Legal Access to Subject Parcel on Barney Lane

The applicants have provided documentation of easements granted between private parties for portions of the Barney Lane access roadway. However, it does not appear that easements or other legal rights have been established for the entirety of Barney Lane from Pomerene Rd. to the subject parcel. The applicants may need to provide additional documentation of their legal access and/or obtain them in advance of the Commercial Permit phase.

Advisory Note for the Applicant

The site plan submitted with the Special Use Authorization application is adequate for a conceptual plan. It will not be adequate at the Commercial Permit stage. The conceptual plan does not adequately show the entire parcel, what is existing, what will be added, drainage on the site (direction of flow, if any) and dimensions. The applicant is advised to review the sample site plan when revising their conceptual plan for a model to follow. The applicant is advised that the site plan submitted with the Commercial Permit request should also include:

- Complete dimensions of the existing driveway width and radii;
- Distance from driveway edge to both property lines;
- Sight distance triangle for the driveway access onto Barney Lane.; and,
- Other site plan details as described in the Commercial Permit packet.

Although these details may not be known at this time or are not required to analyze the conceptual plan they will be needed at the Commercial Permit stage. The application may be rejected as deficient if these additional details are not provided at that time.

**BARNEY LARGE AND SMALL ENGINE REPAIR SU 15-23
ACCESS ROADWAY PHOTO DECEMBER 2015**



Intersection with Pomerene Rd. within the City of Benson



Barney Lane looking towards Pomerene Rd. from subject parcel



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

DATE: December 2, 2015

TO: Jim Henry, Planner I

FROM: Pam Hudgins, Right-of-Way Agent II

SUBJECT: Special Use Permit for Ryan Barney (SU-15-23)

Background: Ryan Barney requested a Special Use authorization to approve a large and small engine repair shop in a Rural (RU) zoning district. The proposed uses are considered repair services, large and small engine and require a Special Use Authorization per Sections 607.29 and 607.31 of the Zoning Regulations. Right-of-way staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from I-10 Exit 306 North to Pomerene Road approximately .3 miles North to E. Barney Lane. Barney Lane adjoins and serves as the Westerly boundary of the subject property.
- Adjoining the subject parcel, Barney Lane is not a county maintained road.

Recommendation:

- No further right-of-way dedication is required at this time.



December 8, 2015

Jim Henry
Cochise County Planning and Zoning
1415 Melody Lane, Bld E
Bisbee, AZ 85603

RE: Barney permit application; parcel 123-01-006H

To Whom It May Concern:

The City of Benson has received the application regarding parcel 123-01-006H and offers the following comments.

The City of Benson does not oppose the addition of a large and small engine repair shop on the parcel in question provided all Federal and State environmental regulations are followed.

The City of Benson does not maintain Barney Lane even though the intersection with Pomerene Road and approximately the first 1,100 feet of Barney Lane are within city limits. It is unknown if there is any agreement between property owners to maintain the roadway or if additional traffic would affect any property maintenance agreements between parties.

The primary users of Barney Lane appear to be Visions Unlimited Academy (1275 E. Barney Lane) and the existing Barney's repair facility. These uses are approximately ¼ mile apart. There is no record of complaints between parties regarding travel over or use of Barney Lane.

The City of Benson does not object to the request to reduce the east side setback to 20' from the required 40'.

The City of Benson Fire Department has a Mutual Aid Agreement with the Pomerene Fire District. If the applicant is permitted a sand/gravel driveway and parking area, rather than asphalt or other hard surface, the City cannot guarantee that emergency vehicles will be able to reach the property and structures.

The City of Benson does not object to the request to exclude fencing as the nearest neighbor within city limits is approximately ¼ mile away.

Sincerely,

**Michelle
Johnson**

Digitally signed by Michelle Johnson
DN: cn=Michelle Johnson, o=City of
Benson, ou=Planning and Zoning,
email=mjohnson@bensonaz.gov, c=US
Date: 2015.12.08 11:09:11 -07'00'

Michelle Johnson, AICP
120 W. Sixth Street
Benson, AZ 85602
Planning and GIS
520-720-6328
mjohnson@bensonaz.gov



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

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

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planning Manager ↘
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket SU-15-21 (Canna)
DATE: December 29, 2015 for the January 13, 2016 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve the cultivation and infusion of medical marijuana on the southern 41.5 acres of a 73.5 acre parcel on an RU-4, Rural zoned property. The proposed uses are considered Special Uses in RU-4 Rural Zoning Districts under Sections 607.53 and 607.56 of the Zoning Regulations.

The subject parcel, APN 403-39-002M, is located at 10049 Katies Lane south of Whitewater School Road approximately two miles east of Highway 191, east of Elfrida, Arizona. The Applicant is Canna Consultants Inc.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 41.5 acres of a 73.5 acre parcel
 Zoning: RU-4 (one dwelling per four-acres)
 Growth Area: Rural
 Comprehensive Plan Designation: D
 Area Plan: None
 Existing Uses: Vacant and fallow farm land with vacant residential structures
 Proposed Uses: Medical marijuana cultivation and infusion

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	W Whitewater School Rd, 4-acre residential & AG
South	RU-4	Vacant and agricultural land
East	RU-4	Vacant and low-density residential
West	RU-4	Vacant and low-density residential

