



**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 Manager, Michael Turisk at 520.432.9240. 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
February 12, 2014
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. APPROVAL OF PREVIOUS MONTH'S MINUTES
4. 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.
5. NEW BUSINESS

Item 1 - (Page 1) – A PROPOSAL BY CHAIR WEISSLER TO AMEND THE PLANNING COMMISSION BYLAWS

Item 2 – (Page 2) – PUBLIC HEARING – Docket SU-14-02 (Workman): A request for a Special Use authorization to establish and operate a special event venue in the Kings Ranch subdivision. The proposal is to use the 10,937-square foot existing home on the property for special

events. This land use is deemed an indoor/outdoor recreation use, allowed by Special Use in the Rural Districts, (607.08). The subject parcel (104-24-415) is located at 6121 E. Oak Loop in Palominas, AZ. The Applicant is R.L. Workman of Workman Homes.

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

COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
January 8, 2014
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 Chair Weissler at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Chair Weissler 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. She explained the time allotted to speakers when at the podium. She then explained the composition of the Commission, and indicated there was one Special Use Docket, and one Regulation Amendment Docket on the Agenda. She explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Ms. Weissler noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Tim Cervantes, Jim Lynch, Gary Brauchla, Liza Weissler, Pat Edie, Jim Martzke, Joe Garcia, and Carmen Miller) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Adam Ambrose, Chief Civil Deputy County Attorney, Keith Dennis, Planner II; and Peter Gardner, Planner I. Ms. Weissler then noted that she had asked Staff to place Approval of the minutes before Call to the Public to comply with the Commission's Bylaws. She then moved the Call to the Public to the end of the meeting, prior to the Planning Director's report and moved on to Approval of the Minutes. Mr. Mike Jackson of McNeal, interrupted from the floor. Ms. Weissler declared him out of order. Mr. Jackson stated that he couldn't hear, and Ms. Weissler proceeded. Mr. Jackson interrupted again to ask where the Call to Public was. Ms. Weissler stated again that it was moved to before the Planning Director's report. Mr. Jackson claimed that this was a violation of the bylaws. Ms. Weissler again declared Mr. Jackson to be out of order and asked him to be quiet and offered two corrections to the minutes. Several members of the public interrupted to state that they could not hear. A discussion between Mr. Jackson, Mr. Ambrose, and Ms. Wilson regarding the bylaws and moving the Call to the Public occurred, with Mr. Jackson asserting that a vote was necessary to reorder the agenda. Mr. Ambrose and Ms. Wilson showed Mr. Jackson the bylaws, and admonished Mr. Jackson to return to his seat.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the December 11, 2013 meeting with the two corrections offered by Ms. Weissler. **Action:** Approve with corrections. **Moved by:** Mr. Martzke, **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

Yes: Mr. Lynch, Mr. Cervantes, Mr. Brauchla, Mr. Martzke, Ms. Weissler, Ms. Edie, Ms. Miller
No: 0 **Abstain:** Mr. Garcia

NEW BUSINESS

Item 1

Election of 2014 Officers: Ms. Weissler asked for nominations for Chair. Mr. Lynch nominated Ms. Weissler, and Mr. Brauchla seconded. There being no other nominations, Mr. Martzke moved to close the nominations, and Mr. Lynch seconded. There being only one nomination, no vote was called, and Ms. Weissler was elected Chair. She then asked for nominations for Vice Chair. Ms. Edie nominated Mr. Martzke, and Mr. Lynch seconded. There being no further nominations, Mr. Lynch moved to close nominations, and Mr. Brauchla seconded. Again, there being only one nomination, there was no vote called for, and Mr. Martzke was elected Vice Chair.

Item 2

PUBLIC HEARING

Docket SU-14-01 (McIntyre): A Special Use request to establish and operate a Halfway House and Residential Re-Entry Facility at 6768 S. Wayward Winds Road in unincorporated Willcox, AZ,

Chair Weissler called for the Planning Director's report. Planner Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained access issues and solutions. He explained the modifications requested by the Applicants, and explained Staff's assessment of the requests and the support and opposition from neighbors. Mr. Gardner also explained Staff's analysis of the Special Use factors. He addressed questions regarding access concerns raised by neighbors, explaining the concerns and Staff's analysis of the access and the County's jurisdiction. He also noted that concerns raised about the use exceeding the existing well-share agreement were not within the jurisdiction of the County. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler invited the Applicant to make a statement. Ms. Vanessa McIntyre spoke, explaining the planned program and whom it would serve. She emphasized that the program would serve "petty offenders" and would offer counseling and vocational training. She emphasized that the program would be strictly voluntary, and stated that drug and alcohol testing would occur. Ms. McIntyre also stated that the residents would be expected to work full time. Mr. Lynch asked how the program would be financed. Ms. McIntyre stated that initially the program would be financed by her own funds, with the goal of receiving state and/or federal funding in the future. She explained that she would apply for licenses from the State of Arizona and the Federal Bureau of Prisons. Mr. Brauchla asked about the licensing requirements. Ms. McIntyre explained that the zoning clearance was a precursor to such licensing. Mr. Brauchla asked if Ms. McIntyre currently owned the property. Ms. McIntyre responded that she did currently own the property. Ms. Edie asked about the availability of jobs and transportation to said jobs. Ms. McIntyre stated that she had several agricultural operations that had expressed interest in hiring the residents, as had several businesses in the City of Willcox. She explained her intent to purchase a 15 passenger van to transport the residents to work.

Ms. Weissler opened the Public Hearing. She opened with speakers in favor of the docket.

Ms. Denice Barney of Willcox spoke supporting the docket. She explained her background with similar uses, and stated that there is a lack of such resources in Cochise County. She expounded on what the program would offer for its residents.

Ms. Concha Estrada of Willcox, stated that she was a longtime resident of Willcox and urged the Commission to approve the docket.

Mr. Bryan Garibaldi of Willcox stated that he felt the proposed residents deserved a second chance, and that an isolated area was a good location.

Mr. Gilberto Garibaldi of Willcox stated that he sees prisoners working at his school and other locations around town, and asked why they shouldn't be allowed to live in a neighborhood when prisoners are allowed to work at the schools. He also pointed out that the use would house free men rather than prisoners.

Mr. Marcus Hinton of Willcox stated that he felt there was a need for such a program in Cochise County. He stated that prisoners are currently released and given no options or skills and that the program would teach these people new skills and prevent them from offending again. He noted that he would be present and working at the center himself.

Ms. Bonnie Lewis of Willcox introduced herself as the manager of a local winery. She stated that the winery's owner was very supportive of the request. She expressed surprise that winery and vineyard owners would oppose the project, stating that about ten years ago the wineries and vineyards faced similar opposition when moving into the area, and are now the primary industry in the area. She closed by offering support for the project.

There being no further speakers in support, Ms. Weissler asked for speakers in opposition.

Mr. Robert Binkley of Willcox stated he was a longtime resident of Willcox. He stated that he felt that the facility was "in the middle of nowhere" and stated that when it rains the property is inaccessible. He expressed concern about the response time from emergency services. He stated that the facility should be in the city where more services and jobs were available.

Mr. R.L. Robbs of Willcox stated he lived in the area for over forty years. He stated that the proposed location was not appropriate for the proposed use, and asked the Commission not to allow the use.

Ms. Sally Lou Robbs of Willcox stated that she appreciated what the Applicant was trying to do, but did not want it in her neighborhood. She expressed concern about emergency services response times; safety; the Applicant's ability to hire and maintain staff; and if a future operator might run the facility as well as the Applicant. She also mentioned that the property was currently listed for sale.

Ms. Shirley Seplak of Willcox expressed concern about the photos shown. She claimed that the secondary access shown by Staff was not passable, and expressed concern over her irrigation well. She also stated that the primary access was not passable in the rain. Ms. Seplak expressed

concern about individuals driving over her property and stated that she would block off access. She stated that she, as a real estate agent, had listed the property as a bed and breakfast, and claimed that the Applicant did not have legal access.

Mr. Stephen Seplak of Willcox expressed concern about drainage and flooding. He stated that the secondary access was washed out and not driveable. He also expressed concern about his irrigation well and damage caused to it by the drainage. Mr. Seplak also expressed concern for emergency services access.

Ms. Deborah White of Willcox disagreed with Staff's analysis, quoting the Zoning Regulations. She expressed concern about the travel aspect of the project. She also expressed concern about employees and stated that one van would not be sufficient. Ms. White stated that she felt the remoteness of the facility would prevent the residents from reentering into society. She stated that she felt there were no jobs available, particularly to the individuals that may be at this facility. She also disagreed with Staff's finding on the road, and stated it would become a civil matter, claiming that the Applicant did not have the right to use the road in a manner of her choosing. She stated that the neighbors applaud the effort, but disagreed with the location.

Mr. John Arbuthnot of Willcox noted that he had lived in the neighborhood for 40 years, and that he had 25 years of experience in corrections. He stated that in his experience, he could not think of a less appropriate location for such a project. He stated that the roads were "almost impassable" and stated that it would not support parole and law enforcement officers. He also stated that there were few jobs or services for the residents. Mr. Arbuthnot stated that the location would adversely affect the individuals it is meant to serve. He closed by stating that he "resent(s) that Ms. McIntyre would propose this facility in his backyard", and claimed that the Applicant has stated publicly that she would not live in the area.

Ms. Susan Arbuthnot of Willcox concurred with previous speakers. She stated that she was a retired social worker in the Willcox area and stated that there were no job opportunities or services for the residents of the proposed project. She stated that she felt this was not the right location for such a project.

There being no one else wishing to speak, Ms. Weissler invited the Applicant to rebut the speakers in opposition. Ms. McIntyre stated that she understood her neighbors' concerns. She stated that she lived at the property now, and had never stated that she would be leaving the area. She explained that she had held a meeting with neighbors to discuss the issues at hand. She noted that of all the opposition speakers present, only the Seplaks had attended the meeting and discussed the issues with her. Ms. McIntyre stated that she had never had an access issue, even during monsoon season. She addressed the issues of distance, noting that the prisoners are often working at the schools without direct supervision. She noted again that her residents would not be prisoners, but would be free men. She stated that she would prefer to see such a facility as hers in a rural area rather than adjacent to a school. Ms. McIntyre stated that these men are coming back into society regardless, but she wanted them to come back in a controlled fashion. She explained that she had Staff lined up who were coming from the Bureau of Prisons, and provided an example of an individual who would use her program. She also addressed the transportation issues. Ms. Weissler asked the Applicant if she lived at the property now and

would continue to do so. Ms. McIntyre stated that she lived there currently, but if the project was approved, she would not live on site. Ms. Weissler asked about the sale listing, and Ms. McIntyre clarified that the property is not currently listed for sale. Mr. Garcia asked how many employees would be present. Ms. McIntyre explained that she would begin with four, but might expand to six or seven to cover shifts. Mr. Garcia asked if there would be on site security. Ms. McIntyre explained that she had a security system that she could monitor, including cameras and door and window alarms. She explained that these same concerns would be raised anywhere and stated that these individuals had to go somewhere. She stated that she felt it would be better for them to be in a structured environment rather than on the streets. Mr. Brauchla asked if the employees would live on site. Ms. McIntyre explained that she did not want any staff living on site to preclude fraternization issues.

