



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planning Manager JD
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket SU-16-03 (Levine)
DATE: March 31, 2016 for the April 13, 2016 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve a dog kennel/animal boarding facility on a 39-acre RU-4, Rural zoned property. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Section 607.06 of the Zoning Regulations.

The subject parcel, APN 305-58-041 is located east of the Willcox playa at 6475 S. Jeffords Trail, Willcox, AZ. It is further described as being situated in Section 18 of Township 15 South, Range 27 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Alvin and Sileigh Levine.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

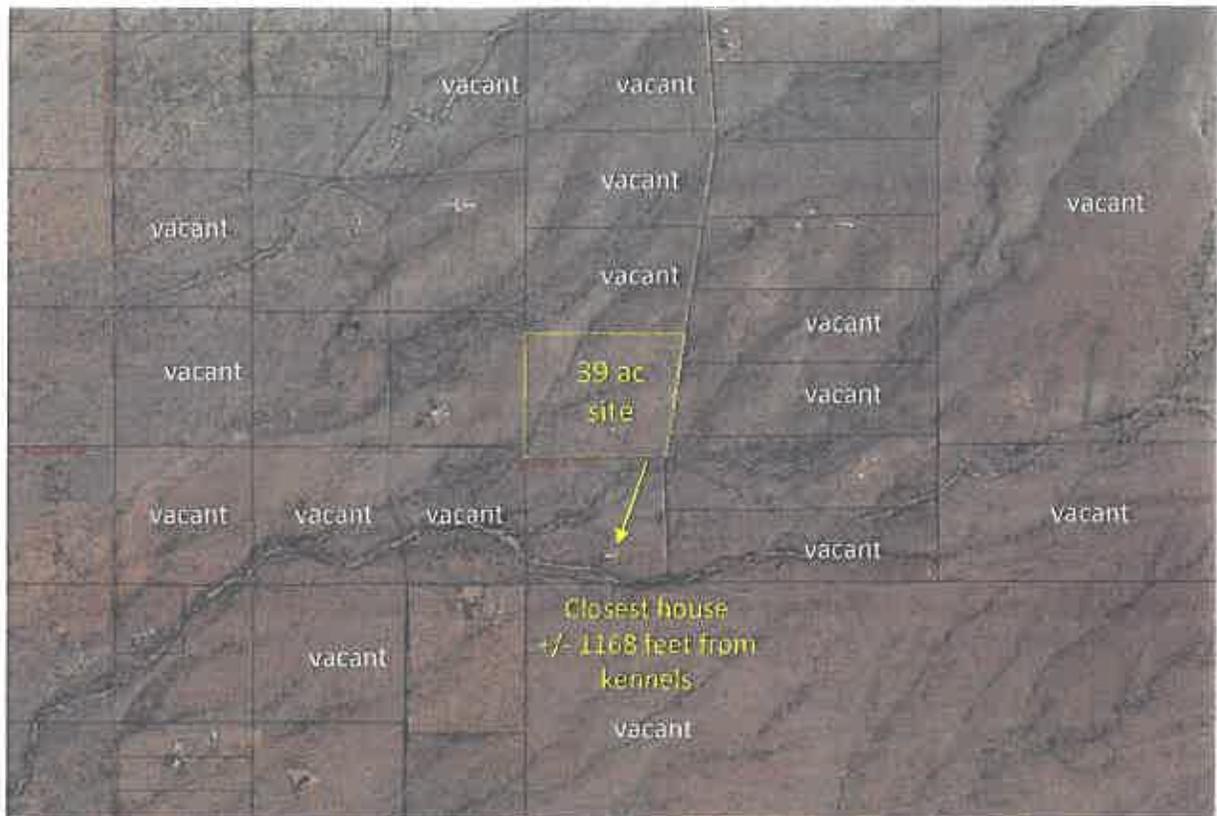
Parcel Size: 39 acres
 Zoning: RU-10 (one dwelling per ten-acres)
 Growth Area: Rural
 Comprehensive Plan Designation: D
 Area Plan: None
 Existing Uses: Owner –occupied residential with outbuildings
 Proposed Uses: Animal boarding

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-10	Vacant
South	RU-10	E Indian Trail & low density residential
East	RU-10	S Jeffords Trail, vacant & low-density residential
West	RU-10	Low-density residential

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

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



Site and context



Site aerial in existing condition

photo date March 21, 2015

125



View of dog run and kennel area



View of driveway on S Jeffords Trail



View east on S Jeffords Trail



View west on S Jeffords Trail at driveway



View southeast to residence from S Jeffords Trail



View northwest from S Jeffords Trail



View of Indian Trail driveway entrance



View west from Indian Trails driveway location



View south to closest home from Indian Trails driveway

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed.

Seven of the ten factors apply to this request. The project, as submitted, complies with six of the seven factors and would comply with the seventh factor if waivers are granted. The remaining three factors are not relevant to this application.

A. Compliance with Duly Adopted Plans: Complies

The proposed project satisfies the criteria for Comprehensive Plan D-Rural areas since the proposal is in an outlying rural area in a very low density area is surrounded by low density residential and vacant lands.

The proposal also supports the following Comprehensive Plan Elements:

The Economic Development Element that states that "Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness, but will also foster resilience in the face of economic challenges such as natural disasters" and the policy to Continue to communicate

with the business community, and be responsive to the changing needs of established and new businesses.'

One goal of the Rural Character Element is to "Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas."

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

B. Compliance with the Zoning District Purpose Statement: Complies

The proposal meets the Zoning Regulations RU-Rural Zoning District purpose statement 601.02: "To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living."

C. Development Along Major Streets: Not Applicable

The property, located south of Willcox on South Jeffords Trail, approximately seven miles east of Kansas Settlement Road does not take access from any major street. Access is taken from Highway 191 north to E. Arzberger Road, east to Bascom Trail, north to E. Indian Trail, then east to the site. The property is in the northwest corner of E. Indian Trail and S. Jeffords Trail. Bascom, Indian Trail and Jeffords Trail are all rural, non county-maintained roadways.

D. Traffic Circulation Factors: Complies

The proposed use would not notably change traffic volumes or traffic circulation in the area and the impacts, due to intermittent and off-peak travel patterns, will not require any off-site improvements.

E. Adequate Services and Infrastructure: Complies

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

Access is available via privately owned roadways for approximately two miles and then connecting to a county-maintained primitive, native-surfaced roadway at the intersection of Bascom Lane and E. Cattle Drive. Cattle Drive links via the county-maintained Quick Silver Rd, to Azberger Rd., a county-maintained, chipped-sealed rural minor access roadway. No research was conducted about the sufficiency of any private or public easements on Jeffords Trail, Indian Trail or Bascom Lane: it is the applicant's responsibility to be assured of their legal right to use these roadways.

The applicant estimates two employees, in the future, and being closed in the off-season between November and March. It is likely that most of this traffic will be off-peak hours and traveling from some distance within this sparsely populated, rural area. This proposed pet boarding activity is likely to produce only minimal and intermittent trips throughout the day.

On days of higher occupancy of the kennels this use is estimated to be roughly double that of a typical residential unit in this area ranging from 20 to 30 vehicle trips per day. [A typical residential unit ranges from 9.57 to 21.85 vehicle trips per day].

It is not likely that this additional use will have any notable impact on the traffic impacts or circulation in this area. It is also noted that if this site was fully developed into one residential unit per four acres, typical trip generation would be much greater, averaging an estimated 86 vehicles trips per day.

Private Maintenance Agreement

The applicant's access is off of a non county-maintained roadway. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this

segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Like all other native surfaced roadways in the County the access roads to this site are subject to changing conditions which include sudden and severe flooding, ruts, erosion and blowing dust. There is no expectation that the applicant will maintain the private segment of the roadway in any better condition than the County can manage to do in severe weather conditions. However, the applicant will likely have a higher motivation to bring the roadway back into passable condition than other property owners in order to provide access to their customers and the Private Maintenance Agreement formalizes the higher degree of obligation that they would have as a business owner along this residential roadway.

F. Significant Site Development Standards: Complies with Waivers

The applicant is requesting waivers from two site development standards:

1. To allow a twelve foot wide driveway, and
2. To allow the driveway to remain native surfaced.

Staff supports these two requests due to the low volume of traffic anticipated by the use and the existence of an alternative driveway. The property has adequate area for parking. All of the existing structures on the site meet all of the zoning regulation site development standards.

Should this request be approved, all other site development standards must be met to obtain a non-residential use permit.

G. Public Input: Complies

The Applicant sent or delivered letters to all property owners within 1,500-feet of the subject parcel to notify them of this application and to address any neighbor concerns. This letter and personal interaction generated six letters of support. The applicant did not receive any letters in opposition.

H. Hazardous Materials: Not Applicable

The application states no hazardous materials will be used.

I. Off-Site Impacts: Complies

The proposed facility is not anticipated to produce off-site impacts due to the large lot size.

J. Water Conservation: Not Applicable

The applicant is not constructing a new building, no pool is proposed, and landscaping is not required.

V. PUBLIC COMMENT

The Planning Department staff mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the notice to the County website on March 21, 2016, published a legal notice in the *Bisbee Observer* on March 24, 2016 and posted the property on March 10, 2016. From these three notification efforts staff received one response in support and two responses in opposition to the proposed animal boarding facility.

VI. REQUESTED MODIFICATIONS

Two following two modifications of the site development standards have been requested:

1. A waiver of Section 1804.06.F.3, the 24-foot-wide driveway requirement, to allow the driveway to remain twelve feet wide.
2. A waiver of Section 1804.07.D, the parking requirement for a two-inch thick gravel surface for the driveway to allow the driveway to remain native surfaced.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to allow dog boarding kennels on a portion of a 39-acre parcel located at 6475 S. Jeffords Trail in Willcox AZ, an RU-10, D-Rural zoned property currently in use as a single family residence.