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

II. PARCEL HISTORY

1984- Affixed mobile home

2003-yard improvements, fencing

2007-single family residential structure and equipment shed

2008-equipment shed

III. NATURE OF REQUEST

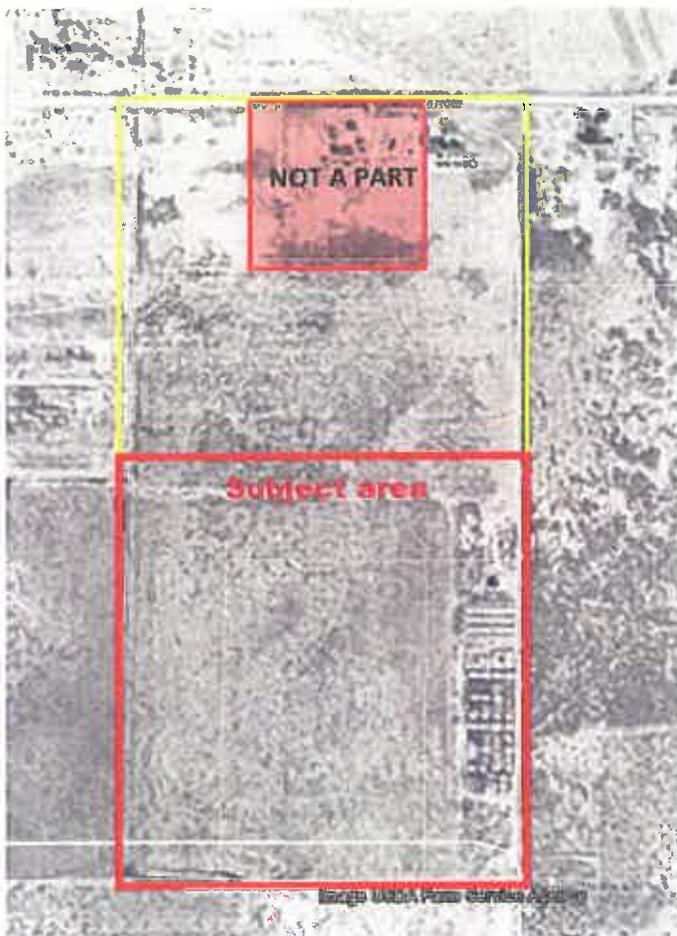
The Applicant is requesting authorization for cultivation of medical marijuana in enclosed greenhouses on the southern 41.5 acres of the parcel located at 10049 Katies Lane in Elfrida AZ, an RU-4, D-Rural zoned property. There will be no dispensary or public facilities at this cultivation site. The property is located approximately two miles east of Highway 191 at West Whitewater School Road.

Currently the property has residential structures and equipment sheds on the parcel. The residence and garage on the north edge of the property at Whitewater School Road are not a part of this Special Use request. The parcel was used primarily for agriculture in 1996 as shown in a Google Earth image dated October 7, 1996.

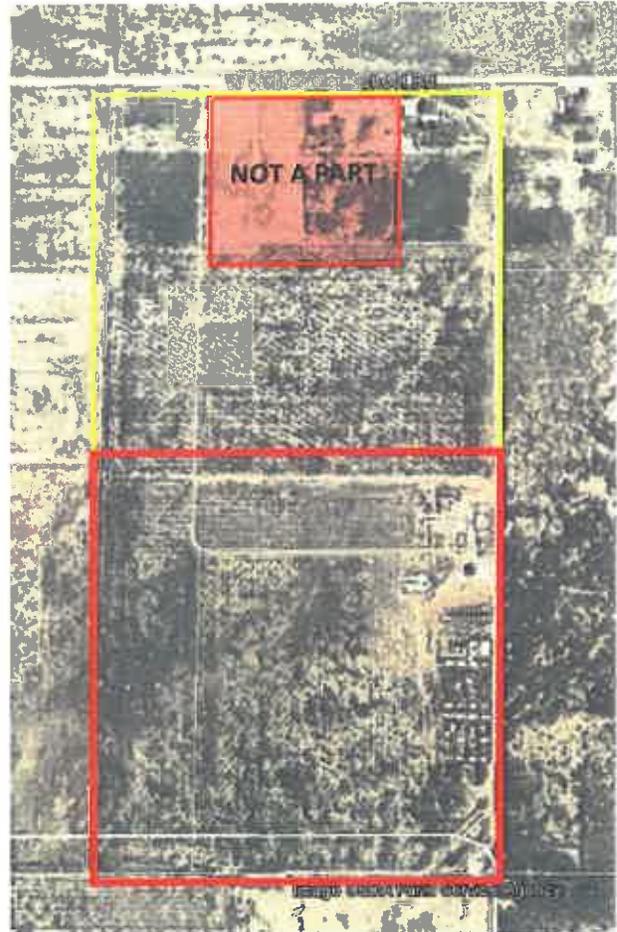


October 7, 1996 Google Earth aerial showing crop rows

Since then farming has been intermittent on this parcel the site has been slowly reverting to overgrown desert shrub. The US Department of Agriculture Farm Service Agency photo below, from September 13, 2003, does not show the geometric farming patterns from the 1996 aerial above.