Ms. Weissler closed the Public Hearing and asked for discussion from the Commission.

Ms. Weissler then called for the Planning Director's summary and recommendation. Mr. Gardner noted that the Sheriff's Department had received the Docket, and had not responded, and then recommended Conditional Approval and explained the Conditions and Modifications recommended by Staff. Ms. Weissler called for a motion. Mr. Martzke made a motion for Approval of the Special Use with Conditions and Modifications given by Staff. Ms. Edie seconded the motion and Ms. Weissler asked for discussion. Mr. Martzke and Mr. Lynch expressed concern about the docket, and stated that they could not support it. Ms. Weissler stated that she felt the opposition would occur in any location. Mr. Garcia expressed concern about the location and stated he could not support it. Ms. Weissler asked where might be a good place for such a use. Mr. Brauchla asked about what the duty of the Commission was, wondering if they should look at the factors in the Zoning Regulations or if they should take more subjective factors into consideration. Mr. Lynch agreed that while their job is to deal with land use, but they must take human factors into consideration. Mr. Martzke expressed concern about the lack of job opportunities. Ms. Weissler called for a vote. The motion failed 1-6.

Motion: Motioned to grant the Special Use with the Conditions and Modifications as recommended by Staff.

Action: Approve with Conditions and Modifications **Moved by:** Mr. Martzke **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 1, No = 7, Abstain = 0)

Yes: Ms. Weissler **No:** Mr. Lynch, Mr. Cervantes, Mr. Martzke, Ms. Edie, Ms. Miller, Mr. Garcia, and Mr. Brauchla

Abstain: 0

Item 3

PUBLIC HEARING -- Docket R-13-02: Proposed revisions to Section 1820.02 of the Cochise County Zoning Regulations (*Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone*). The proposed revisions are intended to reflect more recent water conservation technologies for and methods of water conservation for uses within the Sierra Vista Sub-watershed.

Planner Keith Dennis offered a brief introduction to the Docket, apprising the Commission of the history of the proposed amendments. He offered the rationale behind the proposed regulations, and reminded the Commission that the amendments would apply to the Sierra Vista Sub-Watershed only.

Planning Director Beverly Wilson introduced Building Inspector Lee Sipe, and clarified the definition of a single-pass evaporative cooler, correcting comments from the previous month. Mr. Dennis then explained to the Commission that a number of petition signatures opposing the regulations did not make it into the packet, and said that these were distributed to the Commission and public subsequent to the packet being published.

Chair Weissler declared the public hearing open and invited Douglas Benkhe to speak. Mr Benkhe asked if it were appropriate to impose Sierra Vista regulations on County residents. He quoted Article 2, Sections 1 and 2 of the Arizona State Constitution. He suggested that city residents are more well-disposed towards certain types of regulations than are County residents, owing to the nature of urban versus rural lifestyles. He offered that the anticipated water savings for County residents would be a "drop in the bucket" compared with what the City can achieve. He stated that comments opposing the new regulations outnumber those in support two-to-one. He suggested that the proposed regulations would be more appropriate if they were instead made into recommendations.

Mike Jackson then spoke, and suggested that Commissioners Weissler and Cervantes have a conflict of interest that should prevent them from deliberations on this issue. He offered his understanding of conflict of interest laws and definitions, and how these issues bear on the eligibility of these Commissioners to participate in the decision making process regarding the proposed water regulations. He stated that in November of 2013, Commissioners Cervantes and Weissler were the only two to vote to pass the proposed water amendments at their first hearing, while each of the remaining Commissioners voted for further discussion. He suggested that to avoid a conflict of interest, these Commissioners should neither discuss nor vote on the proposed amendments. He cited a study conducted by the Upper San Pedro Partnership, which concluded that water users in rural areas already use less water than their city counterparts.

Helene Jackson then spoke. She opposes the regulations. She said if the regulations are to pass, they should apply only to new home construction, and not to remodels of existing homes.

Jere Fredenburgh spoke next, stating that she represented 45 persons opposing the regulations. She said that building permits were required for work exceeding \$1000 in value, but that several fixture types, such as new toilets and faucets, were exempted from this requirement. Further, because the County does not regulate manufactured homes, these were also going to be exempt. Based on permit records, she stated that the proposed regulations might apply to as many as 24 homes per year. The City of Sierra Vista, meanwhile, has approved construction of 7,000 new homes. Based on this, she said the water regulations would have little effect.

Winston Winford then spoke. He described photographs of the San Pedro River from 100 years ago, and how the vegetation regime of the area had changed. He repeated the 24 home figure cited by others, saying that the effect of the new regulations would be a "drop in the bucket." He

offered an anecdote about a gentleman who removed mesquite trees from his property, which helped to restore a spring that had stopped flowing. He said that persons who thin mesquite trees near the river can have a significant effect on the water level in the river, and suggested thinning vegetation along the river as a means of saving water. He suggested that a marketing or education campaign could be started, informing new homeowners of good water saving methods, including the thinning of vegetation and its benefits to the water table. He offered supporting material (Attachment A).

Lance Domann was then called, who asked to yield a portion of his time to Gilbert Reeves. Chair Weissler informed Mr. Reeves that he would have five minutes for his testimony.

Gilbert Reeves said that he was a former County Planning Commissioner, and during that time, he tried to protect rural residents. He suggested that the proposed water regulations were related to Agenda 21, and invited those assembled to research Agenda 21 for themselves. He then said he is not an alarmist. He said the previous speaker was right about the mesquite trees, and said cottonwoods used as much as 300 gallons of water per day. He said that a previous election voted down "city" water regulations. He said "the water monster is Sierra Vista." He said area golf courses and swimming pools should be closed to save water, and new development should be prohibited. He said he fears Sierra Vista will aggressively pursue water resources at the expense of rural residents. He said he has tried low-flow fixtures and finds them ineffective. He said rural residents chose to live as such for freedom, and that the previous election results should be respected. "Let the water monster solve its problem."

Lance Domann then approached the podium. He stated his opposition to the proposed water regulations, and said his choice to live in a rural area was informed by a desire not to be subject to city regulations.

Chair Weissler asked if anyone else wished to speak. Daniel La Chance spoke, and said he read in the press that there were issues of conflict of interest and was alarmed. He suggested that the Commissioners who appeared to have such a conflict recuse themselves. He said that advancing regulations are taking away the liberties of the people. He spoke about the recently amended zoning regulations and asked how the current proposal related to the overall zoning regulations. He concluded by again saying the two Commissioners should recuse themselves. He said a vote by the people would be more appropriate.

Chair Weissler then invited Joanne Daily to the podium, who offered solutions, such as to retain the existing water conservation regulations as adopted, or use a list of recommended fixtures and offer incentives to use these, such as permit fee discounts. She said that new generation evaporative coolers are more efficient than air conditioners. She said that there were less than 30 new building permits issued last year, and this situation is not anticipated to change much in the coming years. The proposed regulations would micro-manage a small number of residential homes while not being effective overall. She again encouraged the Commission to adopt an incentive-based approach.

The chair then closed the public hearing.

Mr. Ambrose offered an explanation of conflict of interest laws and how they related to the situation at hand. He said there is a state conflict of interest statute in Arizona (ARS 38-501). He said the Cochise Water project and the Friends of the San Pedro do not stand to benefit financially from the outcome of the proposed water amendments. He said the professional and personal interests shared by Commissioners and their families does not automatically make for a conflict, but does make for informed opinions. And such free accusations of conflicts of interest can have a chilling effect on the willingness of those individuals who feel strongly about a particular issue to offer their service to the public as Commissioners. Mr. Ambrose offered that the law has nothing to say about the particular situation represented by Commissioners Weissler, or her husband, or Mr. Cervantes. He said the law speaks to direct pecuniary benefits resulting from the issue being voted on. Because there would be no direct or indirect monetary or economic benefit to be had by these Commissioners, or their families, as a result of the deliberations on the water regulations, there is no conflict of interest as defined by state law. He said that Chair Weissler and Commissioner Cervantes both had sought his counsel to determine if or how they could participate in these proceedings, mindful of the possibility of a conflict, or the appearance of such. Mr. Ambrose stated that his review of case law was such that there is none. Chair Weissler, at his suggestion and as per her attorney-client privilege, provided his legal opinion on this matter to the public, which is available to anyone who wishes to peruse it. He said the opinion includes citations of the relevant state law, and advised that those interested rely on these, and not on "wild opinions" which he suggested owe more to a desire for a specific outcome rather than legal concerns. He said his opinion on these matters is wholly neutral and limited to the scope of the legal ramifications on these matters, regardless of the outcome. And that his opinion is based on a close reading of every instance of case law germane to this subject. He suggested that "what has happened here tonight is a string of people getting up without taking a look at that law, and making wild accusations that are frankly insulting to the people who are here to try to do the right thing for the publics' benefit."

Chair Weissler silenced the audience and invited discussion from the Commission. Commissioner Martzke spoke, and read into the record the comments of Commissioner Miller, who had to excuse herself. (Ms. Miller's statement is attached as Attachment B).

Mr. Lynch said that "society is a structure of rules" and that this structure of rules applies to families, to individual conduct, and to banks, governments, traffic patterns, and every aspect of society. He said too many people in society are "only in this for me." He said these rules are about the future, and about saving water so that future generations can have enough. He made a motion that the regulations be forwarded to the Board of Supervisors with a recommendation of approval. Mr. Brauchla seconded. Lynch clarified that his motion was to forward these regulations as they may be amended by the Commission at this hearing.

Ms. Edie asked if 1820.02 in the current regulations, is an amendment to the same section shown as 1819.02 in the proposed regulations. Mr. Dennis said that the proposed regulations did come before the Commission as part of the zoning regulations update of 2013, but that it was thought best to consider water issues separately. There was a numbering discrepancy owing to the zoning regulation changes. Mr. Dennis clarified for Ms. Edie that the water conservation regulations already in effect for the sub-watershed were re-adopted with no changes when the Board of Supervisors approved the 2013 regulation update. She offered individual comparisons of the

existing and proposed regulations and concluded that the proposed does not differ substantially from what is already codified. As such, she asked if there were “anything wrong with sticking to what we already have.” Ms. Weissler said this was a valid question, and said that the reason for the new regulations was to make the County and city water codes consistent, with the goal being to establish consistent codes throughout the incorporated and unincorporated areas of the watershed.