Factors in Favor of Approving the Special Use

1. With the request waivers of development standards, the proposed use would fully comply with the seven Special Use factors used by staff to analyze this request;
2. The proposal complies with the Adopted Comprehensive Plan Economic Development and Rural Character Elements;
3. The proposal complies with the Zoning ordinance Category D purpose statement;
4. The proposal will not notably change traffic volumes or traffic circulation in the area; and
5. Seven letters in support have been received.

Factors Against Allowing the Special Use

1. The applicant is requesting two modifications to the development standards; and
2. Two letters in opposition was received.

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. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission; and
4. The applicant will be required to submit a Private Maintenance Agreement during the Commercial Permit phase.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-16-03, with the Conditions and Modifications 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. Site plan drawings*
- D. Waiver request*
- E. Agency comments*
- F. Public Comment*



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SU-16-03
 (Levine)

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

TAX PARCEL NUMBER 305-58-041
 APPLICANT ALVIN and or Silergh Levine
 ADDRESS 6475 S. Jeffords Trail Willcox, AZ 85643
 CONTACT TELEPHONE NUMBER 520-384-5184
 EMAIL ADDRESS: Lev713@aol.com
 PROPERTY OWNER (IF OTHER THAN APPLICANT) _____
 ADDRESS _____

 DATE SUBMITTED 2-16-2016

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300⁰⁰/₁₀₀</u>
Building/Use Permit Fee	\$ <u>0</u>
Total paid	\$ <u>300⁰⁰/₁₀₀</u>

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
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 520-432-9278 fax
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 highway@cochise.az.gov
 floodplain@cochise.az.gov

4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
6. Hazardous or Polluting Materials Questionnaire, if applicable.

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

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

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

PART TWO - QUESTIONNAIRE

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

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

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

2. What is the proposed use or improvement? Dog Boarding Kennel

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?

Dog Boarding - NO IMPACTS ON NEIGHBORING PROPERTIES

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

Portable Kennels (Chain Link Fence) Boarding only

SHADED PORTABLE KENNELS

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)
Pre-fabricated Chain Link 10'x10' with a tarp for shade on top kennels

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

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 2 AM to 4 PM) 24 Hours a Day
A.P.

B. Number of employees: Initially: 2 Future: 2
Number per shift Seasonal changes Seasonal NOV 15 - MARCH 15 CLOSED

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site. N/A 20 VEHICLES A WEEK

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

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

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

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

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan. Estimated total gallons of water used: per day 24 per year DAY FOR DOGS

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

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

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

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

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

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

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

Attached NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private Well	
Sewer/Septic	ACA SEPTIC	
Electricity	ACA SSVCC	
Natural Gas	ACA NONE PROPANE	
Telephone	NA	
Fire Protection	Chincha Trails Fire Dept	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Dogs will be in kennels only if not in dog park.

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?

NOT To Neighboring Properties And Kennels

Will be cleaned every Day

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?

Cleaning everyday

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

8. Do signs presently exist on the property? Yes 0 No If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

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

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

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

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

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

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

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

Dirt Roads

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.

N/A

2. How many acres will be cleared? None

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used

(Show on site plan if appropriate.)

SECTION D - Hazardous or Polluting Materials

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

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

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impact.

The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

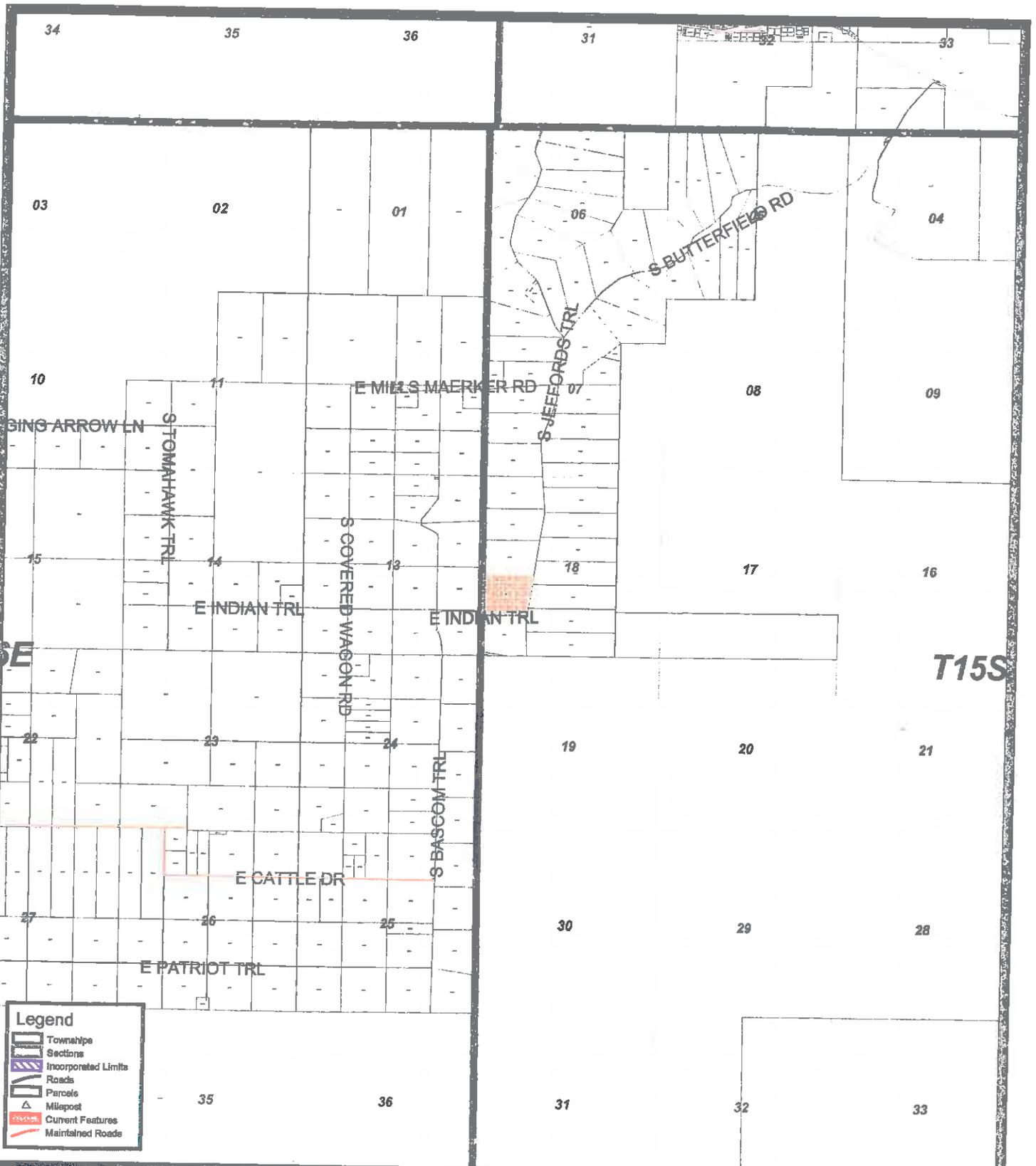
SECTION E - Applicant's Statement

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

Applicant's Signature Alvin Levine Sleigh Levine

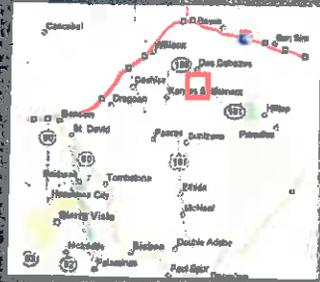
Print Applicant's Name Alvin Levine Sleigh Levine

Date signed 2-16-2016



Legend

- Township
- Sections
- Incorporated Limits
- Roads
- Parcels
- Milepost
- Current Features
- Maintained Roads



SU-16-03 (Levine)
6475 S Jeffords Trail
Willcox AZ
APN 305-58-041

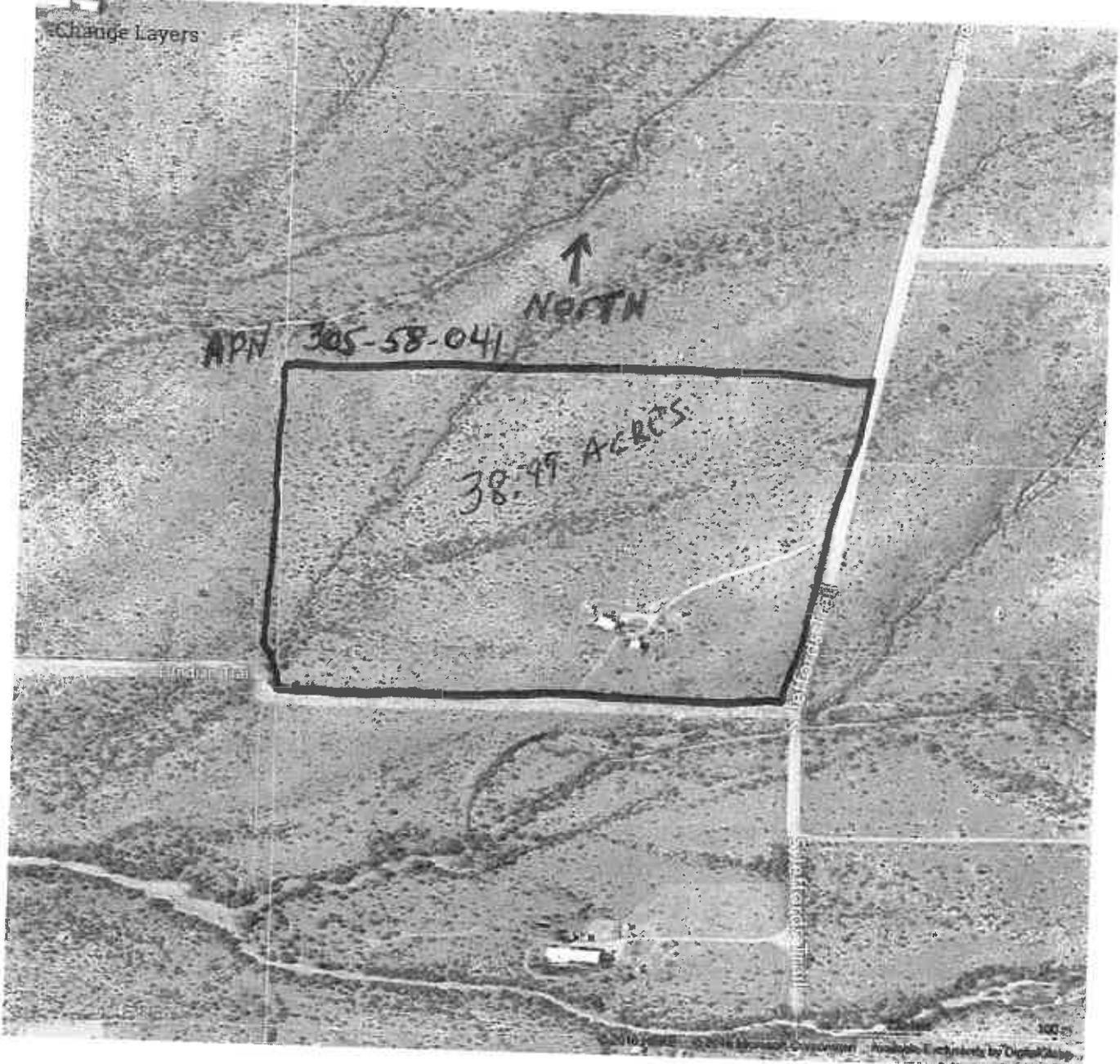
This map is a product of the Cochise County GIS Information Technology Dept.