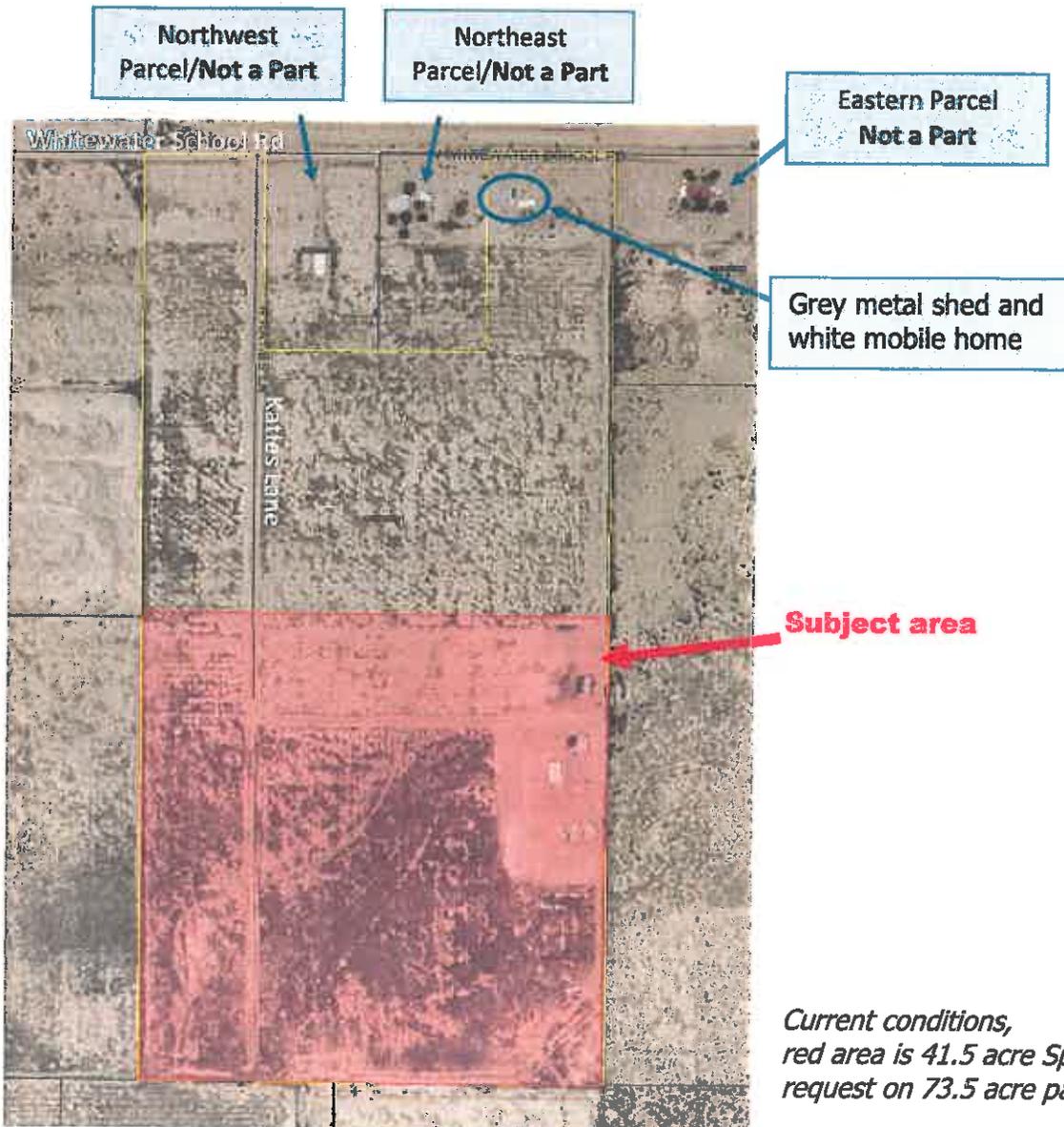


September 13, 2003



August 1, 2006 Katie's Lane appears

The applicant will not be using the existing mobile home abutting Whitewater School Road. That home will be removed subsequent to the Special Use approval. The grey metal shed on the site will remain, but that building is not a part of this Special Use application.



*Current conditions,
red area is 41.5 acre Special Use
request on 73.5 acre parcel*



View to east on Whitewater School Road near Katies Lane

This request is for cultivation, harvesting, processing and infusion only, on the southern 41.5 acres of the parcel, scheduled for completion in two Phases; a dispensary is not a part of this application. The crop will be grown in three locked and enclosed greenhouses in Phase I. The existing structures will be used for processing and for staff housing. All of the greenhouses will be secured with a high-tech security system including access control, security cameras, panic buttons, keycard access, and perimeter fencing. Phase I is anticipated to be completed within one year.

A seven-foot-tall chain link security fence with Teflon privacy slats, topped with razor wire, will be installed around the production area. Harvested marijuana will be dried and processed in the existing outbuilding, which will also be within the secured fenced area with keycard access required for entry. All products, such as extractions, infusions, tinctures, salves, balms and capsules will be packaged and shipped to the Phoenix area for retail sales through a partnering dispensary. All marijuana production activities will be indoors or inside the secure perimeter and will remain out of sight. A large portion of extracts produced will be donated to veterans, cancer patients, and children within the medical program.

The facility will use existing houses and existing outbuildings. New construction will include approximately one-half acre of new greenhouses: a single 30' x 90' greenhouse, with a blackout system to prevent light pollution to maintain an optimal vegetative cycle for the plants; and two additional 84' x 120' greenhouses constructed for plant production without supplemental lighting. All three greenhouses will be constructed with twin-wall polycarbonate and steel truss systems to maximize climate control and prevent the need for excessive cooling and water use. To minimize odors from the marijuana plants, carbon scrubbers will be used inside each greenhouse.

Pest control will include the use of hydroponic gardening systems along with organic pest control management using neem oil, herbs, and extracts including garlic, plant essential oils, in addition to companion planting to deter pest infestations. Lady bugs and beneficial bacteria will also be employed to deter and control pests. Although better for the environment and human health than equivalent petrochemical pesticides, rosemary, cinnamon, thyme, neem and clove essential oils are still considered potentially hazardous. Only Arizona Pesticide Applicator Licensed personnel will be used for pesticide application and only organic fertilizers will be used.

Outdoor lighting will consist of motion detecting lights and infrared cameras to eliminate the need for continually illuminated security lighting and monitoring. Porch lights will continue to be used on each of the existing houses. No signs will be installed except as required by the State to warn of prohibited entry to restricted areas.

The Phase I greenhouse and processing facility will be staffed at all times, with on-site employees overseeing

the operations. The applicant anticipates that this on-site management team of six to ten employees will generate less traffic than having staff come and go from the site daily. During peak production, the applicant estimates that additional personnel will be required at the facility for seven to ten days every three months. With the additional employees, traffic could increase to as many as fifteen vehicles per day. Parking has been planned to accommodate these additional vehicles plus any light trucks used for pickup and delivery. No large commercial trucks are anticipated. The only onsite outdoor activities will be loading and unloading of bulk materials and composting all of which will occur within the secured perimeter fencing. All marijuana products will remain locked and enclosed either in the greenhouses or inside buildings.

Additional greenhouses, post processing warehouse facilities, and outdoor cultivation surrounded by a ten-foot metal secured perimeter fencing with an additional security system would be a part of Phase II. The workforce for Phase II expansion is likely to exceed forty employees and could require up to 100 additional employees.

The property lies within the Douglas Irrigation Non-Expansion Area (INA) established in 1980 by the Groundwater Management Act. The INA is administered by Arizona Department of Water Resources (ADWR) staff in the Tucson office. Within the INA, only land that was legally irrigated at any time between January 1, 1975 and January 1, 1980 may continue to be irrigated. A non-exempt well has a pump capacity of over 35 gallons per minute or irrigates more than two acres. ADWR must also be notified if a well or Notice of Irrigation Authority changes ownership. An existing private well is located on the property: well registration Number 55-608777, Irrigation Authority Number 60-203363.0002.