Ms. Weissler offered what she said are corrections to figures about water use by cottonwoods. She said mature cottonwoods use, not 300 gallons of water per day as suggested, but instead used “between 200 to 500 liters per day, which is 53-102 gallons per day,” and only when leafed out, which is about 9 months per year. She said a study from 2002 made similar conclusions. She said the BLM is considering a thinning project for the riparian area and that vegetation thinning may in fact be coming. She invited more discussion.

Mr. Martzke asked if the regulations would mandate specific products, or specific performance standards. Mr. Cervantes said these refer to performance standards, particularly regarding hot water on demand systems and WaterSense standards. He said the systems should not be timer-based, but rather on an on-demand type. Timer-based systems would be prohibited under these regulations.

Ms. Weissler said the Commission would now consider each suggested change to the proposed regulations and vote on them individually, and then vote to forward the whole of regulations after making those changes. She moved to add the word “remodels” from proposed Section 1819.02.A. Mr. Lynch seconded, and the motion passed 5 to 2 (Edie and Garcia opposed). It was clarified that the Commission was voting on changes that were discussed during the work session. Mr. Lynch said his motion was to approve the document as it came in to the work session, understanding that the Commission would then vote on each amendment resulting from the work session.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 5, No = 2, Abstain = 0)

Yes: Ms. Weissler Mr. Lynch, Mr. Cervantes, Mr. Martzke, and Mr. Brauchla **No:** Ms. Edie and Mr. Garcia.

Abstain: 0

The next item was Section 1819.02.A.3, where it was suggested that the words “or replacement” be struck. She moved to strike these words, Mr. Lynch seconded and the motion passed 5 -2 with Martzke and Weissler opposed.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 5, No = 2, Abstain = 0)

Yes: Mr. Lynch, Mr. Cervantes, and Mr. Brauchla **No:** Ms. Weissler and Mr. Martzke

Abstain: 0

Regarding Section 1819.02.A.3, the language “New single family construction shall not offer evaporative coolers as the only source of cooling” was moved to be struck by Ms. Edie. Seconded by Mr. Garcia, and failed 3 – 4. (Lynch, Weissler, Brauchla and Cervantes opposed).

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

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

Yes: Ms. Edie, Mr. Garcia, and Mr. Martzke. **No:** Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **Abstain:** 0

Section 1819.02.A.6, Weissler moved to add the language “when a building permit is required pursuant to Article 17.” Edie seconded and the motion passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Ms. Edie

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

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** 0 **Abstain:** 0

Section 1819.02.A.7: Weissler moved to strike the remainder of this section, following “All hot water fixtures shall me WaterSense labeled. Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-4 shall be applied.” Lynch seconded and the motion passed 6 - 1, Garcia opposing.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 6, No = 1, Abstain = 0)

Yes: Ms. Edie, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** Mr. Garcia. **Abstain:** 0

Section 1819.02.A.7.a: Cervantes moved to amend A.7.a to keep the language stating “All hot water fixtures shall be WaterSense labeled. Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-4 shall be applied.” Under this motion, all text after this statement would be replaced with “Systems that are activated based solely on a timer and/or temperature sensor do not meet this requirement.” Weissler seconded and the motion passed 6 – 0, with Commissioner Edie abstaining.

Moved by: Mr. Cervantes **Seconded by:** Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 6, No = 0, Abstain = 1)

Yes: Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No:** Mr. Garcia. **Abstain:** Ms. Edie.

Section 1819.02.B: Weissler moved to add “and remodels.” Seconded by Edie and passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Ms. Edie

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

Yes: Ms. Edie, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes, Mr. Lynch, and Mr. Garcia. **No:** 0 **Abstain:** 0

Section 1819.02.B.1. Weissler moved to remove “waterless urinals” and replace with “Flushing urinals (only for custodial cleaning) or water-free.” Seconded by Lynch and passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

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

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No: 0 Abstain: 0**

Section 1819.02.B.2. Weissler moved to remove “waterless urinals” and replace with “Flushing urinals (only for custodial cleaning) or water-free.” Seconded by Edie and passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Ms. Edie

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

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No: 0 Abstain: 0**

Section 1819.02.B.6. Weissler moved to remove “air cooling” language pertaining to misters. Seconded by Lynch and passed 7 – 0.

Moved by: Ms. Weissler **Seconded by:** Mr. Lynch

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

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No: 0 Abstain: 0**

Commissioner Lynch moved to forward the proposed regulation changes, with each of the amendments voted on by the Commission, with a recommendation of approval to the Board of Supervisors. It was reiterated that Mr. Brauchla had earlier seconded the motion. Ms. Weissler invited further discussion.

Mr. Ambrose reminded the Commission of their voting options for the motion on the floor.

Ms. Edie said that the technology of evaporative coolers was changing, and that by over-regulating evaporative coolers there was the potential to impede energy and water efficiency improvements that may arise in the future.

Mr. Lynch agreed, but suggested that the issue may be revisited, as can any or all of the proposed regulations, as circumstances change in the future.

The motion passed 7 – 0.

Motion: To recommend forwarding Docket R-13-02 to the Board of Supervisors with a recommendation of approval as brought forward by staff and as amended by the Commission.

Moved by: Mr. Lynch **Seconded by:** Mr. Brauchla.

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

Yes: Ms. Edie, Mr. Garcia, Mr. Martzke, Ms. Weissler, Mr. Brauchla, Mr. Cervantes and Mr. Lynch. **No: 0 Abstain: 0**

Item 4

PLANNING DIRECTOR'S REPORT:

Planning Director Beverly Wilson offered the Directors Report, informing the Commission that there were four Dockets before the Board of Supervisors on the previous day. One of these involved clarifying the Zoning regulations as they relate to agricultural processing. There were also building code amendments acted upon by the Board, relative to the size of accessory structures and fire sprinklers.

She said that there would be a Special Use for indoor/outdoor recreation at the February 12 meeting.

Shea said there would be changes to both the sign regulations (Article 19 of the zoning regulations) as well as the county Light Pollution Code, and that there would be public meetings on these in February.

She also said that the staff was preparing to bring forward a Comprehensive Plan amendment, and that this would be coming forward in the next few months.

She informed the Commission that a new Commissioner for District 2, Nathan Watkins, would be seated in February.

Finally, she addressed issues concerning the County email system for Commissioners. Mr. Lynch said the email system was working very well now. Chair Weissler concurred.

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

Mr. Mike Jackson then took the podium. He addressed the comments of Mr. Ambrose earlier, and took issue with his opinion regarding the conflict of interest issue discussed earlier. He referred to his own research and opinion on the matter, which led him to disagree with Mr. Ambrose on the substance of his position that there is no conflict of interest. He said that anyone can read case law, whether or not that individual is a lawyer. He invited Mr. Ambrose to debate with him on the issue.

CALL TO COMMISSIONERS ON RECENT MATTERS:

None

ADJOURNMENT = Chair Weissler called for a motion to adjourn: Brauchla moved, Edie seconded and the meeting was adjourned at 7:05 p.m.

Issue:

The excessive scrub plant growth in the San Pedro River Valley is reducing the water supply through evapotranspiration.

Improvement Plan:

Develop brochure, given to county home owners, informing them of the advantages of removing mesquite and other scrub plants.

How to Accomplish:

Money from the Cochise Water Fund could possibly be used to developed handout material.

Could be a great "Friends of the San Pedro River" project, distributing information.

Brochure could be part of the "Water Wise" information package.

Brochure could be given to new home owner when house is purchased covering not just new homes but all homes purchased in the county.

Brochure should include:

Possible amounts of water saved by removing scrub growth.

The positive impact to the San Pedro River Watershed.

The positive impact on land owners property and private well operation by increasing water table level.

Include information about the mesquite trees tap root length of 150 feet.

Pictures of what the valley looked like before the mesquite and scrub plants took over.

Possible money incentives offered.

Public Acceptance:

Land owner is given the option of doing the project having the knowledge of its positive effects.

Seed is planted in property owners mind as a project to be done.

Nothing punitive, only giving information and possible financial help to increase ground water supply to the San Pedro Watershed.

A

Planning and Zoning

Docket R-13-02

January 8th, 2014

Carmen Miller, Commissioner District 3

In reviewing the minutes and events of last month's work session on the proposed expansion of Sierra Vista water regulation I wish to convey in a more concise form some of my observations from that experience.

First, I wish to commend Chair Weissler for allowing members of the public to speak and be part of the process in that last work session.

Second, I wish to recognize that members of the public were very respectful of the process and clearly expressed the desire for less regulation.

Third, is an examination of the facts as I understand them.

+ From the Planning and Zoning Handbook, Chapter 5, last paragraph:

*"Examine issues with regard to **their long-term impact** on the community: Despite an apparent short-term need, a good analysis should balance such requests against longer-term desires, needs, and impacts"*

+Longer-term impacts is emphasized again in Planning Commission Basics, page 5.

+Article 1, Title, Purpose, and Guiding Principles, 102 Purpose, states "The purpose of these Zoning Regulations is to conserve and promote the public health, safety, convenience and general welfare, and to provide for the future growth and improvement of the unincorporated area of Cochise County in accordance with the Cochise County Comprehensive Plan.

+Appendix B, under heading Page 43—Four Recommendations Regarding the Public Interest: # 4, “When a planning commission makes decisions in the public interest, it should consider long-range effects, the distribution of benefits and burdens, and the expansion of opportunities for present and future generations [emphasis supplied].”

+Appendix B, under heading Page 148—Four Recommendations Regarding the Use and Abuse of the Commission: #1, “All requests, applications, and petitions presented to a commission should be examined in relation to the adopted community plan and with regard to an objective accounting of circumstances[emphasis supplied].”