139

0 4000
1" = 4000'



Change Layers



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Information Deemed Reliable But Not Guaranteed.

Alison + Raleigh Strind 6475 S. Jeffords Trail Willcox AZ 85843



↑
North

Change Layers



↑
Jeffords Trail

↓
Indran Trail

House is approximately 140 feet from kennel area.

6475 S. Jeffords Trail

TM Drainage

10' x 10' x 6'
20' x 30' overall

Each Kennel will be
10' x 10' x 6'



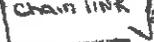
horse shelter



haystack



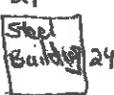
chain link



Loading Parking



30' long x 18' deep



House

Drainage

↑ East

← North

open pasture

Jeffords Trail

Drake, Jesse

From: Sileigh Levine [lev713@aol.com]
Sent: Saturday, February 20, 2016 6:30 PM
To: Drake, Jesse
Subject: Waiver Request

Dear Jesse,

I am writing this email to request a waiver for the parking and driveway requirements.

Also, the driveway is 12 feet wide and the the barb wire fence is 19 feet from one side to the other. Please contact us if anything else is needed. Thank you.

Al & Sileigh Levine
H-520 382-5184
C-520 253-0339



Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

REVIEW

To: Jesse Drake-Planning Manager-Cochise County Community Development
From: Ruth Bigelow-Right of Way Agent
Date: February 22, 2016
Re: SU-16-03 Levine-Dog Kennel-305-58-041

- o SSVEC has no issues with this Special Use Permit

If you have any questions concerning this review please contact me at 520-384-5513 or rbigelow@ssvec.com

Drake, Jesse

From: Cratsenburg, Diane E
Sent: Monday, February 22, 2016 10:08 AM
To: Drake, Jesse
Subject: RE: Transmittal, SU-16-03 (Levine)

Per Ron, no off-site requirements for this one. Thanks for checking.

Diane Cratsenburg
Engr Tech III
Cochise County Community Development
Highway and Floodplain Division
1415 Melody Lane
Bisbee, AZ 85603
520-432-9327
520-432-9337 fax

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From: Drake, Jesse
Sent: Friday, February 19, 2016 3:18 PM
To: Call, Pat G; Cratsenburg, Diane E; Dist1a; Dist1b; Dist1c; Dist2a; Dist2b; Dist2c; Dist3a; Dist3b; Dist3c; English, Ann S; Esparza, Paul; Flores, Dora V; Hanson, Britt W; Izzo, Michael D; Lamberton, Karen L; Megan Resor/SSVEC; Murphy, Teresa; Riggs, Karen C; Searle, Richard R; Solis, Joaquin
Subject: Transmittal, SU-16-03 (Levine)

For your review and comment.

Jesse Drake
Planning Manager
Cochise County Community Development
Planning, Zoning and Building Safety Division
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Bisbee, AZ 85603
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520-432-9278 fax

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Highway and Floodplain Division

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INTEROFFICE MEMO

Date: March 1, 2016
To: Jesse Drake, Planning Manager
From: Teresa Murphy, Right-of-Way Agent
Subject: SU-16-03 (Levine)

Background: The applicant is requesting a Special Use authorization to approve a dog kennel/animal boarding facility on a 39-acre RU-\$, Rural zoned property. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Section 607-06 of the Zoning Regulations. The subject parcel, APN 305-58-041 is located east of the Willcox playa at 6475 South Jeffords Trail, Willcox AZ. It is further described as being situated in Section 18, Township 15 South, Range 27 East of the Gila and Salt River Base and Meridian, Cochise County, AZ. The applicants are Alvin And Sileigh Levine. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from Highway 191 north to E Arzberger Road, east to Bascom Trail, north to Indian Trail and east to site
- Jeffords Road has a 100 foot wide easement as shown on map recorded in Book 9 of Maps and Plate, page 19 and per Docket 890, page 422, records of Cochise County, AZ
- Jeffords Trail is not a county maintained road

Recommendation:

- No need for right-of-way dedication is required for Jeffords Trail at this time.

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INTEROFFICE MEMO

Date: March 16, 2016
To: Jesse Drake, Planning Manager
From: Brad Simmons, P.E., Civil Engineer II
For: Karen Riggs, P.E. RLS, Highway & Floodplain Director, Floodplain Administrator
Subject: 1stnd Substantive Review, Special Use Permit 16-03/Parcel 305-58-041

The Cochise County Highway and Floodplain Dept. has reviewed the subject special use permit application and have found it sufficient.

Thank you for the opportunity to review and comment on the Levine Special Use Permit. The plans are approved for construction from the Floodplain Department.

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85803
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain
1415 Melody Lane, Building F
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highway@cochise.az.gov
floodplain@cochise.az.gov



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

MEMORANDUM

Date: March 21, 2016
To: Jesse Drake, Planning Manager
From: Karen L. Lamberton, County Transportation Planner
Subject: Levin Dog Boarding and Kennels/SU 16-03/Parcel #305-58-041

The Applicants are seeking to develop a dog boarding and kennel operation on their 39+/- acre site located in the Willcox area.

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

- The applicant will be required to submit a Private Maintenance Agreement during the Commercial Permit phase.

The applicant is seeking to operate a dog boarding and kennel operation in the Willcox area. Access is available via privately owned roadways for approximately two miles and then connecting to a county-maintained primitive, native-surfaced roadway at the intersection of Bascom Lane and E. Cattle Drive. Cattle Drive links via the county-maintained Quick Silver Rd, to Azberger Rd., a county-maintained, chipped-sealed rural minor access roadway. No research was conducted about the sufficiency of any private or public easements on Jeffords Trail, Indian Trail or Bascom Lane: it is the applicant's responsibility to be assured of their legal right to use these roadways.

Traffic Analysis

There is not an equivalent use for a small, rural short term boarding facility in the ITE Manual, 8th ed. The applicant estimates 2 employees, in the future, with the off-season between November and March closed and not accepting any boarding during those months. It is likely that most of this traffic will be off-peak hours and traveling from some distance within this sparsely populated, rural area. Much like a specialty shop, this proposed pet boarding activity is likely to produce only minimal and intermittent trips throughout the day. A use akin to this one, veterinary services, would be anticipated to produce approximately 54 vehicle trips per day, for a facility this size; however, that type of use tends to typically have hourly trips whereas pet boarding tends to cluster around pick-up and drop off timeframes with many days

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of no trips at all and others, typically around holiday travel timeframes, where the kennels could potentially be at full occupancy. On days of higher occupancy of the kennels this use is estimated to be roughly double that of a typical residential unit in this area ranging from 20 to 30 vehicle trips per day. [A typical residential unit ranges from 9.57 to 21.85 vehicle trips per day]. It is not likely that this additional use will have any notable impact on the traffic impacts or circulation in this area. It is also noted that if this site was fully developed into one residential unit per four acres, typical trip generation would be much greater, averaging an estimated 86 vehicles trips per day.

Private Maintenance Agreement

The applicant's access is off of a non-county maintained roadway. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Like all other native surfaced roadways in the County the access roads to this site are subject to changing conditions which include sudden and severe flooding, ruts, erosion and blowing dust. There is no expectation that the applicant will maintain the private segment of the roadway in any better condition than the County can manage to do in severe weather conditions. However, the applicant will likely have a higher motivation to bring the roadway back into passable condition than other property owners in order to provide access to their customers and the Private Maintenance Agreement formalizes the higher degree of obligation that they would have as a business owner along this residential roadway.

Recommendation and Applicant Guidance

The proposed use would not notably change traffic volumes or traffic circulation in the area. Given the intermittent and off-peak travel pattern this use is likely to create we see no need for any off-site improvements for this proposed use.



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PRIVATE MAINTENANCE AGREEMENT
LEVINE DOG KENNEL

Alvin and Sileigh Levine, owner of parcel 305-58-041, addressed on Jeffords Trail, Willcox Arizona, agree to participate with other property owners to maintain Jeffords Trail and/or Indian Trail via Bascom Trail for a distance of approximately two miles from the driveway of my parcel to E. Cattle Drive, the nearest County maintained roadway in a passable condition for the duration of my permitted commercial land use.