The applicant estimates water usage to be 200,000 to 250,000 gallons per year. Previous well tests have estimated that there is sufficient water capacity to irrigate 50- 60 acres of trees, an amount that exceeds the water usage requirements for both Phase I and Phase II. The applicant understands that this well will need to meet all the requirements of the Douglas INA and that measuring devices and annual usage reports must be provided to ADWR.

The applicant's proposal includes sustainability measures such as drip irrigation in the greenhouses, rainwater catchment and storage, plans for grey water usage and solar installations as a part of the project. Medical marijuana, intended for human consumption, requires a high level of water purity; therefore grey water may not be used on these crops but can be used to water companion plants or exterior landscaping.



Gate to Katies Lane off Whitewater School Road

The proposed project meets all of the County’s separation requirements from residences, libraries, schools and day care facilities found in Article 1825 of the Cochise County Zoning Regulations.

Any medical marijuana cultivation will be required to meet the security requirements mandated by the State of Arizona, including security cameras, perimeter fencing and secured access, and will require final approval from the Arizona Department of Health Services (AZDHS) prior to beginning of any marijuana cultivation.



View south on Katies Lane from Whitewater School Rd



View to northeast to orchard from Whitewater at Katies



View to southwest from Whitewater School at Katies Lane



View to southeast from Whitewater School at Katies Lane

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, 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 ten factors apply to this request. The project, as submitted, complies with eight of the conditions and conditionally complies with the ninth factor. The one remaining factor is not relevant to this application.

A. Compliance with Duly Adopted Plans: Complies

The proposed project satisfies the criteria for Comprehensive Plan D-Rural areas since the proposal is in an outlying rural area between unincorporated communities that have a low growth rate, and is in a very low density area is surrounded by agricultural and vacant lands.

The proposal also supports the following Comprehensive Plan Elements:

The Agriculture and Ranching Element goal that seeks to "Protect and promote the agricultural economy of Cochise County, its agricultural and ranching lands, and related land uses."; and the policy to "Continue encouraging development of agricultural processing, both on-site and at industrial scale, to support production of value-added agriculture products in Cochise County.

The Economic Development Element that states that "Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness, but will also foster resilience in the face of economic challenges such as natural disasters" and the policy to Continue to communicate with the business community, and be responsive to the changing needs of established and new businesses.'

The Rural Character Element that states "The *Envisioning 2020* process consistently revealed that rural character is an important community asset worthy of protection. Participants in *Envisioning 2020* mentioned farming and ranching economies, scenic vistas, ecotourism activities, dark night skies, unimproved roads, and large lots as measures of rural character. One goal of the Rural Character Element is to "Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas."

The project site is not within the boundaries of any area plan.

B. Compliance with the Zoning District Purpose Statement: Complies

By continuing the character of low density housing and agricultural uses, the application complies with two purpose statements in Article 6 by preserving the "Rural" character of the area; and by providing a non-residential service that is compatible with rural living.

C. Development Along Major Streets: Complies

The property is located on the south side of West Whitewater School Road approximately two miles east of Highway 191 near the unincorporated community of Elfrida. Access is provided from Whitewater School Road which intersects with Katies Lane, a fifty-foot wide ingress, egress and utilities easement (Rec. # 060206818).

Whitewater School Road is a county-maintained roadway classified as a Rural Minor Access road, with native surface near the subject property. Whitewater School Road is paved with chip seal from Highway 191 east to just beyond the Whitewater/Bell Road intersection, approximately one-quarter mile west of the parcel boundary.

Katies Lane is not a county maintained roadway. A field review was conducted, and the rights of ingress and egress were researched as a part of staff review of this proposed special use. There is currently a recorded 50 foot wide access and utility easement extending the entire one-half mile south to the southerly property boundary. The 50 foot easement was made to buyers of a portion of the property constituting of the Southeast quadrant of the parcel, and was to the benefit of any successors. The easement will need to remain unencumbered and accessible by any construction activities of the applicant or the applicant could apply for an abandonment of this easement if no longer needed to access other parcels or does not have any utilities within this corridor.

D. Traffic Circulation Factors: Complies with Conditions

The proposed use is similar to a small-scale agricultural use which typically generates traffic volumes in the

range of 23 to 67 vehicle trips per day based on fifteen employees. The applicant projects 6 to 15 employees initially which equates to a range of 9.2 to 67.2 vehicles per day for Phase I. At full build-out the applicant estimates up to 40 employees: typically this number of employees for a light industrial use like agricultural generates a range of 61 to 179 vehicles trips per day. Per acre rates have a very large range, depending on crop and seasonal workers, with the low end of the range consistent with the applicant's projected per employee numbers averaging 18 to 45 vehicle trips per day during earlier phases and, based on total available acreage, up to 375 vehicle trips per day if the entire site placed under cultivation. The high end of the potential range for the number of acres of this site is unlikely given the limitations imposed by the size of the greenhouses and the lack of a seasonal cluster of harvesting or processing of product.

If the 73.5 acre parcel were built-out to the existing zoning, eighteen residential dwellings on four acre lots could be built on the parcel, generating an average of 172.28 vehicle trips per day. As a growing and infusion operation only, with no dispensary operation, the requested use is not likely to change the type of use that has historically been on this site nor the type and volume of traffic associated with an agricultural greenhouse operation. The applicant does plan to repurpose two existing residential units already located on the subject parcel for on-site staffing. Two housing units typically range from 8.62 to 43.7 vehicles per day, with an average trip generation of 19 vehicles trips. These trips would be off-set slightly be "internal capture" in that on-site staff could potential walk to work and not be traveling to their place of employment on the County transportation system. It is likely that at full build-out, as proposed by this applicant, the trip generation for this site would be slightly less or equivalent if developed fully as a residential use (about 170 average vehicle trips per day at full-build out of this conceptual plan).