Based on the above referenced guidelines:

- 1) Expanding the Sierra Vista water regulation may be brought forth with the best of intention, but that expansion may not have nor will it create desired results.*
- 2) It is an expansion of the administrative state.*
- 3) That administrative state requires funding.*
- 4) The administrative state has limited flexibility or adaptability. A recent example of this is found in the hearing on December 11th 2013 of Docket SU-13-19. Everyone was fine with the requested special use, the applicants applied in advance and did not come before the board “asking forgiveness” after the fact. Sympathy was expressed, BUT there is already some rule on the books so they HAVE to build or remodel at significant expense a permanent structure. There was no succinct or expedient way to neutralize a rule that had proved to be an impediment.*
- 5) Suggested ‘Hardship Exemptions’ in all probability are not an option, but create yet another layer of bureaucratic process and oversight and intrusion.*

- 6) *The research paid for by the Upper San Pedro Partnership concluded rural residents use less water than city users. The old saying "if it ain't broke...leave it alone" applies.*
- 7) *The administrative state has a proclivity for expansion. Hence the concern these regulations will in a few years expand again to the rest of the county.*
- 8) *Federal oversight and regulations in more than one federal bureaucracy push to encourage manufacture of more energy efficient and water efficient appliances of all types. As a result most shopping comparison is between price and efficiency followed by warranty for items on the shelf from which to choose. Everyone, when their pocket allows, will choose the best, most efficient units as replacements. Members of the population are held to a minimum in conservation by the goods available. Therefore unfunded mandates become little more than bureaucratic burden on the public.*
- 9) *A complete listing of preferred and recommended construction practices and appliances included in the permit package would provide the information, set the bar for contractors, the novice, and out of area newcomers. This would create the impetus for improvement desired county wide, but would not induce county administration into the role of enforcer.*
- 10) *The citizens have made their wishes known, clearly and respectfully. Should the Commission or county government in any form 'bully by' those concerns and considerations it will be a disservice to both the public and the process.*
- 11) *I know we are all fatigued with the revision, but that is irrelevant in context with the longevity of regulations. I am not convinced there is consensus with the public that this is necessary regulation.*

A.R.S. 11-321 Building permits; issuance; distribution of copies; subsequent owner

"A. Except in those cities and town which have an ordinance relating to the issuance of building permits, the board of supervisors shall require a building permit for **any construction of a building or an addition** thereto exceeding a cost of one thousand dollars...."

County Code – Article 17

1704 Building/Use Permit Required

1704.01 It shall be unlawful to erect, construct, reconstruct, alter or use any structure or building without first obtaining a permit....except that no building permit shall be required for any repairs or improvements of a value not exceeding \$1000.

A. Exception (I have included those relevant to water, interior fixtures)

- F. Replacing existing plumbing fixtures such as toilet, sink, tub, water heater, faucets
- H. Replacing existing furnace, AC, cooler, heat pump or heater
- L. Installation or removal of non-structural interior walls
- Q. Replacing cabinets or countertops
- T. Water tanks

If you construct a new building, or an addition costing more than \$1000, a building permit is required. If you change your toilet, faucets, counter tops, interior walls, regardless of cost, NO building permit is required.



Helene Jackson, 4012 Davis, McNeal

Tonight - I hope you don't pass these regulations. There's no evidence that they're necessary, because rural people on wells already use less water than people on water companies.

But if you pass anything, it should apply only to new construction, not to remodels. People building a new home can build it somewhere else if they don't like the regulations. People who are fixing up their existing homes built them under different rules. In all fairness, they shouldn't be required to spend extra money bringing their homes into compliance with regulations that didn't exist when they built.

Thank you

January 8, 2014

Cochise County Planning and Zoning Commission
1415 Melody Lane
Bisbee, AZ
85603

Commissioners:

After reading all the information discussed about the proposed Water Regulations over the last few weeks and in doing extensive research myself, I offer the following solutions:

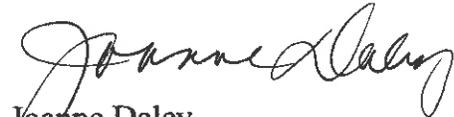
1. Revert to the existing "Water Conservation Measures" (Section 1819.01, County wide Water Conservation Measures, 1819.02 Water Conservation Measures - Sierra Vista Sub-Watershed Overlay Zone) which details the requirements for Hot Water on Demand, Gray Water Plumbing, Commercial Laundry Facilities, Artificial Water Features, Outdoor Sprinkler Systems, Landscaping, and Evaporative Coolers. Each is a short paragraph and clearly states the minimal requirements for each. The total length is half a page versus over 3 pages of the proposed new regulations. These are also detailed in the 16 page County Building Permit.
2. To further any additional conservation measures where the County wants to get specific about the "required" fixtures, I suggest the County use a list of **recommended fixtures** and give a percent off of the **Building Permit Fees** as an incentive to utilize those fixtures, such as water sense, or Energy star—which is all that you can buy anyway unless you go to a foreign country. This can be for either new construction or for remodels. Incidentally, single pass evaporative coolers are no longer sold in this country—you will have to go to India to get one. Instead, in my research, evaporative cooling is being touted as the NEW "green energy alternative" to high electric usage air conditioning being as much as 90% more efficient and cheaper than today's mechanical air conditioners.
3. The major portion of the proposed regulations detailing what type of toilet faucets, dishwashers, how to pipe on-demand hot water systems, Grey Water plumbing (don't understand this one) have already been struck, so it is obvious the need for these over reaching detailed micro managed invasive regulations are unnecessary.
4. The total number of new home building permits were less than 30 last year and according to economic projections by local "authorities" the number of new builds in the coming few years is not going to increase by any significant measure—if at all.

There has been a lot of time and effort put into this process by a lot of people. Discussions have literally gone off into the weeds and have no real bearing on the intent of these regulations which is micro-control by the toilet police. Again the facts are that rural people already use less water, the net effect of these regulations are microscopic and will never have any REAL quantifiable effect on the River, except on paper. They will, however, have an effect on the bottom line for home builders/remodelers and contractors. Giving them the alternatives for a lower building permit fee as an incentive is all the regulation that is needed.

Lastly, the City of Sierra Vista is going to revert back to the 2008 Building Code Regulations for "Energy Efficiency" requirements because the International Building Codes adopted in 2013 are overly expensive with no measurable benefit. This is being done at the request of local builders and the Southern Arizona Contractor's Association, SACA.

So, I urge you to follow the City's lead and **retain the current Water Conservation Measures.**

Thank you for your attention,



Joanne Daley
7789 E Sierra Bonita
Sierra Vista, AZ 85635
602-769-0312

Wilson, Beverly

From: Dist1c
Sent: Monday, February 03, 2014 9:45 AM
To: Wilson, Beverly; Ambrose, Adam; Hanson, Britt
Cc: Dist1c
Subject: Proposed P&Z By-Laws Amendment

For the upcoming February 12 P&Z meeting, I would like the following on the agenda for a vote by the Commission. I understand this would require 6 votes to pass.

Proposed P&Z By-Laws Amendment

In the current by-laws the Call to the Public is 5th in the order of business (Article 4 - Order of Business). I propose that we amend the by-laws to move the Call to the Public to below New Business and immediately before the Planning Director's Report (effectively moving it from 5th to 7th place).

The Chair can currently move the Call to the Public at a given meeting at his/her discretion, and has done so at recent meetings (reference Article 3, paragraph 11, Rules of Order: "These By-Laws and Rules and Procedure shall govern the proceedings of all Commission meetings, subject to interpretation by the Chair." A permanent by-laws change would formalize the move and have it appear on the published Agenda in the revised order, allowing persons wishing to speak to know in advance when they may speak.

Thank you.

Liza Weissler
Planning and Zoning Commission - District 1



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner II
FOR: Beverly J. Wilson, Deputy Director Planning Division
SUBJECT: Docket SU-14-02 (Workman)
DATE: January 28, 2014, for the February 12, 2014 Meeting

APPLICATION FOR A SPECIAL USE

Docket SU-14-02 (Workman): The Applicant is requesting a Special Use authorization to establish and operate a special event venue on the subject parcel. The proposal is to use the 10,937-square foot existing home on the property for wedding ceremonies and receptions, anniversary, retirement, or birthday parties, as well as other celebratory gatherings, which is an indoor/outdoor recreation land use. This land use is allowed as a Special Use in the Rural Districts, per Section 607.08 of the Zoning Regulations. The subject parcel (104-24-415) is located at 6121 E. Oak Loop in Palominas, AZ. The Applicant is R.L. Workman of Workman Homes.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 5.48-Acres
 Zoning: Rural (RU-4)
 Growth Area: Category D (Rural)
 Plan Designation: Rural-Density Residential
 Area Plan: Southern San Pedro Valley Area Plan, Sierra Vista Sub-Watershed
 Existing Uses: Single-Family Residence (unfinished)

Zoning/Use of Surrounding Properties

| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|-----------------|-----------------------------------|
| North | RU-4 | Subdivision Lots |
| South | RU-4 | Oak Loop, Subdivision Lots |
| East | RU-4 | Subdivision Lots |
| West | RU-4 | Wilderness Road, Subdivision Lots |

II. PARCEL HISTORY

2006 – Permit issued for construction of an 8,914-square foot home, 1,643-square foot porch, 1,643-square foot garage, and two septic systems. Construction was discontinued later and the permit expired.

2011 – New permit issued to complete the home. The owner/Applicant has since decided to develop this property in accordance with this Docket.



The project site is in the Kings Ranch at Coronado subdivision, in Palominas.

III. NATURE OF REQUEST

Applicant R.L. Workman intends to develop an unfinished home located on the property as a venue for special events, primarily weddings. These events could take place inside or outside the home. The Citizen Review letter states that the home would be offered to the public for wedding ceremonies and receptions, as well as “anniversary parties, birthday parties, retirement parties, and the like.” The Application specifies operating hours between 7 a.m. and 10 p.m. during such times as the facility is reserved.

The property has an unpaved residential driveway for access, but an additional point of access, leading to additional parking, is proposed. Although the site is within a Category D Growth Area, which allows for gravel surfacing, all internal parking areas are proposed to be paved.

In 2011, the Applicant purchased the Kings Ranch Estates Subdivision and subsequently replatted the development. Mr. Workman intended to develop this parcel for commercial use at that time, as reflected on the Kings Ranch at Coronado Final Plat in General Note #11, which reads in part: “A Special Use Permit will be requested for lot 6 and lot 110 to allow for commercial use of the existing structures on these 2 lots.” Lot 6 is the Workman Homes Sales Center, for which a Special Use was authorized by the Commission last year (Docket SU-14-01). Lot 110 is the site subject to the present request.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend

approval for a Special Use Permit, as well as to determine what conditions and/or Modifications may be needed. Eight of the 10 criteria apply to this request. The project as submitted complies with four of the eight applicable Special Use factors. If the conditions of approval recommended by staff and the Modifications requested by the Applicant are applied, the project would comply with seven of the eight applicable factors.



View to the Northeast of the proposed wedding venue.

A. Compliance with Duly Adopted Plans: Complies (subject to Condition #2)

The *Southern San Pedro Valley Area Plan* provides for a variety of Special Uses in the plan area; among the relevant policies in the document are design and landscaping standards for non-residential structures. As a land use serving a local population, the design of which is in keeping with the character of the area, this proposal complies with the Area Plan policies.