I acknowledge that the Cochise County Community Development, Highway and Floodplain Department do not, and will not, maintain the access roadways to my parcel.

I acknowledge that all-weather access is not likely assured to my parcel in the foreseeable future.

I certify that I have the legal authority to use the proposed access which connects my subject parcel to E. Cattle Drive for my permitted commercial use on this parcel.

Signature

Date

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 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
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 planningandzoning@cochise.az.gov

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 floodplain@cochise.az.gov

February 1, 2016

Dear Neighbor,

We are sending this letter to inform you that we are applying for a special use permit to open a dog boarding kennel that will accommodate up to 12 dogs. At no time will we go above that limit.

We have met with Cochise County Planning and Zoning on January 29, 2016 to assure that we will be following all of the County rules and guidelines.

We would appreciate your support in this endeavor. Thank you very much for your support and understanding in this matter.

Sincerely, our phone # is: 520 384-5184

Al & Sileigh Levine

6475 S. Jeffords Trail

Willcox, AZ 85643

Also feel free to contact: Cochise County Community Development
Planning, Zoning and Building Safety Division

Jesse Drake

Planning Manager

1415 Melody Lane, Building E

Bisbee, Arizona 85603

Phone# 520-432-9300

jdrake@cochise.az.gov

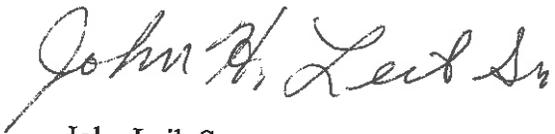
"Letter sent out"
By us,

February 1, 2016

To Whom It May Concern:

I have no objections to my neighbors, the Levines, having a dog kennel. I support the idea and do not foresee any negative outcomes from it.

Signed:

A handwritten signature in cursive script that reads "John H. Leib Sr." The signature is written in dark ink and is positioned above the typed name.

John Leib Sr.

315 Equine Way

Eureka, MT 59917

David & Linda Cuddie



9465 Edmond St
Las Vegas, NV 89139-7416
702-376-2995
Lindajcu@hotmail.com

2/8/2016

Dear Al & Sileigh,

Please accept our support for your dog kennel endeavor and wish you luck with your project.

Warm regards,
David & Linda Cuddie

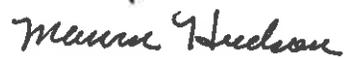
Parcel 44 & 45 Jeffords Trail



February 8, 2016

To Whom It May Concern:

Rancho Sacatal, Inc. has no objections to the dog kennel which Al Levine wants to establish on his property in our neighborhood.

A handwritten signature in cursive script that reads "Marvin Hudson".

Marvin Hudson

President, Rancho Sacatal, Inc.

To whom it may concern,

I am a neighbor of Alvin and Sileigh Levine who live on Jeffords Trail. I have no objections to them having a kennel on their property. There is enough distance between all homes out here that there should not be any problem with barking and odor is never an issue as most neighbors have livestock and multiple dogs.

Karen Glenn

6406 E. Indian Trail

From: Jan Zimmer <zimzam@charter.net>
To: AL LEVINE <lev713@aol.com>
Subject: RE: KENNELS
Date: Sun, Jan 31, 2016 10:44 am

My name is Janet Zimmer Parcel 57 6325 Bascom Trail.

I have no objections to Al Levine having dog kennels on his property.

Janet Zimmer

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Charles Compton

6540 Jeffords Trl
Wellcox Nz 85643
Cell 570-384-0795
Fax 570-384-0795

January 25, 2016

To whom it may concern;

*As a resident living at 6540 S. Jeffords Trl. I have no objection to giving,
Alvin Levine, my next door neighbor a SPECIAL use PERMIT to operate a
dog boarding enterprise.*

Charles Compton

From: Rosalie Lamentola-Ayala [<mailto:rla425@cableone.net>]
Sent: Friday, March 18, 2016 4:15 PM
To: Drake, Jesse
Cc: Planning and Zoning
Subject: Special Use Docket SU-16-03 (Levine)

Dear Mr. Drake,

I am **OPPOSED** to a Special Use authorization for a dog kennel/animal boarding facility on a 39-acre parcel, APN 305-58-041, located at 6475 S. Jeffords Trail, Willcox Road, Cochise County, Willcox, AZ. I request that the Cochise County Planning and Zoning Commission NOT approve the Docket.

Barking dogs would be a detriment to the solitude for which I purchased the property to build a retirement home. Should I wish to sell my parcel, the proximity of the proposed facility would adversely affect a potential buyer's consideration.

I am a small business owner and Planning and Zoning Commissioner for the City of Globe. My professional experience and personal investment in my Jeffords Trail property guide my opposition to the Levine's request.

Please advise should you have any questions regarding my opposition to this request.

Sincerely,

Rosalie Lamentola-Ayala
425 E. North Street
Globe, AZ 85501
Work Phone: 928-425-2260
Cell Phone: 928-812-3751



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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planning Manager *JD*
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket SU-16-04 (Kriaris)
DATE: March 31, 2016 for the April 13, 2016 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve a facility for the cultivation and infusion of medical marijuana on 40 acre RU-10, D-Rural zoned property. The proposed uses are considered Special Uses in RU-4 Rural Zoning Districts under Sections 607.53 and 607.56 of the Zoning Regulations.

The subject parcel, APN 305-55-015, is located at 6950 S Covered Wagon Rd, Willcox, AZ. It is further described as being situated in Section 24 of Township 15 South, Range 26 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Nick Kriaris/NGK Enterprises Inc.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 40 acres
 Zoning: RU-10 (one dwelling per ten-acres)
 Growth Area: Rural
 Comprehensive Plan Designation: D
 Area Plan: None
 Existing Uses: Residential structures, nut orchard and vacant land
 Proposed Uses: Medical marijuana cultivation and infusion

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-10	Vacant
South	RU-10	Vacant and low-density residential
East	RU-10	Vacant
West	RU-10	S. Covered Wagon Rd, vacant and low-density residential

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II. PARCEL HISTORY

1979- Mobile home permit

1987- Mobile home yard improvements and utility building permit

1990- Detached garage permit

1994- Double-wide mobile home permit

1997- Utility building permit

III. NATURE OF REQUEST

The Applicant is requesting authorization for cultivation of medical marijuana in enclosed greenhouses on the a 40 acre parcel located at 6950 S Covered Wagon Rd in Willcox, AZ, an RU-10, D-Rural zoned property. There will be no dispensary or public facilities at this cultivation site. The property is located approximately 6.5 miles east of Kansas Settlement Road at the northeast corner of the Arzberger Road alignment and Covered Wagon Road. Currently the property has residential structures, accessory buildings and a pistachio orchard on the parcel.

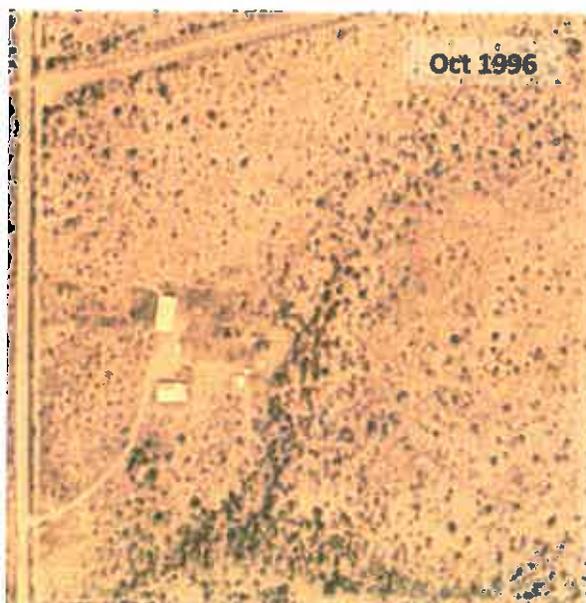


Site aerial with property boundary

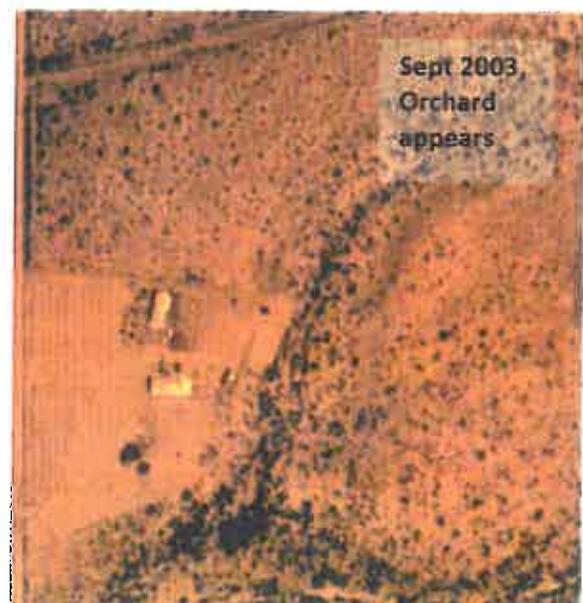
Photo date March 21, 2015, Google Earth



The property is located in a very low density rural part of the county, and is surrounded, in the larger context with vacant property to the east, and farm fields to the west and southwest. The property has been in essentially the same condition for 16 years, since 2003 when the pistachio orchard was planted. The trees are still thriving and the applicant intends to continue nut production on the site. The two main structures on the property are visible in the earliest Google Earth aerial dated October 1996, prior to the addition of the pistachio orchard, which appears in the September 2003 aerial.