At this time the applicant is indicating a plan to use only about 15 acres of the full site for this proposed use, but this Special Use request is for the use of an estimated 41.5 acres of the total 73.5 acre parcel for future phases. The remaining portions of this parcel may then be used as a natural vegetated buffer or other as-of-right uses in the RU-4 zoning.

Trip generation at this location is not significant enough to warrant a full Traffic Impact Analysis; however, the applicant does plan to phase the project over time. At the Commercial permit stage, staff is requesting that the applicant provide a Basic Traffic Statement. Requirements for the Basic Traffic Statement can be found in the December 16, 2015 Memorandum from the County Transportation Planner; see the attached Transportation Memorandum.

The applicant is advised that construction mitigation requirements are difficult to assess at this conceptual stage, but traffic control methods may be required to ensure safety for both the traveling public and the vehicle operators during construction phases.

The existing surface of Whitewater School Rd. is native material, and the applicant can expect for the developed commercial access to initially be approved to consist of native materials, or better, as well. However, the applicant should be aware that the commercial driveway/roadway intersection will be required to meet or exceed the Whitewater School Rd. surface should that roadway be paved at some point in the future.

A 24 foot wide driveway/roadway for Katies Lane should be provided, and the turning radii onto Whitewater School Rd. at the intersection apron should be either 35 or 25 feet depending on the direction of the County Highway Department at the time of the ROW/Encroachment application. When it is appropriate to delay an improvement, such as in this case, the Comprehensive Plan allows for the use of delay agreements to document the potential future need for an improvement. Such a delay agreement is recommended to ensure the future improvement of this driveway should this segment of Whitewater School Rd. be improved in the future.

Typically a Private Maintenance Agreement, a per Zoning Regulation 1807.02A, would also be required at the Commercial Permit phase given the parcel access off of a private road, Katies Lane. However, in this case this "private road" is entirely within the subject parcel and acts as the principal driveway into the site. Although theoretically connected to adjacent parcels south of the subject parcel, Katies Lane is not being used for

access to those parcels at this time and alternative access is available to these sites via a sixty foot easement off of N. Bell Road. Until such time as this parcel is split and other uses requiring access via Katies Lane occurs this access will be treated as the site driveway rather than a private road and be required to meet site development standards appropriate for a driveway. However, the entire fifty foot easement, as noted earlier, should remain unencumbered and available for access and utility uses in the future.



View west on Whitewater School Road to intersection of Highway 191



View east on Whitewater School Road at intersection of North Bell Road, pavement ends after intersection

The applicant is further advised that the conceptual site plan submitted with this Special Use request will not

be adequate for a Commercial Permit request. A site plan accompanying the Commercial Permit application must include all property lines, and driveway dimensions, a scale and a sight triangle, per Zoning Regulation 1807.06 and/or Roadway Design Standards D-300.

E. Adequate Services and Infrastructure: Complies

Electrical service is provided to the site by Sulphur Springs Valley Electric Cooperative; water is supplied by an existing private well and there is an existing septic tank on site.

F. Significant Site Development Standards: Complies

The applicant has not requested any waivers from site development standards. All site development standards must be met to obtain a non-residential use permit, should this request be approved. The property has adequate area for parking. All of the existing structures on the site meet all of the zoning regulations as they pertain to set-backs, off-site parking, and loading areas, land clearing, water conservation, and Section 1825 of the Zoning Regulations pertaining to medical marijuana. Any future construction of will be required to meet all site development standards and building permit regulations.

In addition to County regulations, the applicant will be required to meet all regulations and requirements established by the State of Arizona for these types of facilities including security cameras, perimeter fencing and secured access to the cultivation greenhouses.

G. Public Input: Complies

The Applicant sent letters to all property owners within 1,500-feet of the subject parcel to notify them of this application and to address any neighbor concerns. The applicant also made a presentation about their proposal at the Elfrida School board meeting on Monday, December 21, 2015.

H. Hazardous Materials: Complies

Although better for the environment and human health than equivalent petrochemical pesticides, rosemary, cinnamon, thyme, neem and clove essential oils are still considered potentially hazardous. The applicant has mitigated the impact of the use of these products by using only Arizona Pesticide Applicator Licensed personnel for pesticide application. Natural pest controls, such as lady bugs and beneficial bacteria will also be employed to deter and control pests. Only organic fertilizers will be used.

I. Off-Site Impacts: Complies

The proposed facility is not anticipated to produce off-site impacts. The State of Arizona has lighting requirements for medical marijuana facilities. The applicant is intending to use shielded LED motion sensor lighting and infrared security systems which will be installed in conformance with the lighting requirements in the County Zoning Light Pollution Ordinance.

J. Water Conservation: Complies

The applicant is proposing to use a low-water drip irrigation system, rain harvesting and storage and grey water usage on companion plants.

V. PUBLIC COMMENT

The Planning Department staff mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the notice to the County website on December 8, 2015, published a legal notice in the *Bisbee Observer* on December 17, 2015 and posted the property on December 15, 2015. In response to applicant and County mailings, staff received twelve calls and letters in opposition to this request. The opposition was based on (not ranked):

1. Moral reasons against
2. Don't want this in the area/community doesn't need medical marijuana/opposed to any in the County/Don't want in my back yard/Don't want in my front yard

3. Will bring drug addicts to the area
4. Too many locations
5. Location 3.25 miles from a school is too close
6. Not FDA/DEA approved (schedule 1/controlled substance drug classification)
7. Concerns about property devaluation
8. Concerns about security
9. Concerned about traffic

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve the cultivation and infusion of medical marijuana on 41.5 acres located at 10049 Katies Lane in Cochise, AZ.

No waivers or modifications have been requested. Any State of Arizona requirement for cultivation, security and lighting requirements will be met.

Approval of this land use does not guarantee that the applicant will be successful in obtaining a license with the State of Arizona for medical marijuana cultivation; obtaining County land use approval is only one part of the State application process.