However, the Area Plan also says that Special Uses are allowed in rural residential areas “as long as they are designed to have no negative off-site impacts.” This project, if approved, will likely have an impact on the surrounding, developing neighborhood. Compliance with the Area Plan policies will depend on the ability of the Applicant to mitigate off-site impacts to the greatest extent possible. Condition #2, discussed below under the Off-Site Impact factor, would help this project comply with Area Plan policies.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.02 of the Zoning Regulations encourages “those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.”

C. Development Along Major Streets: Not Applicable

The property takes access from Oak Loop, a paved subdivision road which is maintained by the County.



Looking northwest at the project site.

D. Traffic Circulation Factors: Complies

The project site is at the corner of Oak Loop and Wilderness Road. The latter is the main road serving the West side of the Kings Ranch at Coronado subdivision, and is therefore considered a collector street to convey traffic to and from Highway 92 to the South. As the site borders this road, vehicles would have ready access to collector streets.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property.

The property is served by the Liberty Water Company; SSVEC provides electric power, and the Palominas Fire Department provides fire protection. As stated, internal surfaces will be paved and the property takes access from a paved County road.

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

It is important to note that construction of this unfinished house was started by a previous Owner. Upon acquiring it, the Applicant chose to move towards completion of the structure. The Applicant can generally meet, or in some cases exceed applicable development standards. For instance, the Applicant requests to install 20-foot wide internal driveways (24-feet required), but intends to pave these, where a gravel surface would meet the standard. Additionally, the submittal includes a landscaping plan, which is not required in Category D areas (but is required per Area Plan policy). The parking standards in Article 18 require, for indoor/outdoor recreation uses, one space per five persons in attendance. The concept plan provides 40 regular and 4

handicap parking spaces – enough parking for up to 200 guests, which is more than adequate.

The Applicant has provided staff with a request for Modifications to two development standards. These are discussed in Section VI of this report, below.



View to the West along Oak Loop toward the Wilderness Road intersection. Two commercial driveways would be located along this stretch of road.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received two responses expressing concern over the proposed potential off-site impacts from the project. Mr. Workman offered a detailed response to those opposed to the project. The subsequent County mailing has resulted in one response, also expressing concern, as of this writing (See Section V of this memo, below).

H. Hazardous Materials: Not Applicable

Per the Applicant, no hazardous materials are to be stored on site.

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

The greatest potential for off-site impacts associated with the proposed business include traffic, noise, headlight glare and light trespass. As for the latter, the project will have to comply with the Cochise County Light Pollution Code (See Condition #3), as well as General Note #18 of the subdivision plat, which states that “outdoor lighting shall not be directed or reflected onto other parcels.”

The Applicant maintains that a good traffic estimate is difficult to establish. The business is untried and untested by the market at this time, and it is not known how well it will be received by the community. The site will be served by two commercial driveways built to County standards that will convey customers to the larger transportation network quickly.

There is potential for noise impacts in the neighborhood, due to traffic as well as on-site activities. The Application states that business hours will end at 10:00 p.m. This means that traffic leaving the site after dark could create headlight glare impacts on neighboring properties.

The Applicant has requested a waiver from the screening requirement for non-residential uses in Rural Residential areas. In order to mitigate off-site impacts from noise and glare, screening is recommended by staff. Specifically, a block wall is the screening device recommended, as this

method provides the most effective mitigation from sound and lighting impacts, and is also in keeping with the Area Plan policies relative to design standards and impact mitigation.

Condition #2 is a multi-part condition of approval intended to address off-site impacts. This approval condition would limit hours of operation to those specified in the Special Use application (10:00 p.m.); require a six-foot high block wall around the building envelope of the property; and stipulate that lighting for parking areas shall not consist of overhead lighting.

J. Water Conservation: Complies (Subject to Condition #3)

This site, as well as the overall Kings Ranch at Coronado subdivision, is within the Sierra Vista Sub Watershed, and as such, all water fixtures must comply with the Sub-Watershed water conservation standards (per Condition #3). The property is also served by a water company.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on January 27, 2014, and published a legal notice in the *Bisbee Observer* on January 23, 2014. To date, the Department has received one response, opposing the Special Use. This neighbor cites the potential for noise, light, and traffic as reasons to oppose the use.

VI. REQUESTED MODIFICATIONS (See Condition #2)

The Applicant has requested two site development standard Modifications as part of this Docket:

1. A Modification to the 24-foot two-way driveway standard for commercial uses; the Applicant requests to allow 20-foot wide internal driveways; and
2. A request to waive the screening requirement for non-residential uses in areas designated on the Comprehensive Plan as "Rural Residential."

While staff supports the request to allow for driveways more narrow than required by standard, staff does not support the request to waive the screening requirement. Screening is necessary to help mitigate off-site impacts from noise and headlight glare (See Condition #2). *Staff would support waiving the screening requirement for the auxiliary parking area on the West side of the site.*

VII. SUMMARY AND CONCLUSION

The Kings Ranch at Coronado Subdivision Plat designates this parcel for commercial development, and specifically mentions a Special Use permit process as a requirement of establishing such a use.

There is a potential for off-site impacts from noise, light, traffic, and headlight glare associated with the proposed business. The recommended conditions of approval can mitigate these impacts to a substantial degree.

Factors in Favor of Approving the Special Use

1. With the requested Modifications, the request complies with each of the eight applicable Special Use factors used by staff to analyze such requests;
2. Off-site impacts can be effectively mitigated through existing regulations, approval conditions, and permit requirements;

3. The Rural Districts are established for such land use proposals, per Section 601.02 of the Zoning Regulations; and
4. This site has long been planned for commercial use, as General Note #11 on the Kings Ranch at Coronado Final Plat designates this site for a Special Use Permit.

Factor Against Allowing the Special Use

1. The nature of the business, and its location, suggest a potential for off-site impacts and changes in the character of a developing neighborhood; and
2. Three property owners from outside the subdivision oppose the request, citing concerns relative to off-site impacts.

VIII. 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. In order to mitigate noise, light, and glare impacts to neighboring properties, the following stipulations shall apply to this use:
 - a. Prior to operation, the Applicant shall construct a six-foot high, block wall fence around the allowed building envelope of the property. Block or other fencing shall not be required for the parking lot along the West side of the site;
 - b. Parking areas shall not be illuminated with overhead lights;
 - c. Hours of operation are limited to 7:00 a.m. to 10:00 p.m.
3. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Staff also recommends that the driveway Modification discussed above be applied to the land use as part of such approval. Staff does not support the Applicant’s request to modify the screening requirement for the primary use area of the site, but would support waiving the screening standard for the auxiliary parking area on the West side.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-14-02, with the conditions and Modification to development standards recommended by staff; the Factors in Favor of approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Concept Plan
- D. Agency Comments
- E. Requested Modifications
- F. Citizen Review and 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 104-24-415

APPLICANT MGC Consulting, LLC (Michael Cerepanya)

ADDRESS 4536 E. Miller Canyon Rd., Hereford, AZ 85615

CONTACT TELEPHONE NUMBER (520) 909-4707

EMAIL ADDRESS: mgcercpanya@hotmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) Robert L. Workman

ADDRESS 10280 S. Wilderness Road

Hereford, AZ 85615

DATE SUBMITTED 12/20/13

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

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.

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? Single family - residential

2. What is the proposed use or improvement? Special Events such as weddings; wedding receptions; retirement parties; birthday parties; etc.

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? See above (2) for description.
Increased traffic to and from facility on days the special events take place.
4. Describe all intermediate and final products/services that will be produced/offered/sold.

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)

~~Block~~ Rastra block & synthetic stucco

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

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: _____ Hours (from 7 AM to 10 PM)

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

C. Total average daily traffic generated:

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

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

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

Traffic will turn north on Wilderness Rd from SR 92, then east on E. Oak Loop to driveway.

(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 heaviest

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

D. Estimated total gallons of water used: per day _____ per year _____

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.

G. 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. 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.

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

Attached _____ NA _____

8. Identify how the following services will be provided:

| Service | Utility Company/Service Provider | Provisions to be made |
|-----------------|---|-------------------------------------|
| Water | Bella Vista Water aka Liberty Utilities | |
| Sewer/Septic | Private | |
| Electricity | SSVEC | |
| Natural Gas | | Propane Provider not yet determined |
| Telephone | Cox Communications | |
| Fire Protection | Palomares Fire District | |

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Weddings and picture taking.

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 ___ 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)

Concrete ~~asphalt~~ and chip seal

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.

2. How many acres will be cleared? 9 acre
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

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes ___ No If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