Google Earth photo



Google Earth photo

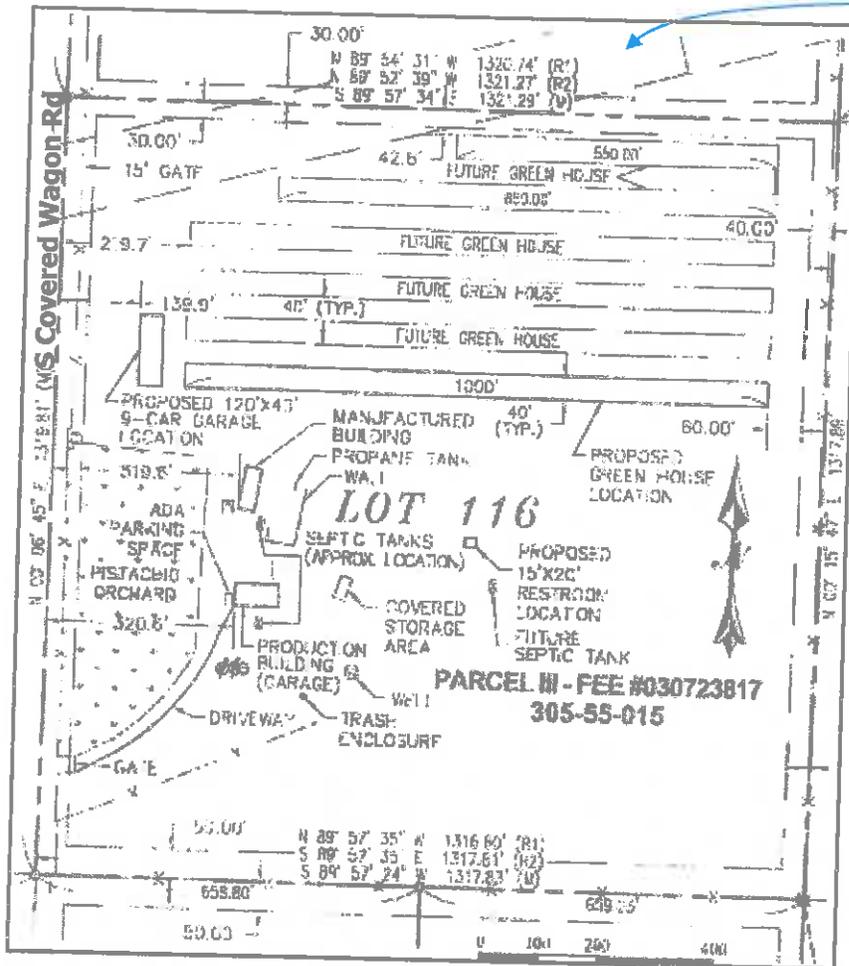


Pistachio orchard on subject property adjacent to South Covered Wagon Road



*March 21, 2015
Site aerial,
Current conditions*

162



*El Paso
Natural
Gas Co.
Pipeline
easement*

*Proposed
Site plan*

This request is for cultivation, harvesting, processing and infusion only. The applicant will be using both of the existing buildings and adding greenhouse structures plus a garage, storage building and a restroom facility for employees on approximately ten acres of the forty acre site. The existing house will be used as the production building for processing the plants into their final products. The greenhouse construction is proposed in two phases: Phase I will have one greenhouse; Phase Two will complete the construction of the remaining five greenhouses. The greenhouses will be 21 feet tall, sloping to 13 feet on the sides. All marijuana products will remain locked and enclosed either in the greenhouses or inside buildings.

The parcel is not located in any active water management area. The crop will be grown in the locked and enclosed greenhouses in water-conserving trays. Excess water from the growing trays will be filtered and reused to conserve water. The plants will be processed on-site in an enclosed structure during all Phases of the site development. The entire parcel will have perimeter fencing. The site will be in operation seven days a week from 5 AM to 7 PM starting with 3 to 5 employees in Phase I; expanding the staff to up to 24 employees at full build-out. The final medical marijuana products will be transported and sold at the applicant's existing licensed medical marijuana dispensary in the Phoenix metro area.

The parcel takes access from S. Covered Wagon Road, a non county-maintained road that intersects on the south with East Cattle Drive, a county-maintained roadway. The applicant anticipates that one heavy-duty passenger-class pickup truck, a 1-ton truck, will be used by at least one of the 3-6 employees or principals living on the property. The harvested and process products will be shipped out four times a year in unmarked passenger type vehicles such as a pickup truck, van, sedan, etc. The driveway and internal traffic circulation roadways will be maintained with four inches of stabilized decomposed granite or stabilized gravel which meets the site development standards. Adequate parking, including ADA parking, is provided.

The plants will use approximately 150 to 175 gallons of water per day, or 60,000 gallons per year in Phase

One. At full build-out, when all six greenhouses are fully constructed and operational, the total is estimated to be 810 to 935 gallons of water per day, or 295,650 to 341,275 gallons per year. The Arizona Department of Water Resources estimates that the average residential usage is 100 gallons per person per day. The US Census lists the average persons per household as 2.69 between 2010 and 2014. If built out to residential standards with the current R-10 (one house per 10 acres) zoning the site could have four residences. With the current Arizona average of 2.69 persons per household, times 100 gallons per person, times four households, the average water usage for this site, if built to current residential standards would be 1076 gallons of water per day, or slightly more than the applicant's projected high water usage at full build-out.

The existing house has a septic system, but in addition, the applicant intends to install a separate restroom facility that will have two 1500 gallon septic tanks as part of the construction.

The greenhouses will be surrounded by a sight obscuring ten-foot-high chain link fence as required by the State of Arizona. The State also has security and lighting requirements that must be met and will be enforced by the State. No signs will be installed except as required by the State to warn of prohibited entry to restricted areas.

Potential off-site impacts will be mitigated with filters for fan noise, and charcoal filters inside each greenhouse to eliminate off-site odors. The crop will be grown using all organic methods. Lady bugs and grasshoppers, together with hemp and/or rosemary oil will be used to control insects. Non organic pesticides will not be used.

The applicant will be using light deprivation grow techniques inside the greenhouses. This technique uses the natural light cycle of the sun and supplemental artificial lighting. The interior lights will be on during the day and off during nighttime, so light pollution will be kept to a minimum. The supplemental lighting will be low energy LED lighting for minimal energy consumption. During the night the greenhouses will be completely dark and covered so there will be no light pollution from the greenhouses.

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

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



View east from entry gate



View southeast from entry gate on S Covered Wagon Road



View north from S Covered Wagon Road



View south from S Covered Wagon Road



View from property to house on west side of S Covered Wagon Road

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed.

Nine of the ten factors apply to this request. The project, as submitted, fully complies with eight of the conditions and complies with conditions with one factor. The one remaining factor is not relevant to this application.

A. Compliance with Duly Adopted Plans: Complies

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

The proposal also supports the following Comprehensive Plan Elements:

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

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

The Rural Character Element: One goal of the Rural Character Element is to "Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas."

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

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed project satisfies the following zoning district purpose statements:

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

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

601.03 To preserve the agricultural character of those portions of the County capable of resource production;

C. Development Along Major Streets: Not Applicable

The property is located on the east side of South Covered Wagon Road and the site takes access from one gated driveway entrance so does not take access from any Major thoroughfare or arterial street.

D. Traffic Circulation Factors: Complies

No right-of-way dedication or off-site improvements are required.

Access is taken from a privately-maintained road, Covered Wagon Rd onto the subject parcel from an existing gated driveway located approximately 1,500 feet north of E. Cattle Dr. Cattle Drive is a county-maintained, native surfaced primitive road with an 18 foot cross-section. Cattle Drive links via the county-maintained Quick Silver Road to Arzberger Road, a county-maintained, chipped-sealed rural minor access roadway. The proposed use is consistent with similar agricultural uses in the County.



View of entry gate and driveway

E. Adequate Services and Infrastructure: Complies with Conditions

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

Traffic Analysis

This type of use is akin to a small-scaled agricultural use: average trip generation rates specifically for this type of growing operation have not been developed on either a national or state-level at this time. The applicant anticipates up to 24 employees, at full-build out of this project, which has the potential to generate an estimated range of 36-107 vehicle trips per day. The applicant anticipates a heavy pick-up truck to be used for deliveries and agricultural activities on the site; no large commercial vehicles are anticipated at this time by the applicant.

Note: Vehicle trips are different than number of vehicles that travel to the site. Average vehicle trips per day also include incidental traffic generated due to the presence of any particular use (e.g. mail, deliveries, trash pick-up) and averages seasonal variations in trips generated.

Greenhouses tend to stabilize the typical seasonal variations inherent in open agricultural activities. The applicant is proposing a staged greenhouse development with up to 6 greenhouses built over time, as market demand allows. The applicant also anticipates one residential unit with 3 to 6 employees staying on site at any given time. Potentially this would add an estimated 9.57 vehicle trips per day, ranging from 4.3 to 21.8 vehicle trips per day, for non-commercial activities. However, typically having employees located on site reduces employee travel demand thus creating an internal capture rate that off-sets any additional residential use travel demand.

If built out to a full residential use this 40 acre parcel would likely generate an average of 95.7 vehicle trips per day for ten residential units. As a growing and infusion operation only, with no dispensary operation, the requested use is not likely to change the type of use that has historically been on this site nor the type and volume of traffic associated with an agricultural greenhouse operation. It is likely that even at full build-out, as proposed by this applicant; the trip generation for this site would be less than if developed as a residential use.

Private Maintenance Agreement

The applicant's access is off of a non-county maintained roadway. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Like all other native surfaced roadways in the County the access roads to this site are subject to changing conditions which include sudden and severe flooding, ruts, erosion and blowing dust. There is no expectation that the applicant will maintain the private segment of the roadway in any better condition than the County can manage to do in severe weather conditions. However, the applicant will likely have a higher motivation to bring the roadway back into passable condition than other property owners in order to provide access to their customers and the Private Maintenance Agreement formalizes the higher degree of obligation that they would have as a business owner along this residential roadway.