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval, the proposed use would fully comply with nine of the ten Special Use factors used by staff to analyze this request;
2. The proposal complies with the Adopted Comprehensive Plan Agriculture and Ranching, Economic Development and Rural Character Elements;
3. The proposal complies with the Zoning ordinance Category D purpose statement;
4. The proposal will employ a variety of water conservation measures;
5. The proposal will have the same visual impact as any other agricultural use that would be allowed by right as a principal permitted use; and
6. The proposal will provide jobs for up to six to fifteen employees in Phase one and between 40 and 100 employees at full build-out;
7. Traffic impacts due to this use will be significantly less than if the parcel were built-out to eighteen residential dwellings allowed by right under the existing zoning.

Factors Against Allowing the Special Use

1. Staff has received twelve calls and letters in opposition to this application.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 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 apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. 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;

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;
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. In advance, or concurrent with, their first Commercial Permit application, the applicant is required to submit a Basic Traffic Statement describing the phased project traffic impacts and proposed mitigation;
5. The applicant is required to obtain a Cochise County Right-of-Way/Encroachment Permit in advance, or concurrent with, their Commercial Permit application and work with the Highway Department to provide a commercial access apron at the Katies Lane connection to W. Whitewater School Road as per the County Roadway Design standards or as approved by the Highway Department County Engineer prior to their Certificate of Occupancy for their first phase of this project; and
6. The applicant will be requested to submit a delay agreement during the Commercial Permit phase agreeing to upgrade their access apron to a hard-surfaced County standard should Whitewater School Road be chip-sealed within ten years of this commercial business's first Certificate of Occupancy.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-15-21, with the Conditions of Approval as recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

VIII. ATTACHMENTS

- A. *Special Use application*
- B. *Site plan*
- C. *Location map*
- D. *Lighting cut sheet*
- E. *Applicant's November 17, 2015 letter to the Planning and Zoning Commission*
- F. *Applicant's handout at the December 21, 2015 Elfrida School Board meeting*
- G. *Agency comments*
- H. *Public Comment*



**COCHISE COUNTY
COMMUNITY DEVELOPMENT**

"Public Programs... Personal Service"

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

TAX PARCEL NUMBER 403-39-002M 10049 KATIES LAKE, FLORIDA 85610

APPLICANT Canna Consultants

ADDRESS 1 South Dearborn, Suite 2100, Chicago, IL 60603

CONTACT TELEPHONE NUMBER 312-212-4233 (Office) or 847-750-6210 (Cell)

EMAIL ADDRESS: ld@cannaconsultantsillinois.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) Bruce H. Thompson and Kathryn M. Thompson

ADDRESS 340 Nursery Lane, Trout Run, PA 17771

DATE SUBMITTED MAILED 11-20-15

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300.00</u>
Building/Use Permit Fee	\$ <u> </u>
Total paid	\$ <u>300.00</u>

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) 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. (Please note that **nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. 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. 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.)

6. 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.



**COCHISE COUNTY
COMMUNITY DEVELOPMENT**

"Public Programs...Personal Service"

Special Use Project Application

PART TWO – QUESTIONNAIRE

SECTION A – General Description

1. What is the existing use of the property?

The property is currently vacant with residential housing and a metal outbuilding on site. It is zoned RU-4. It was used as a row farm by previous owners and has already been cleared and leveled in the past.

2. What is the proposed use or improvement?

The new proposed use is for a medical cannabis cultivation facility only. No medicine will be sold on site and the location will maintain restricted access. The facility will feature several locked and enclosed greenhouses, also utilizing existing structures on site for processing and staff quarters. 7' chain link security fencing, with Teflon privacy slats, topped with razor wire will be installed around the production area. The greenhouses will include two structures sized 84' x 120' as well as a 30' x 90' structure.

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?

Overall, impact should be minimal, with all activities taking place within the confined security fence, or within the proposed greenhouses and existing structures on-site. Medical cannabis will be grown, harvested, and processed into medical forms of flowers, concentrates, and infusions. These products will then be packaged and shipped to a partnering dispensary located in the Phoenix area, with all post processing occurring inside a secured outbuilding that currently exists on the property. No products will be sold to the public at this location. Minimal staff will be required at most times to maintain the Phase I operation, and because all products will be shipped off site and sold in the Phoenix area, we do not anticipate these activities will impact neighboring properties. All activities relating to the production of medical cannabis will occur indoors or inside the secure perimeter to limit any potential interactions with adjacent properties and will remain out of sight. Furthermore, work will be scheduled during the day and staggered whenever possible to minimize activating any motion sensing exterior lighting after dark and keep traffic to a minimum.

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

Medical cannabis and associated medical cannabis products such as extractions, infusions, tinctures, salves, balms, and capsules will be produced and transported to the partnering dispensary in the Phoenix area for retail sale.

Medical cannabis will be grown in the locked and enclosed greenhouses, secured with a high tech security system including access control, security cameras, panic buttons, keycard access, and perimeter fencing. Harvested cannabis will be dried and processed in the existing outbuilding, which will also be included in the secured fencing area with keycard access required for entry. All products will be transported to the Phoenix area for retail sales through our partnering dispensary. No products or services will be offered or sold on site, and as a result, the location and proposed operation will receive minimal traffic. A large portion of extracts produced will be given away to patients specifically in need. These will include veterans, cancer patients, and children within the medical program, and their medication will be donated at no cost to the patient.

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

Two houses are currently built on the property, with wood construction and siding. They are single story structures sized roughly 1,400SF and 1,600SF respectively. An additional metal outbuilding is present on-site and is sized 40' x 50' and another sized 30' x 40'. The proposed new construction will include a single greenhouse sized 30' x 90' with a black out system to prevent any light pollution and maintain a vegetative cycle for the medical cannabis grown within. Two additional proposed greenhouses sized 84' x 120' will be used for continual flowering production without supplemental lighting. All greenhouses will be constructed with twin wall polycarbonate and steel truss systems to maximize climate control and prevent the need for excessive cooling and water use, while providing an enclosed and locked space. All construction will be completed by a commercial and licensed contractor in the State of Arizona, with stamped and engineered prints which will be submitted when applying for the associated building permits for all proposed structures.