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

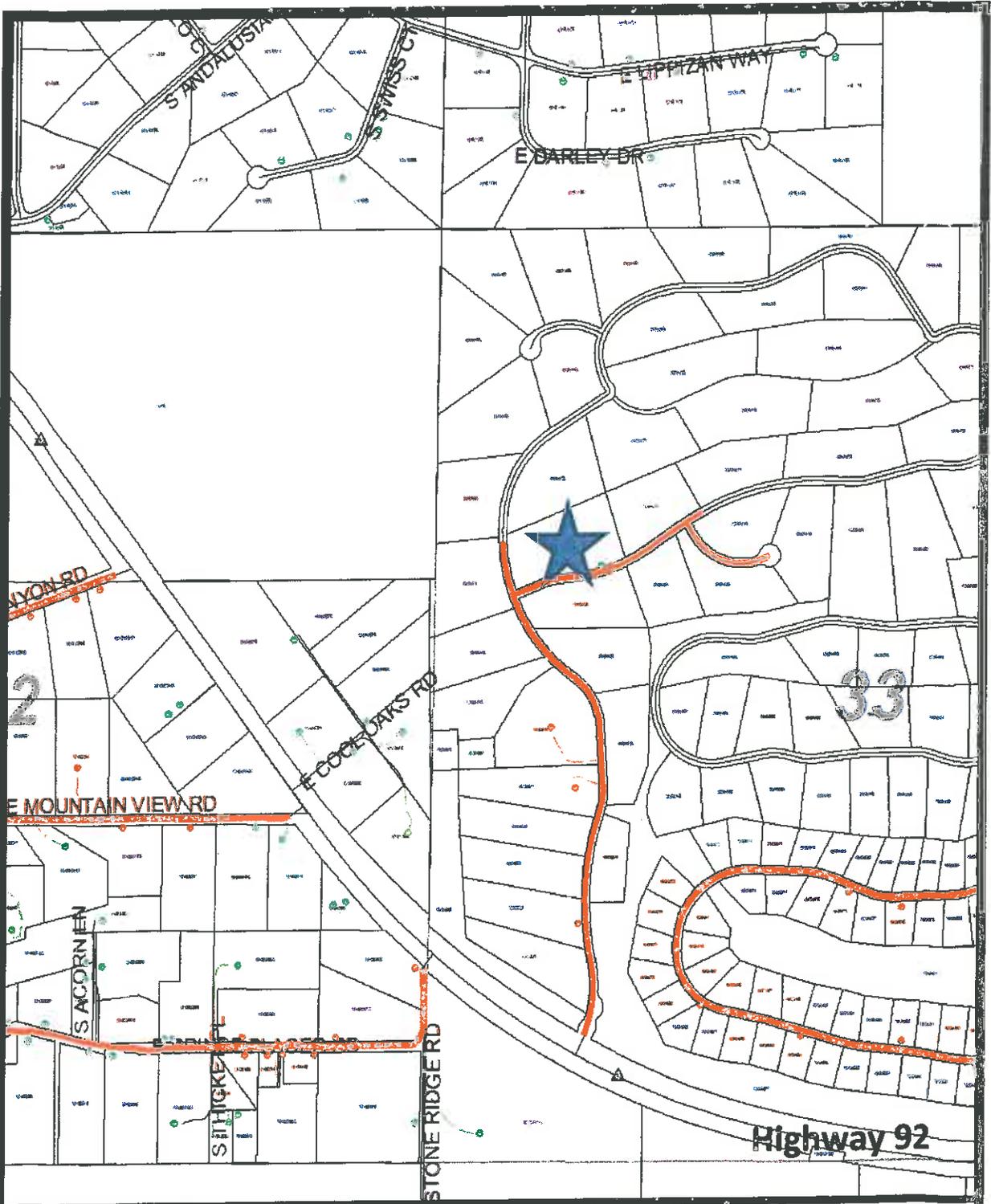
SECTION E - Applicant's Statement

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 Michael G. Cerepany

Print Applicant's Name Michael G. Cerepany

Date signed 12/16/13



Docket SU-14-02
(Workman)
Location Map

This map is a product of the
Cochise County GIS



B
17

EXISTING BUILDINGS TO REMAIN
APPROX LOCATIONS ONLY

20' REAR SETBACK
S68°29'08"W
643.08'

20' SIDE SETBACK
C78

SLOPE 1% →

CONSERVATION
EASEMENT

EROSION
SETBACKS

HANDICAPPED
PARKING
CHIP & SEAL

CHIP & SEAL
PARKING

5' WALKWAY
CHIP & SEAL

5' WALKWAY
CHIP & SEAL

FUTURE
TEMPORARY
CEREMONY
AREA

COURTYARD
WALL

CHIP & SEAL
DRIVE

20' WIDE
CONCRETE
DRIVEWAY

CONCRETE
PARKING

20' PUE

N84°25'45"E
87.83'

20' FRONT SETBACK

PARKING
ENTRANCE

N68°35'29"E
155.70'

ENTRANCE

ENTRANCE

ENTRANCE

ENTRANCE

392.27'
S18°42'48"E
20' SIDE SETBACK

SIGN APPROX LOC
91' x 16" W x 38" H

**R.J. Workman
Houses, LLC**
10200 S WILDERNESS
ROAD
HEREFORD, AZ 85615
PHONE: (520) 459-0771
FAX: (520) 459-9808
www.rjworkmanhomes.com

| | |
|---------------|----------|
| DRAWN BY: | SC |
| REVISION BY: | SC |
| DATE STARTED: | 11-15-13 |
| DATE REVISED: | 11-26-13 |
| MODEL NUMBER: | 00000 |
| EVENT CENTER: | 00000 |
| SUBDIVISION: | 00000 |
| LOT NUMBER: | 00000 |
| SCALE: | NTS |

DRAWING TITLE:
**PROPOSED
PARKING
LOT**
SHEET NUMBER:
1 OF 4



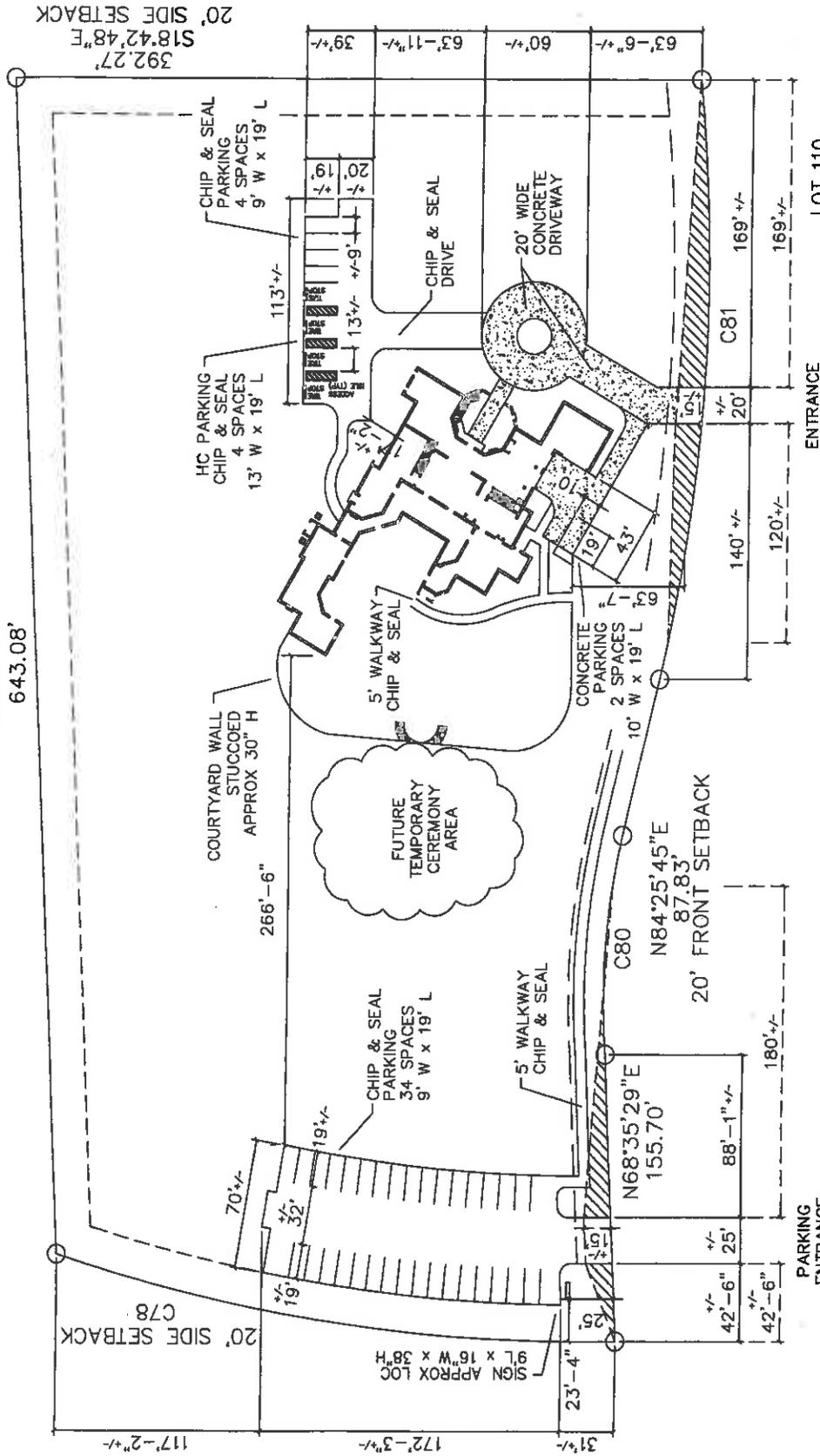
LOT 110
PARCEL # 104-24-415
6121 E. OAK LOOP
HEREFORD AZ 85615

PROPOSED PARKING LOT LAYOUT
NTS

C
18

EXISTING BUILDINGS TO REMAIN
APPROX LOCATIONS ONLY

20' REAR SETBACK
S68°29'08"W
643.08'



LOT 110
PARCEL # 104-24-415
6121 E. OAK LOOP
HEREFORD AZ 85615

PROPOSED PARKING LOT LAYOUT
NTS

R.L. Workman
FIRMNESS
10280 S WALKERNESS
HEREFORD, AZ 85615
PHONE: (520) 456-0771
FAX: (520) 458-8008
www.rlworkman.com

| | |
|---------------|--------------|
| DRAWN BY: | SC |
| REVIEWED BY: | SC |
| DATE STARTED: | 11-15-13 |
| DATE RAN: | 11-26-13 |
| MODEL NUMBER: | EVENT CENTER |
| SUBDIVISION: | 00000 |
| LOT NUMBER: | 00000 |
| SCALE: | NTS |

DRAWING TITLE
PROPOSED PARKING LOT
SHEET NUMBER
2 OF 4

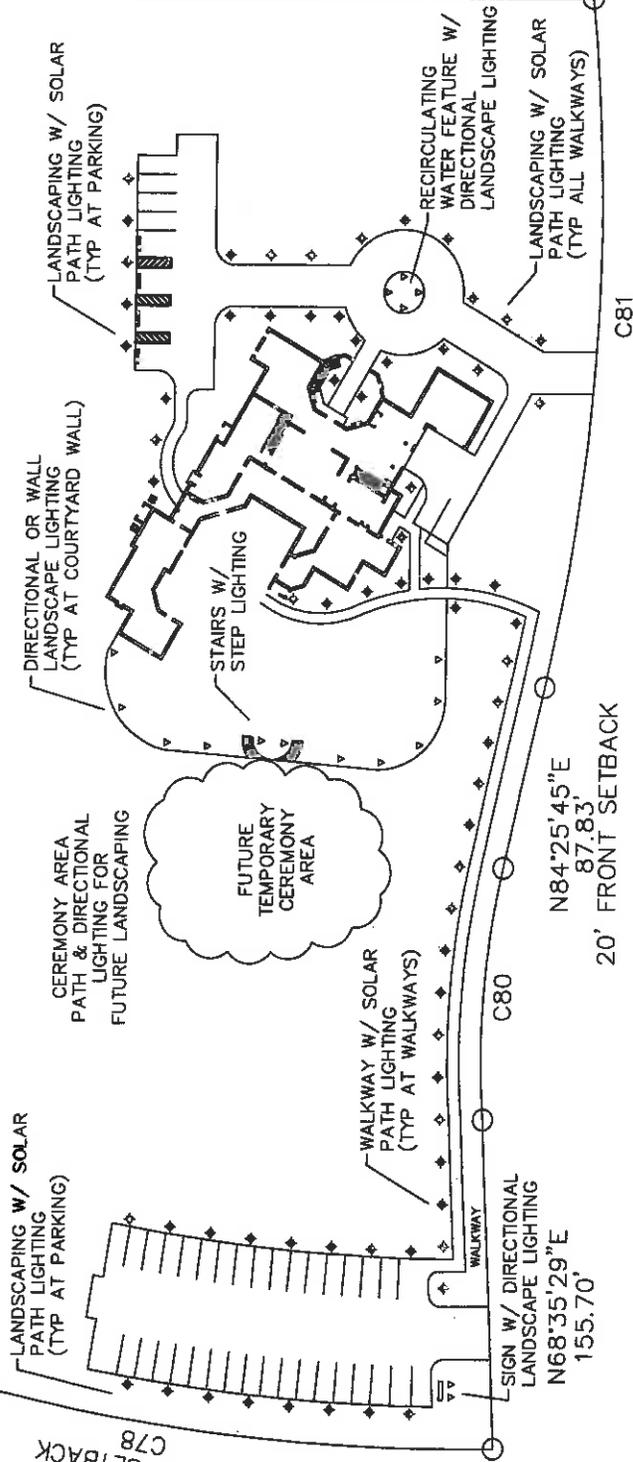
UB

EXISTING BUILDINGS TO REMAIN
APPROX LOCATIONS ONLY

20' REAR SETBACK
S68°29'08"W
643.08'