F. Significant Site Development Standards: Complies

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

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

G. Public Input: Complies

The Applicant sent letters to all property owners within 1,500-feet of the subject parcel to notify them of this application and also held a neighborhood meeting on March 7th at the Holiday Inn Express in Willcox, AZ, to address any neighbor concerns. There were fifteen attendees at the neighborhood meeting including a representative from the Willcox Range News. The applicant's report from the meeting stated that neighborhood objections were concerned primarily with traffic, security and lighting.

H. Hazardous Materials: Complies

Natural pest controls, such as lady bugs, grasshoppers and organic oils such as neem and rosemary oils will be used to deter and control pests. Only organic fertilizers will be used. No hazardous materials or pesticides will be used.

I. Off-Site Impacts: Complies

The proposed facility is not anticipated to produce off-site impacts. The State of Arizona has other lighting requirements for medical marijuana facilities. The applicant is intending to use shielded LED lighting and will use sound-controlling filters for any noise from fans inside the greenhouses, and carbon filters in the greenhouses to eliminate any off-site odors from the plants. The proposal will have the same visual impact as any other agricultural greenhouse use that would be allowed by right as a principal permitted use in this zoning district.

J. Water Conservation: Complies

The applicant is proposing to recycle water to reduce water consumption.

V. PUBLIC COMMENT

The Planning Department staff mailed notices to neighboring property owners within 1,500-feet of the

subject property. Staff posted the notice to the County website on March 11, 2016, published a legal notice in the *Bisbee Observer* on March 24, 2016 and posted the property on March 10, 2015. In response to applicant and County mailings, staff received one letter in support of this request and two letters from one resident in opposition to this request.

The support letter cited the benefits of the medical use of this plant, and that this will be a quiet operation with no retail sales or retail traffic. The writer also mentioned an interest in any impacts on the water table and pollution, if any.

The opposition letters stated that the resident was supportive of medical marijuana but had concerns about (not ranked): security, fire and police protection, fears of a reduction in property values and a concern about the applicant's second neighborhood notification letter that recognized an error in proposal in the greenhouse height and corrected the error. The resident in opposition has concerns that other errors in the proposal exist.

Staff also received one letter in support from the property owner. This letter is not reflected in the factors in favor as it is assumed that the property owner is supportive of this request since he signed the authorization to allow the permit to be submitted.

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a phased development for the cultivation and infusion of medical marijuana on a forty acre parcel located at 6950 South Covered Wagon Road in Willcox, AZ.

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

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

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval, the proposed use would fully comply with eight of the ten Special Use factors used by staff to analyze this request, and complies with conditions with one additional factor;
2. The proposal complies with the Adopted Comprehensive Plan Agriculture and Ranching, Economic Development and Rural Character Elements;
3. The proposal complies with the Zoning ordinance Category D purpose statement;
4. The proposal will employ water conservation measures;
5. The proposal will provide jobs for up to three to five employees in Phase One and up to 24 employees at full build-out; and
6. At full build-out the traffic generated by this proposal would be less than if the site were developed as a residential use.
7. One resident sent a letter of support for this application.

Factors Against Allowing the Special Use

1. One resident has sent three letters in opposition to this application.

VII. RECOMMENDATION

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission;
4. In advance, or concurrent with, their first Commercial Permit application, the applicant is required to provide a Private Maintenance Agreement for Covered Wagon Road from their driveway to Cattle Drive;
5. At the commercial permit stage additional site plan details, including a sight distance triangle, per Zoning Regulation 1807.06 and/or Roadway Design Standards D-300, will be needed on the site plan or as a separate illustration. Details on the driveway width, driveway access radii will also be needed: design should comply with the County's Roadway Design Standards;
6. At the commercial permit stage a Drainage Analysis will be required demonstrating that the proposal will have no adverse impacts to adjacent parcels and any downstream properties;
7. At the commercial permit stage the applicant shall indicate on their site plan the location and size of any proposed rainwater catchment areas; and
8. Design plans for any improvements disturbing one acre or more will need to be submitted, reviewed and approved before construction begins.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-16-04, with the Conditions of Approval as recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

VIII. ATTACHMENTS

- A. Special Use application
- B. Site plan
- C. Location map
- D. Lighting cut sheet
- E. Applicant's February 25, 2016 neighborhood notification letter
- F. March 14, 2016 report on March 7, 2016 neighborhood meeting
- G. Applicant's second neighbor letter, dated March 17, 2016
- H. Agency comments
- I. Public Comment

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

SU-16-04
(KRIARIS)

TAX PARCEL NUMBER 305-55-015
APPLICANT Nick Kriaris - NGK Enterprises, LLC
ADDRESS 6950 S. Covered Wagon Rd. Wilcox AZ 85643
CONTACT TELEPHONE NUMBER 602-722-7953 (or) 480-226-3333
EMAIL ADDRESS: NICK@ENCANTOGREENCROSS.COM (OR) JOE@AZWRANGLER.COM
PROPERTY OWNER (IF OTHER THAN APPLICANT) Ralph ORIANO
ADDRESS 6952 S. Covered Wagon Rd.
Wilcox AZ 85643
DATE SUBMITTED 2-25-2016

Special Use Permit Public Hearing Fee (if applicable) \$ 300
Building/Use Permit Fee \$
Total paid \$ 300

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? RESIDENTIAL - AGRICULTURAL
2. What is the proposed use or improvement? MEDICAL MARIJUANA GREEN HOUSES. + AND INFUSION FACILITIES
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? Planting, growing, cultivating medical use marijuana Fencing
4. Describe all intermediate and final products/services that will be produced/offered/sold. Marijuana for medical use & Related Products Delivered to our Phoenix Dispensary for re-sale.
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) green house are steel frame with glass and wood
6. Will the project be constructed/completed within one year or phased? One Year yes
Phased 1 if phased, describe the phases and depict on the site plan.
Phase 1 include green House
Phase 2 include additional 5 green houses
7. Provide the following information (when applicable):
 - A. Days and hours of operation: Days: 7 Hours (from 5 AM to 7 PM)
 - B. Number of employees: Initially: 3-5 Future: 24

Number per shift Seasonal changes year round same 3-5 start 24 hour

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
2-4

(2) Total trucks (e.g., by type, number of wheels, or weight)
1 4 wheel 1 ton Truck

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

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

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest
depend on growing season more then likely
wednesday

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

Estimated total gallons of water used: per day 150⁻¹⁷⁰ gallon per year 60,000

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 " NOT KNOWN

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	2 on site well	
Sewer/Septic	private septic	
Electricity	SSVEC SSVEC	going to add Two 1500 gallon Tank
Natural Gas	propane	
Telephone	cell phone	
Fire Protection	Wilcox Fire Dept	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

moving plants to production area

moving soil or pvc pipe checks, water any grading of area that need to be done

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. 10 foot high chain link fence

with screen so people cant see in

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? maybe fan but they

are on filter for noise

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? filter with

charcoal Filters will be used.

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?

ORGANIC methods - lady Bugs grasshopper or neem oil

to contro any pest ever Rose Mary oil

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. *We will not install any.*

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)

4 inches stabilized and stabilized decomposed Granite or stabilized gravel

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

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.

Any water that excess from trash will be re-ran to filter back into system to be used.

2. How many acres will be cleared? 10.9

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.) See site plan.

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 Nick Kriaris

Print Applicant's Name Nick Kriaris

Date signed 2-25-2016

MAR 25 2016

February 22, 2016

Jesse Drake Planning Manager
Cochise County Community Development
1415 Melody Lane, Building E
Bisbee, Arizona 85603

Re: Special Use project Application for medical marijuana cultivation and infusion facility at 6952 S. Covered Wagon Rd. Willcox, AZ 85643

Dear Ms. Drake:

I am the current owner of the real property located at the above address. As such, I hereby authorize NGK Enterprises, LLC to sign and file and pursue an application for a special use project application of the above property. The aforementioned parties are authorized to take any action as required in connection with such application.

Ralph Oriano

Ralph Oriano

Rose B. Ferrara

Rose B Ferrara

State of Florida

County of St. Lucie

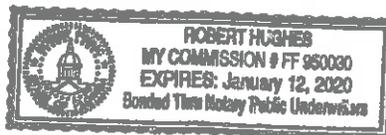
On the 23 day of February, 2016, before me, the undersigned Notary Public, personally appeared Ralph + Rose Oriano and that he being authorized to do so executed the foregoing instrument for the sole purpose contained herein.