6. Will the project be constructed/completed within one year or phased?

The initial Phase I project including the three proposed greenhouses above will be completed within one year. We anticipate a construction time ranging from 2-3 months following building permit approval. If patient demand increases and requires additional production space, and we receive approval from the zoning board and support from the local community, we would like to be able to upgrade our facility and add additional greenhouses and other cultivation space as required. Phase II, potentially will feature an additional warehouse for post processing, additional greenhouses, as well as an outdoor cultivation area with the same stipulations including high grade construction material, low impact to the surrounding area, and security aspects including a 10' metal secured, fenced perimeter and security system. Phase I is shown in detail on the site plan and a conceptual Phase II is also shown on the site plan. Phase II may, or may not, be adopted and will only be implemented with approval from the county and the blessings of the local community and neighbors.

The site plan can be found in the attached Part Three.

anticipated impact expected from any truck activity on the proposed site.

- 3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

All traffic will travel via Katie's Lane, then west on Whitewater School Rd. and then north on 191 towards the interstate and ultimately Phoenix when leaving the facility. This traffic will be minimal to non-existent 90% of the time and will only occur quarterly. All access to the cultivation site will occur via N. Katie's Lane.

- 4) If more than one direction, estimate the percentage that travel in each direction

The only vehicles traveling any other direction will be local employees that are hired for trimming, post processing, and preparation positions in the future. These employees will only be on site for several days each quarter.

- 5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Traffic will be heaviest coinciding with harvest times. This will occur quarterly as mentioned. Every attempt will be made to stagger this post processing period and limit traffic to a minimum; however a majority of the time, traffic to and from the facility will be non-existent due to the parcel structures and staff quarters on site which will be utilized by management.

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

A private well currently exists at the proposed location and is shown on the attached site plan in Part Three. Previous well tests have estimated there is sufficient volume to irrigate 50-60 acres of trees and will exceed our needs for the proposed site and future expansions. All requirements laid forth in the Douglas Irrigation Non-Expansion Area (INA) will be met including measuring devices and annual reporting of usage volume to the corresponding agencies.

Well Registration Number: 55-608777

Irrigation Authority Number: 60-203363.0002

D. Estimated total gallons of water used:

1,000-1,500 gallons per day at peak usage

500-700 gallons per day during non peak usage

200,000- 250,000 gallons per year

Will you use a septic system? *Yes*

If yes, is the septic tank system existing? *Yes*

Show the septic tank, leech field, and 100% expansion area on the site plan.

There are two existing septic tanks on the parcel near the production area and both, including the leech field are shown on the site plan. No future expansion of this system is anticipated at this time for any Phase I work. If Phase II is approved by the county and implemented, an additional outbuilding and septic will be installed to meet sewage demands on site.

G. Does your parcel have permanent legal access?

Yes, this parcel borders Whitewater School Road with an existing driveway and proposed access via N. Katie's Lane.

H. For Special Uses only – provide deed restrictions that apply to this parcel, if any.

There are no deed restrictions that apply to this parcel.

8. Identify how the following services will be provided

Service	Utility Company/Service Provider	Provisions to be made
Water	Existing Well Registration #: 55-608777 Irrigation Authority #: 60-203363.0002	Rainwater Catchment Installation
Sewer/Septic	Existing Septic	None
Electricity	SSVEC (Sulphur Springs Valley Electric Co-Op)	Solar Energy Upgrade and Installation
Natural Gas	SW Gas	None
Telephone	VTC (Valley Telecomm)	None
Fire Protection	Elfrida Fire District	None

Additional water and electricity services will be installed to increase the environmentally friendly aspects of the operation, as well as provide long term sustainability. With a desire to implement an environmental sustainable operation which is green friendly, solar power will be used to supplement electricity whenever possible, as well as utilizing rainwater catchment and greywater reuse wherever possible. In-ground water storage cisterns will be installed near the greenhouse facilities to store and reuse captured rainwater from a gutter system on each newly constructed structure and implemented on existing structures where feasible.

SECTION B – Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

All Phase I activities will take place within the secured greenhouses and existing structures. No activities will take place outdoors aside from the unloading of bulk materials and composting within the secured perimeter fencing.

2. Will outdoor storage of equipment, materials or products be needed?

Yes, occasional bulk materials such as soil or compost will be stored within the secured, fenced perimeter until they can be utilized in the greenhouse or moved to permanent storage within the warehouse. All other materials will be stored within the existing structures or proposed greenhouse complex. This short term storage will be minimal and likely only last until supplies can be properly prepared and incorporated into the greenhouses. All cannabis products will always remain locked and enclosed either in the greenhouses or existing outbuilding.

3. Will any noise be produced that can be heard on neighboring properties?

No noise will be produced which can be heard at neighboring properties. Ventilation fans will be used for the greenhouses to maintain a controlled climate and space; however this will not occur at a level that will be heard on any neighboring properties.

4. Will any vibrations be produced that can be felt on neighboring properties?

No vibrations will be produced at this location.

5. Will odors be created?

Cannabis odors will be created with the cultivation of such plants. Re-circulating carbon scrubbers will be used inside the greenhouse and dry areas to minimize odors. Odor levels will be dependent on the amount of air extracted and discharged; however we do not anticipate noxious odors due to the large size of the parcel, use of air filtering equipment, and the limited number and proximity of neighbors.

6. Will any activities attract pests, such as flies?

Agricultural pests will inevitably be attracted to the greenhouses. By creating a climate suitable for plants, you also simultaneously create a climate for pests to proliferate. Integrated pest management practices will be utilized by our expert team which includes large scale hydroponic producers as well as several with master's degrees in plant sciences and experience managing large greenhouse operations for state universities. These practices will focus on organic control methods including organic pesticides such as neem oil, various herbs and extracts including garlic, plant essential oils, companion planting including marigolds which have scientifically demonstrated pest resistance and repulsion abilities, as well as beneficial insects such as lady bugs and beneficial bacteria. Furthermore, any pests should not be able to proliferate in the environment outside of these greenhouse climates during most times of the year, and these pests are not the type which irritate humans or animals, and exist only as agricultural pests.