20' SIDE SETBACK
C78

392.27'
S18°42'48"E
20' SIDE SETBACK



N84°25'45"E
87.83'

20' FRONT SETBACK

LOT 110
PARCEL # 104-24-415
6121 E. OAK LOOP
HEREFORD AZ 85615

PROPOSED LIGHTING LAYOUT
NTS



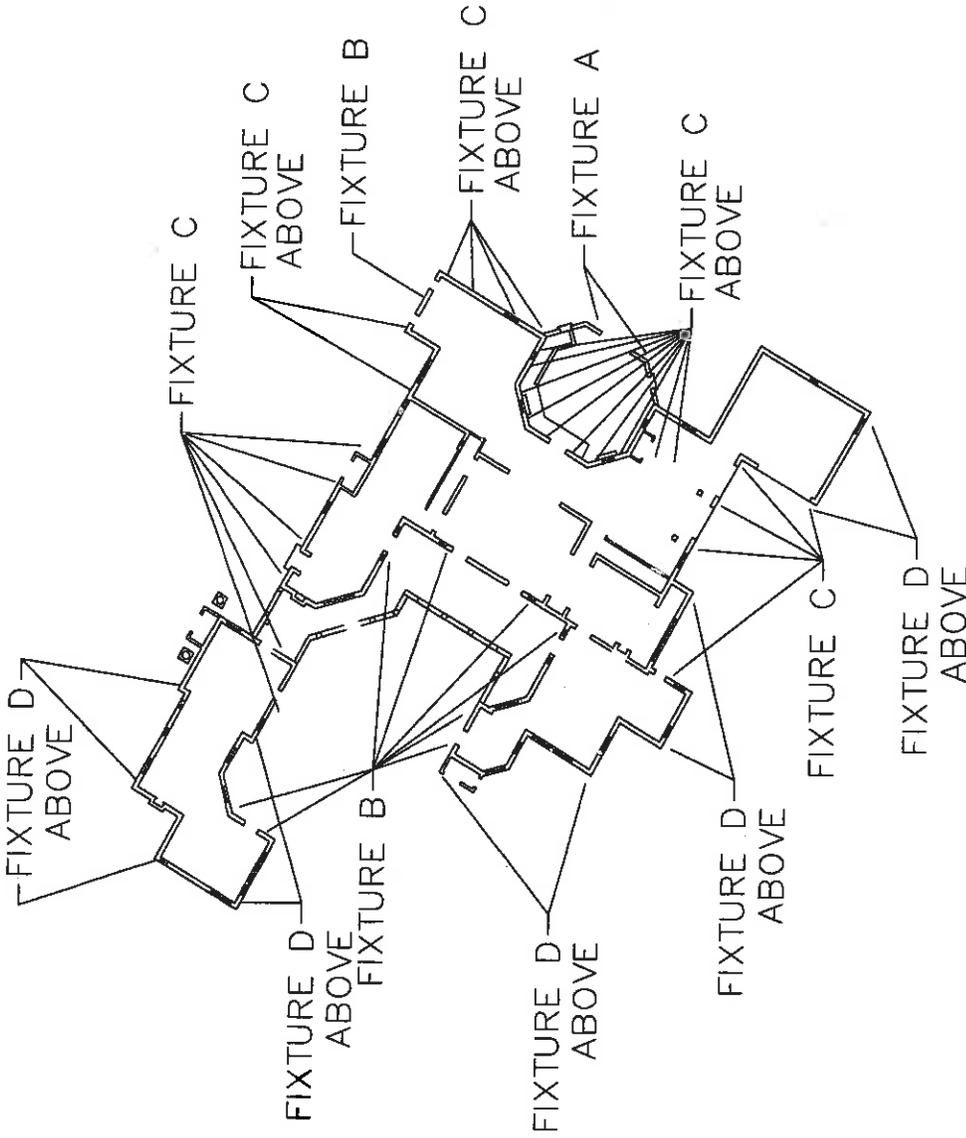
R.L. Workman Homes, LLC
10200 S WALDEN
HEREFORD, AZ 85615
PHONE: (520) 458-0771
FAX: (520) 458-8808
www.rlworkman.com

| | |
|---------------|----------|
| DRAWN BY: | SC |
| REVISED BY: | SC |
| DATE STARTED: | 11-15-13 |
| DATE REVISED: | 11-26-13 |
| MODEL NUMBER: | |
| EVENT CENTER: | |
| SUBDIVISION: | 00000 |
| LOT NUMBER: | 00000 |
| SCALE: | NTS |

DRAWING TITLE:
PROPOSED
LANDSCAPING
LAYOUT
SHEET NUMBER:
3A OF 4

C
20

EXISTING BUILDINGS TO REMAIN
APPROX LOCATIONS ONLY



**R.L. Wertman
Homes, LLC**

10200 S. WILDFIRE
HEREFORD, AZ 85615
PHONE: (520) 450-0771
FAX: (520) 450-0608
www.rlwertmanhomes.com

| | |
|---------------|----------|
| DRAWN BY: | SC |
| REVISION BY: | SC |
| DATE STARTED: | 11-15-13 |
| DATE REVISED: | 11-26-13 |
| MODEL NUMBER: | |
| EVENT CENTER: | |
| SUBVISION: | 00000 |
| LOT NUMBER: | 00000 |
| SCALE: | NTS |

DRAWING TITLE
PROPOSED
LIGHTING
LAYOUT
SHEET NUMBER
3B OF 4

LOT 110
PARCEL # 104-24-415
6121 E. OAK LOOP
HEREFORD AZ 85615



PROPOSED LIGHTING LAYOUT
NTS

C
21

EXISTING BUILDINGS TO REMAIN
APPROX LOCATIONS ONLY

20' REAR SETBACK
S68°29'08"W
643.08'

NOTE:
PROPOSED LANDSCAPING ONLY
FUTURE PLANTS & LOCATIONS
TO COMPLY WITH THE
WATER WISE PROGRAM
OF COCHISE COUNTY

20' SIDE SETBACK
C78

CEREMONY AREA
FUTURE LANDSCAPING

FUTURE
TEMPORARY
CEREMONY
AREA

392.27'
S18°42'48"E
20' SIDE SETBACK

N68°35'29"E
155.70'

N84°25'45"E
87.83'

20' FRONT SETBACK

C81

C80

**R.L. Workman
Homes, L.L.C.**

10290 S. WILDERNESS
ROAD
HEREFORD, AZ 85615
PHONE: (520) 458-0771
FAX: (520) 458-0606
www.rlworkmanhomes.com

| | |
|-----------------|----------|
| DRAWN BY: | SC |
| REVISED BY: | SC |
| DATE STARTED: | 11-15-13 |
| DATE REVISED: | 11-26-13 |
| PROJECT NUMBER: | |
| EVENT CENTER: | |
| SUBDIVISION: | 00000 |
| LOT NUMBER: | 00000 |
| SCALE: | NTS |

DRAWING TITLE
PROPOSED
LANDSCAPING
LAYOUT
SHEET NUMBER
4 OF 4

LOT 110
PARCEL # 104-24-415
6121 E. OAK LOOP
HEREFORD AZ 85615

PROPOSED LANDSCAPING LAYOUT
NTS



22



OVERALL SIGN SIZE 34" X 78"

STRONGHOLD SIGNS

4861 N. COMMERCE DR.
 SIERRA VISTA, AZ 85635
 sales@strongholdsigns.com
 PHONE 520-439-4442 FAX 520-439-9244

SCALE: NONE

DATE:

SIGN TYPE:

Prepared by:

Mike Houchins

APPROVED

PROJECT



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

Date: January 22, 2014
To: Keith Dennis, Senior Planner
From: Karen I. Lamberton, AICP, County Transportation Planner
Subject: Kings Ranch Special Event Center: SU 14-02/Parcel #104-24-415

The applicant is applying for a Special Use Authorization to convert a residential unit into a Special Event location within the subdivision known as Kings Ranch at Coronado. The planned uses would include celebratory events, such as weddings and could also include workshops, training events, retreats and other activities where a larger group setting is desired. Ideally, subdivision residents would see this site as a neighborhood gathering location, available for meetings and larger family events.

Primary access is from State Highway 92 along Wilderness Road to Oak Loop. These roads are all within the County maintenance system.

Traffic Analysis

There is no estimated trip generation identified in the ITE Manual, 8th ed. for small-scaled Special Event facilities, such as proposed by this applicant. Capacity of the facility is limited by its size (less than 10,000 sq. ft.) and parking. Currently, the applicant has planned for approximately 40 parking spaces along with handicapped parking and hard surfaced access driveways with space for loading activities to be conducted. It could be inferred that at full capacity an event might generate about 100 vehicle trips; these trips could be absorbed into the existing traffic network with minimal impact. In addition, neighborhood generated events could include internal walking trips rather than driving trips such as might occur with privately owned clubhouses in gated communities.

A hard surfaced walkway has been proposed for access from the proposed parking to the facility itself. Appropriate lighting of the pathway and parking areas would assist with nighttime events – these details are typically designed at the commercial permit stage.

It is suggested that the applicant consider providing an extension to their existing hard surfaced planned parking for overflow parking into a dirt or gravel surfaced area easterly of the proposed parking area. If the Event Center proves successful, including this within the Special Use at this time would allow for easy expansion and/or an occasional overflow parking area in the future without a return to the Special Use Authorization process.