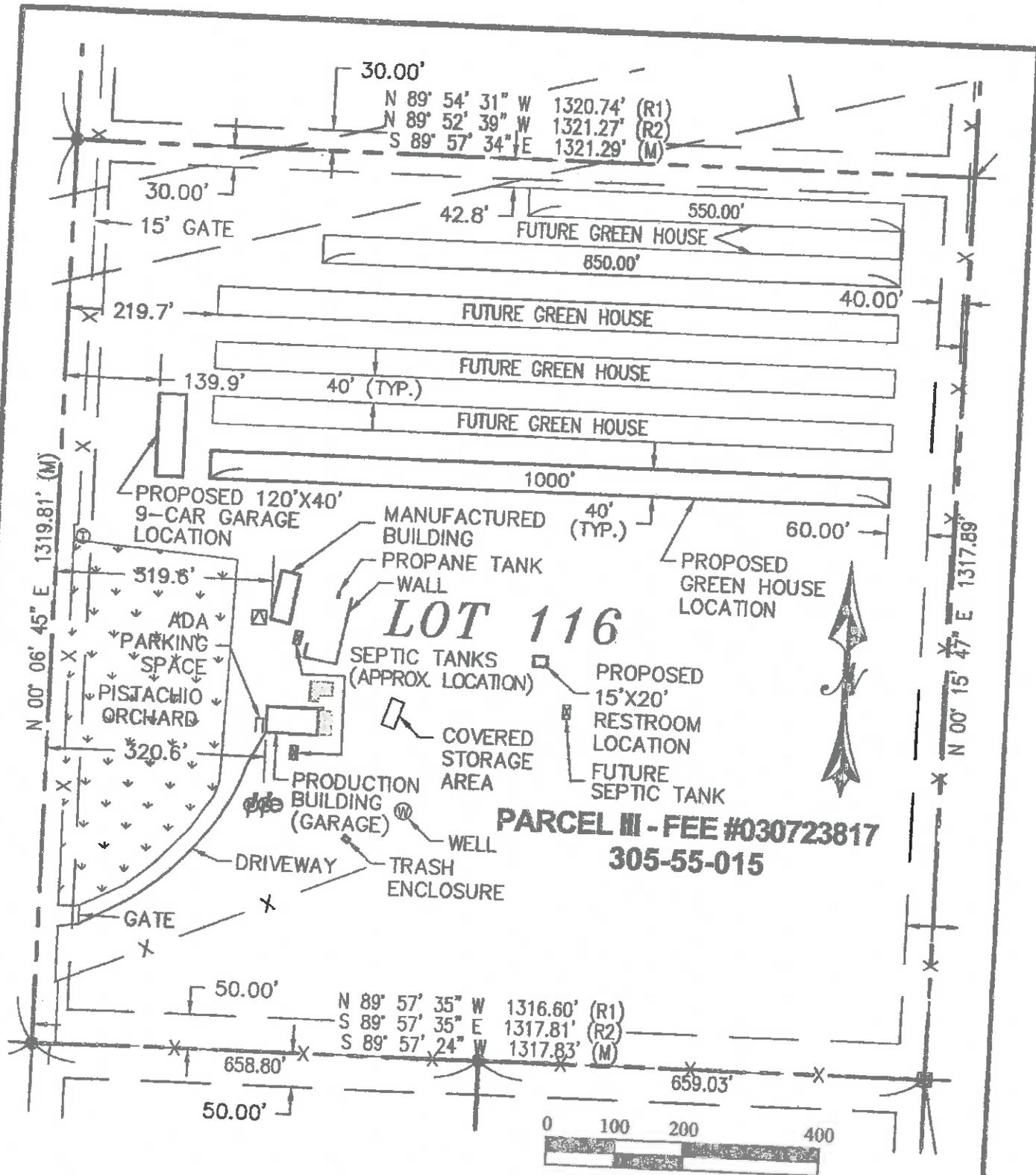
1/12/20

My commission Expires

[Signature]

Notary Public

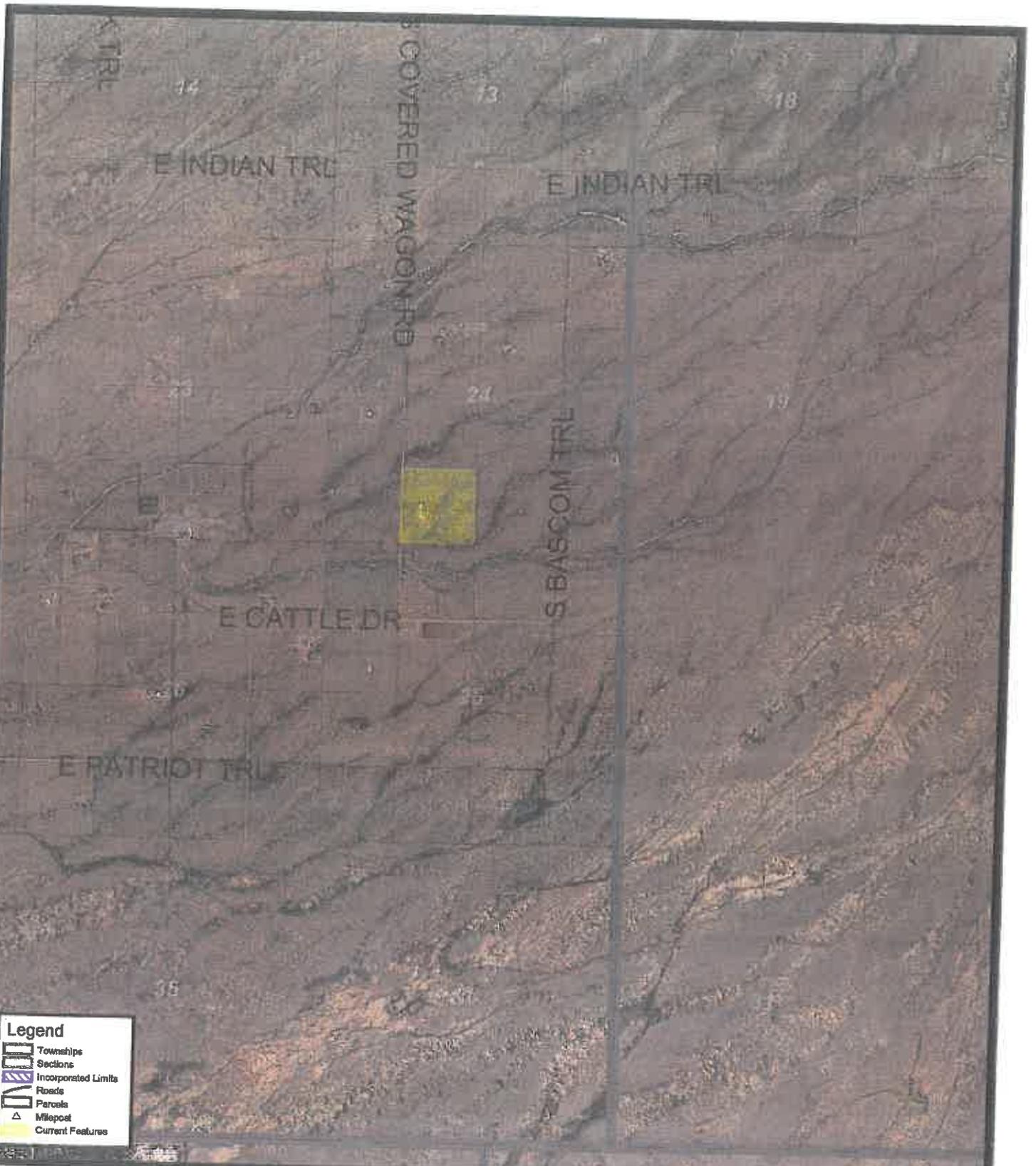




ALTA LAND SURVEY, INC.
 SURVEYING, CONSTRUCTION STAKING & DRAFTING
 5930 E. PIMA STREET, SUITE 130
 TUCSON, ARIZONA 85712
 (520) 398-6651

EXHIBIT OF LOT 116
 "COCHISE UNIT CHIRICAHUA TRAIL RANCHES"
 BK 1 PG 1, COCHISE COUNTY RECORDER,
 BEING A PORTION OF SECTION 24 & 25,
 T-15-S, R-26-E, G.#5.R.M., COCHISE COUNTY, AZ

Project No. 16-037	Drawn By: JDR	Date: 2/26/16
	Checked By: DL	Sheet: 1 of 1



Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Parcels
- Milepost
- Current Features



SU-16-04 (Kriaris)
6950 S Covered Wagon Rd
Willcox, AZ
APN 305-55-015

This map is a product of the
 Cochise County GIS
 Information Technology Dept.

180

1" = 2385'

VIPER S SERIES

SMALL VIPER LUMINAIRE

Cat.#

Job

Type



Approvals

SPECIFICATIONS

Intended Use:

The Beacon Viper luminaire is available in two sizes with a wide choice of different LED Wattage configurations and optical distributions designed to replace HID lighting up to 1000W MH or HPS. 5 different mounting options allow for application in a wide variety of new and existing installations. Luminaires are suitable for wet locations.

Construction:

- One piece optical cartridge system consisting of an LED engine, LED lamps, optics, gasket and stainless steel bezel.
- Cartridge is held together with internal brass standoffs soldered to the board so that it can be field replaced as a one piece optical system.
- Two-piece silicone and micro-cellular polyurethane foam gasket ensures a weather-proof seal around each individual LED.

LED/Optics:

- LED driver accepts 100V through 277V, 50 Hz to 60 Hz (JMW), or a driver that accepts 347V or 480V input.
- Power factor is .92 at full load.
- All electrical components are rated at 50,000 hours at full load and 25°C ambient conditions per MIL- 217F Notice 2.
- Dimming drivers are standard with connections for external dimming equipment available upon request.
- Component-to-component wiring within the luminaire may carry no more than 80% of rated load and is listed by UL for use at 600VAC at 50°C or higher.
- Plug disconnects are listed by UL for use at 600 VAC, 13A or higher. 13A rating applies to primary (AC) side only.

Electrical:

- Fixture electrical compartment shall contain all LED driver components and shall be provided with a push-button terminal block for AC power connections.
- Optional 7-pin ANSI C136.41-2013 twist-lock photo control receptacle available. Compatible with ANSI C136.41 external wireless control devices.

Controls/Options:

- Available with an optional passive infrared (PIR) motion sensor capable of detecting motion 360° around the luminaire. When no motion is detected for the specified time, the Motion Response system reduces the Wattage to factory preset level, reducing the light level accordingly. When motion is detected by the PIR sensor, the luminaire returns to full Wattage and full light output. Please contact Beacon Products if project requirements vary from standard configuration.
- Available with Energeni for optional set dimming, timed dimming with simple delay, or timed dimming based on hours of operation or time of night (see www.beaconproducts.com/products/energeni).

Installations:

- Mounting options for horizontal arm, vertical tenon or traditional arm mounting available. Mounting hardware included.
- Product is suitable for applications requiring 3G testing prescribed by ANSI C136.31

Finish:

- Beacote V polyester powder-coat electrostatically applied and thermocured.
- Beacote V finish consists of a five stage pretreatment regimen with a polymer primer sealer and top coated with a thermoset super TGIC polyester powder coat finish.
- The finish meets the AAMA 605.2 performance specification which includes passing a 3000 hour salt spray test for corrosion resistance and resists cracking or loss of adhesion per ASTM D522 and resists surface impacts of up to 160 inch-pounds.