7. Will outdoor lighting be used?

Minimal outdoor lighting will be used to not only limit light pollution to surrounding areas, but also to maintain proper light cycles for the greenhouse facilities. These lights will include motion sensors and will be off unless triggered. Furthermore, these lights can be manually turned off if necessary in instances of animals or malfunction. Infrared cameras will be present on-site to prevent the need for constantly illuminated security lights, while maintaining a high level of security and monitoring. We do not anticipate light pollution being a problem at this facility due to cannabis' photoperiod sensitivity which requires an elongated dark period to maintain flowering production. Any disruption in this cycle can cause significant delay and even result in unusable medicine; therefore as a cultivation center, we have an additional incentive to minimize all sources of light pollution. Porch lights currently exist on each of the existing residential housing structures, however due to the above fact, their use will be limited.

See the Attached Appendix A for exterior lighting manufacturer's specifications.

8. Do signs presently exist on the property?

No, there are not currently signs on the property.

9. Will any new signs be erected on site?

No new signs will be erected on site, aside from small, unlit signs prohibiting entry to restricted areas, as required by state law.

10. Show on site drainage flow on the site plan. Will drainage patterns on site be changed?

The site was previously cleared and leveled. Rainwater seeps directly down and recharges the local aquifer. No drainage patterns will be changed throughout the bulk of the parcel. The addition of the proposed greenhouses will include rainwater catchment systems and will store that water for reuse in underground water cisterns. All other water on the property will continue to flow as it did originally. The previous clearing, leveling, and use as a row crop farm greatly simplifies the process and construction required on the site.

Will washes be improved with culverts, bank protection, crossings, or other means?

No, currently there are no existing washes on the property. Previous owners cleared and leveled this property for the implementation of a row farm.

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

An additional parking area featuring crushed aggregate will be installed to deal with periods of high traffic discussed above and can be seen on the site plan in Part Three. Loading areas will occur in that same parking space or within the security perimeter and will be coordinated so as not to occur on days of high traffic. Additional driveway and easement improvements may be implemented as

required to maintain ease of access and right of way to the property, neighboring properties and operation. All cultivation traffic will use Katie's Lane, however this traffic is expected to be minimal and improvements to the road are planned so that it is fit for access. The road conditions will be reassessed constantly and upgraded at the request of the county or AHJ.

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.)

Parking and loading areas, in addition to the driveway are shown on the attached site plan in Part Three of this application.

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

No, at this time we do not believe it to be necessary to perform any offsite construction due to the amount of work that has already been completed on the land, including clearing and leveling, as well as the existing structures such as the houses, outbuilding, well, and existing access. Any requirements from the county will be implemented and improved as necessary to meet all aspects of the special use permit including the addition of access aprons or other items.

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 Planning 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.

Phase I includes the construction of roughly 1/2 of an acre of greenhouses, adding a 7' chain link fence topped with razor wire and additional Teflon privacy slats, as well as a parking area. Conservation of water and creating an environmentally friendly and sustainable operation is a critical aspect of this project, and the above coincides with the charitable nature of giving free extracts to individuals the most in need.

One of the principals is an environmental engineer who focused on wastewater treatment, reuse, and water quality standards. Due to this, every effort will be implemented to encourage the economical and sustainable reuse of water. This will include the design and implementation of an efficient and highly controlled drip irrigation system in each greenhouse and production space. Our large scale experience including the management of university greenhouses and edible

produce facilities (lettuce, herbs, etc) will allow for the creation of this highly efficient system, delivering just the right amount of irrigation directly to each plant and significantly limiting waste.

Rainwater catchment systems will be installed on newly constructed greenhouses and piped to underground storage to not only provide a source of water for reuse, but also maintain high water quality by preventing algae growth and further evaporation to limit loss and waste. Finally, grey water reuse will be implemented inside the newly constructed greenhouses wherever feasible, and mainly used for watering of companion plants used for pest control as well as any ornamentals. Eventually, a constructed wetland able to treat all greywater in the facility is envisioned with the implementation of Phase II and will occur as space, the county, the city, and demand allows. The medical cannabis, due to intended human consumption, requires a higher level of water quality, and therefore the grey water cannot be reused on these crops which must retain a food-grade status, in addition to providing an organic regimen for nutrients and pathogen control.

Ultimately, high quality medical products and environmentally sustainable practices are of the highest importance to this operation and are further demonstrated by the many environmentally friendly methods implemented and charitable donations to the neediest patients including veterans, cancer patients, and children within the medical program.

All requirements laid forth in the Douglas Irrigation Non-Expansion Area (INA) will be met including measuring devices and annual reporting of usage volume to the corresponding agencies.

2. How many acres will be cleared?

0.5 acres of greenhouses will be installed initially with Phase I. The entire parcel has previously been cleared and leveled in preparation for a pecan tree row farm, so additional leveling will not be required, with minimal clearing of tumbleweeds. A larger portion will be fenced in anticipation of possible expansions in the future.

SECTION D – Hazardous or Polluting Materials

Does the proposed use have any activities involve Hazardous or Polluting materials?

This operation will include very limited use of hazardous or polluting materials due to our proposed methods. These potentially hazardous materials will mainly consist of organic pesticides and organic nutrients which are substantially better for the environment and human health than their associated chemical and petroleum based counterparts and have been chosen for their OMRI certification. These include rosemary, cinnamon, thyme, neem, and clove essential oils. Highly skilled pesticide applicators will be utilized; who are already licensed in other states and will obtain their Arizona Pesticide Applicator License prior to the usage of any organic pesticides. This organic approach uses beneficial insects as well as companion planting which will severely limit the amount of additional organic pesticides required. Furthermore, a majority of the nutrients used will be

in the form of manures and soil amendments, which also severely limit the amount of liquid fertilizers required for healthy growth and production. All fertilizers will be derived from organic sources. These amendments will be sourced from high quality local sources whenever possible to limit the carbon footprint of the operation as well as encourage the growth of the local economy. All liquid fertilizers will be OMRI approved.

The "Hazardous Materials Attachment" is included in Part Six along with all MSDS information.

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 C. Lucien DeBatty

Print Applicant's Name C. Lucien DeBatty Vice President of Canna Consultants

Date signed 11-19-15