Advertising Signs Adjacent to Roadways

D
24

While there are no specific guidelines regarding the placement of an advertising sign adjacent to a private roadway (other than the sign may not interfere with the roadway clear zone or block sight distance) there are specific guidelines regarding placement of signs adjacent to county-maintained roadways. The sign must be at least 10-feet from any public right-of-way. See Operating Policy HF 99-02 & Zoning Regulation 1905.01; 1905.02 and 1902.03.

Applicant Guidance

We have no objection to issuing the requested Special Use authorization with the following guidance to the applicant:

- The site plan is adequate to illustrate the concept for this Special Use authorization request. It will not be adequate at the Commercial Permit phase. The applicant is advised that a revised site plan that clearly shows dimensions as well as sight triangles (Roadway Design Standards D-300 & Zoning Regulation 1807.06) will be needed at the Commercial Permit stage. Property lines, right-of-way lines, set-backs, existing features, proposed location of the new sign should all be clearly identified and dimensions indicated.
- It is recommended that the applicant request an inspection of the sign location prior to setting it in place permanently to ensure that the location meets the minimum setback requirements (minimum of 10 feet from all right-of-way lines).
- It is suggested that the applicant consider providing an extension to their existing hard surfaced planned parking for overflow parking into a dirt or gravel surfaced area easterly of the proposed parking area.

Recommendation

The proposed use would have event related traffic impacts on internal traffic circulation within the subdivisions; however, these would likely be off-peak, seasonal and given the size of the proposed facility, at a level that would be accommodated by the existing traffic network. With the above noted advisory notes to the applicant, we have no objection to issuing the requested Special Use authorization to convert one residential unit into a Special Event facility within this subdivision.

cc: Docket SU-14-02, County Engineer, Highway Dept.



**R.L. Workman
Homes L.L.C.**

January 28, 2014

Keith Dennis
Cochise County Planning Development
1415 W. Melody Lane
Bisbee, AZ 85603

RE: Kings Ranch at Coronado – Event House Special Use Permit
Parcel Tax ID No: 104-24-415

Dear Mr. Dennis:

On behalf of the owners I am requesting the following modifications to the County Zoning regulations for the above referenced Special Use Permit for their property on lot 110 at 6121 E. Oak Loop, Hereford, AZ 85615:

1: Modify the loop driveway at the entrance of the building to 20 feet wide for the portion on the property (24 feet required) with the section in the right-of-way being 24 feet;

2: Because the area is designated on the Comprehensive Plan as "Rural Residential," there is a screening requirement for all non-residential uses. By this standard, the land use area should be screened with a 6-foot high, opaque fence or wall. We are asking to have this requirement waved due to the nature of the use we are seeking as well as the aesthetics and theme for the development.

If you have any questions regarding the modifications we are seeking, please do not hesitate to call me at (520) 909-4707.

Sincerely,

Michael G. Cerepanya
Agent

R.L. Workman Homes 10280 S. Wilderness Road • Hereford, AZ 85615
Phone: (520) 458-0771 • Fax: (520) 458-8808 • www.rlworkmanhomes.com



License# ROC253161

E
26



November 4, 2013

SPECIAL USE PERMIT APPLICATION NOTIFICATION LETTER

Re: Kings Ranch at Coronado, Lot 110, Tax Parcel No: 104-24-415

Dear Neighbor:

This letter is to inform you that as the owner of lot 110 in the Kings Ranch at Coronado subdivision I am applying for a Special Use Permit for the above referenced property per the Cochise County zoning codes. The proposed use is as Indoor Recreation under Section 607.C7 under the Cochise County Subdivision Regulations. The current use of the lot is as a single-family residence however provisions were made on the Final Plat and CC&Rs for Kings Ranch at Coronado allowing a Special Use Permit for this lot.

As you may or may not know, I purchased the partially built house and lot from the former owner of the Kings Ranch Estates subdivision in order to complete the house, thus removing an eyesore within the Kings Ranch at Coronado subdivision and surrounding area. Due to its size (approximately 10,000 sq. ft.) I have looked for an alternative use since there currently is not much of a market for such a large home. After consulting with various professionals I have decided to make it an Event House to allow weddings, anniversary parties, birthday parties, retirement parties and the like. My hope is with the beauty of the surrounding area as well as the magnificence of the house itself, it will become a destination venue for special events, bringing in people that would contribute to our economy as well as being an alternative for the local population to stage their special events.

If you have any questions, please do not hesitate to call us or send us and email.

Sincerely,

Robert L. Workman
Owner
R.L. Workman Homes

10280 S. Wilderness Road • Hereford, AZ 85615
Phone: (520) 458-0771 • Fax: (520) 458-8808 • www.rlworkmanhomes.com



License # ROC26316

F
27

Rose

From: Henderson <koriandjim@cis-broadband.com>
Sent: Thursday, November 21, 2013 11:46 AM
To: Rose
Cc: Richard L. Mueller; Connie Atkins; Patricia Goggin; John Goggin; John & Alicia Guerrero; pbrudos@gmail.com; pcall@cochise.az.gov
Subject: Special Use Permit Application Notification Letter for King's Ranch at Coronado

Robert L. Workman, Owner R.L. Workman Homes:

Regarding your letter dated Nov. 4, 2013 notifying us of your intent to apply for a Special Use Permit; in response, we have a few issues with your desire to create an "Event House."

Our concerns are:

1. The increased noise and light pollution to this serene and wildlife friendly residential area.
2. The proposed use as stated is "Indoor Recreation" but no matter how you slice it, this will lead to outdoor issues as the facility has several outdoor patios, and a parking area.
3. Increased highway traffic on Hwy 92 at the Cool Oaks/Mountain View intersection which is already a dangerous area due to the blind curve in that vicinity.
4. While you may have no wish to serve or allow alcohol at these events - it will happen, thus creating a public safety hazard in the area.
5. You have already requested several zoning variances which we have allowed without protest, however we are now seeing a pattern of - we give you an inch and, before we know it, you've taken a mile.

As for your "Dear Neighbor" letter introduction, we already have current issues with RL Workman Homes and KE&G Construction on the King's Ranch Development:

1. You imply that you have done us a favor by completing the partially constructed residence you refer to as an eyesore: since your construction began we have put up with **increased** light, noise and obstruction of views. You and your father-in-law posses hundreds of acres within the subdivision yet you insist on storing/parking "Construction Equipment" within 75 ft. of the joint property line of your "dear neighbors" and allow workers to park their personal cars in the same area. It is not only an incessant eyesore but the roar and smell of diesel engines and the headlights at 0600 are annoying.
2. While the decision to install the water tank/pumping station in its current location by the previous owner is regrettable and does not reflect on you, the management decision to place a white awning with and a flood light over the pump station is. The light as well as the loud noise generated by the compressor is a nuisance. Your installation of a more aesthetically pleasing awning with three sides to reduce light and noise emissions would have been a preferable and "neighborly" consideration.

Sincerely,

James and Kori Henderson
9997 S. Jingles Trail

520-378-0893

Wichita Company

Sent: Monday, November 25, 2013 13:30
To: Rose
Subject: Notification Letter for Kings Ranch

Rose Sablar

[View contact](#)

Robert L. Workman, Owner R.L. Workman Homes:

Regarding your letter dated Nov. 4, 2013 notifying us of your intent to apply for a Special Use Permit; in response, we have a few issues with your desire to create an "Event House."

Our concerns are:

1. The increased noise and light pollution to this serene and wildlife friendly residential area.
2. The proposed use as stated is "Indoor Recreation" but no matter how you slice it, this will lead to outdoor issues as the facility has several outdoor patios, and a parking area.
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4. While you may have no wish to serve or allow alcohol at these events - it will happen, thus creating a public safety hazard in the area.
5. You have already requested several zoning variances which we have allowed without protest, however we are now seeing a pattern of - we give you an inch and, before we know it, you've taken a mile.

Please contact me if you have any questions.

Charles Atkins
Intel & UAS Product Support Area Manager
Raytheon WFF, Ft. Huachuca AZ
(business) 520 452-8837
(cell) 520 220-2545

charles.atkins@raytheon.com

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F
29

Special Use: Docket SU-14-02 (Workman)

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): Richard L Mueller Valli C Trueter

SIGNATURE(S): *Richard L Mueller* * WIFE IS OUT OF TOWN
* ON BUSINESS. SIGNATURE NOT AVAILABLE AT THIS TIME

YOUR TAX PARCEL NUMBER: _____ (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. Upon submission 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 by our Department no later than 4 PM on Friday, January 31, 2014 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

COCHISE COUNTY

RETURN TO: Keith Dennis, Senior Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

JAN 29 2014
PLANNING

F
30

Richard L. Mueller/Valli C. Troester
5907 E Cool Oaks Rd
Hereford, AZ 85615

27 January 2014

Keith Dennis, Senior Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Re: Docket SU-14-02 (Workman)

This brief letter is to request denial of the special use permit (and subsequent commercial permit) for parcel 104-24-415. Request is for the establishment and operation of an indoor/outdoor recreation operation.

We believe that approval of this request will do several things:

1. Result in a substantial amount of noise. Our understanding based on previously received information is that the recreation center will be used to host events to include weddings, parties, etc. In those cases the likely hood of the client hiring a disc jockey is quite high. Noise travels significant distances in the high desert environment and it is extremely likely that we would be subjected on a recurring basis to the noise pollution the DJs would provide. Our property has restrictions on having chickens... We are quite certain than three of four laying hens would produce much less noise than DJs playing what they call music now days.
2. Result in light pollution. One of the main reasons we purchased our lot on Cool Oaks was that there were a limited number of outside lights in the area allowing us to look at the stars on clear dark evenings. If the recreation center is developed, there will be a need for parking lots to allow access to the facility. We are quite certain that any parking lot would be required to well lit to reduce any liability should someone injure themselves while walking from the parking lot to the facility. The additional lighting would affect the night sky.
3. Increase traffic and noise. Additional vehicle traffic would be added to the area. Entry to the facility would add another well traveled road to the area and vehicular noise would increase. In addition to the traffic noise, we are quite certain may of the guests would be inclined to crank up the vehicular music systems and again add additional noise to the area.
4. Reduce property values. Opening a recreational facility in the middle of a rural residential area would probably have a significant impact on property values should the neighbors of the facility decide to sell their property. Many buyers of rural property move to the country in order to get away from commercial operations and improve their quality of living.

In closing we want to re-iterate our opposition to the approval of a special use permit for the purpose of establishing a recreational facility in the close proximity of our home and property. We do not support this request.

v/r

Richard L. Mueller

COCHISE COUNTY

JAN 29 2014

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