Listings:

The luminaire shall be NRTL certified to UL 1598 and B750 standards for use in wet locations.

Warranty:

Five year limited warranty (for more information visit: <http://www.hubbellighting.com/resources/warranty/>).

PRODUCT IMAGE(S)

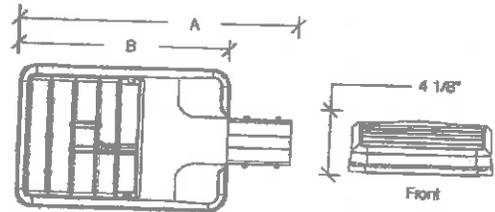


rectangular arm



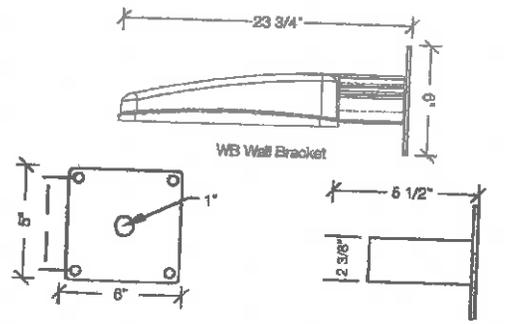
slip fitter

DIMENSIONS

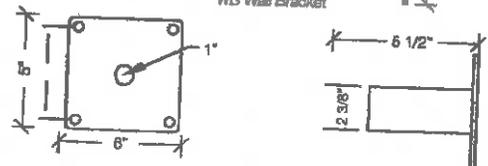


A	B	C	Weight:	EPA
22.75" (578 mm)	16.75" (425 mm)	4.13" (105 mm)	15.0 lbs (6.8 kg)	.67 fP

MOUNTING OPTIONS



WB Wall Bracket



PK2 2-3/8" Adjustable Kruckle

Accepts 2 3/8" OD tenon, min 4" long.



Side View

SF2 2-3/8" OD Slip Fitter

Back View



Side View

RA Rectangular Arm

Back View

CERTIFICATIONS/LISTINGS



Beacon Products • 2041 56th Avenue Circle East Bradenton, FL 34203 • Phone: 800-345-4928
Due to our continued efforts to improve our products, product specifications are subject to change without notice.

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February 25, 2016

Dear Neighbor or Interested Party:

You are invited to a neighborhood meeting regarding a proposed greenhouse development located at 6952 S. Covered Wagon Rd. in Willcox, Arizona. The property is zoned RU-10 and proposed for a responsibly staged medical marijuana cultivation greenhouse development. Per the Cochise County Code, a medical marijuana cultivation and infusion facility is permitted in the RU-10 zoning district, subject to obtaining a Special Use Permit. The applicant proposes to operate a medical marijuana cultivation and infusion facility at this location. The infusion process involves extracting of cannabis. The

medicinal elements of the cultivated cannabis for use in edible substances such as candies, chocolates, cookies, tinctures, etc. to treat or prevent a number of ailments including nausea caused by cancer medications when other medications do not work.

The purpose of this letter is to invite you to a meeting on March 7th 2016 at:

HOLIDAY INN EXPRESS 6:30PM
1251 N Virginia Ave Wilcox AZ 85643
1-520-384-3333

We would introduce ourselves and let you know our plans for the property.

As you know, Arizona voters voted to approve the use of medical marijuana as an alternative pain treatment for a limited number of debilitating medical conditions such as cancer, glaucoma, and Alzheimer's disease among others. Subsequently, Cochise County adopted appropriate zoning regulations to permit and regulate these types of uses. Per state law, a state approved cultivation facility may only provide medication to a state-licensed dispensary. It cannot sell directly to the public.

The proposed site plan is found on page 3 of this letter. The existing net grove will remain along the western portion of the property. The adjacent parcels southern and northern parcels will be used for livestock facilities. The inner parcel will occupy all the current structures and will include 3 proposed greenhouse structures with a maximum height of 12 feet with potential expansion of three (3) additional greenhouse structures.

The site is ideal for a cultivation facility for the following reasons:

- The proposed use is appropriately located in a rural area specifically identified by the County as an ideal location for a cultivation facility.
- The site fully conforms to all the required State and County spacing requirements from schools, libraries, residential uses and other medical marijuana facilities
- The cultivation and infusion facility is governed by State and County laws that mandate strict compliance with operation and security regulations

including video surveillance and monitoring.

- The facility will only be used for cultivation and infusion processing, and is not open to the public. Only licensed personnel will be allowed inside the facility. A medical marijuana dispensary is not proposed and there will be no product for sale at this location.

A neighborhood meeting to discuss the proposed plans will be held on March 7th at 6:30 PM at the HOLIDAY INN EXPRESS in Willcox, Arizona . At this meeting, we will present the proposed site plan, review the special use permit process and receive comments on the proposal. A public hearing before the Cochise County Planning Commission has also been scheduled for April 13th 2016 at the Cochise County Complex.

In the meantime, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. Please contact Nicholas Kriaris at NGK Enterprises, LLC, 602-722-7953 or nick@encantogreencross.com.

You may also contact:

Jesse Drake
Planning Manager
520-432-9300
1415 Melody Lane, Building E.
Bisbee, AZ 85603
1-520-432-9300

Very truly yours,

Nicholas Kriaris 2-25-2016
Nicholas Kriaris
NGK Enterprises, LLC.
602-722-7953

Drake, Jesse

From: Esther Perez Gallardo [estherp.gallardo@gmail.com]
Sent: Monday, March 14, 2016 10:29 AM
To: Drake, Jesse
Cc: nick@encantogreencross.com; atrenk@roselawgroup.com; chris@encantogreencross.com
Subject: Public Meeting - March 7, 2016
Attachments: Meeting Sign-in Sheet - March 7, 2016.pdf

Ms. Drake,

We are pleased to report a successful neighborhood meeting last Monday March 7, 2016. We had 15 attendees, of which only 13 signed the sign-in sheet. One of the attendees was a Reporter for Willcox Range News. Attached is the sign in sheet for your reference.

The meeting was hosted by NGK Enterprises, which included Nick Kriaris, Chris Kriaris, Cathy Kriaris, Adam Trenk (attorney for NGK), Esther Gallardo (realtor), Marcelino Gallardo (Imix Mortgage).

There were few objections to the project. Which focused on concerns about traffic and security. There were also some misconceptions about the scope of the project, as some attendees initially believed that the cultivation facility was going to cover 20 acres of land, and that the green houses would be tall, brightly lit, and visually intrusive. Once Nick and Adam clarified the scope of the anticipated operations, beginning with 40,000 sf greenhouse no taller than 12 feet high, with the potential to add five additional greenhouses totaling less than five acres on the 100 acre property NGK is acquiring, those concerns seemed to dissipate.

After the scope of the project was explained and the neighbors questions were answered, only four attendees appeared to remain opposed. Specifically the following individuals.

- Joan Edelman, 6659 S. Covered Wagon Rd.
- Fred & Ellen – Arzberger Rd.
- Peggy & Dave Ottens, 5555 E. Singing Arrow Ln.
- A gentleman, that we were told lives in Benson, attending the meeting with Rachel Huber of 6800 S Bascom Trl.

That said, the majority merely seemed curious, and appeared comfortable with the application. At the conclusion of the meeting, several attendees came up to NGK representatives and apologized for the manner in which some of the objectors expressed themselves. We will be contacting those individuals who seemed to support our application to obtain written letters we can submit to you.

Please contact me if you have any further questions.

Nick Kriaris



Esther Perez Gallardo, CCIM
Senior Associate | West USA Commercial
phone: (602) 799-7908/fax (480) 448-9965
email: estherp.gallardo@gmail.com

Neighborhood Meeting Sign-in Sheet

Application for Special Use Permit | Medical Marijuana Cultivation | 9652 S. Covered Wagon Road, Willcox, AZ
 Monday, March 7, 2016

Name	Address, Physical	Email	Phone
JOAN EDELMAN	6659 S. Covered Wagon	Joan85032@yahoo.	520 3846301
RACHEL HUBER	6800 S. Baston Trl	MARYELEPHANTS53@ gmail.com	520 4299990
Cynthia Peterson	6707 S. Buscon Trl	crabiscuit@gmail.com	520-507-6131
Will & Abby John Stefan	6845 Covered Wagon	SPLASH53@YAHOO. COM	520-253-0392
Paul Ellen Pebbles	Arzburger Rd		
CINDY TRAYLOR	4722 S. Covered Wagon Rd	CTRAYLOR@ POWER.NET	520-678-5543
Peggy & Dave OTTENS	5555 E. Singing Arrow Ln	egreys@gmail. com	520-507-3689
Matt & Leah Schantz	45 Parkview Ave Willcox	Leah@Schantz willcox.com	216-743-7143
Carol Broder	P.O. Box 1155 Willcox, AZ 85649	reporter@ willcoxreporters. com	(520) 384-3571 X23

March 17, 2016

Dear Neighbors & Interested Parties,

To those of you able to attend, thank you for being at the Neighborhood Meeting we hosted on March 7, 2016 to discuss our pending application for special use permit concerning medical marijuana cultivation and infusion at 6952 S. Covered Wagon Road in Wilcox, Arizona. For those unable to attend, we are sorry we missed you.

During the meeting we had several questions about the nature of our intended agribusiness operations. The purpose of this letter is to disseminate answers to those questions we were not fully prepared to answer, and to clarify the size and scope of the structures we plan to construct. We apologize for not having complete answers to some of your questions at the meeting, but we thank you for helping us drill down on our plans in anticipation of becoming your new neighbor.

Vehicle Trips

At the March 7th Meeting, many were concerned about the number of vehicle trips we will generate, and the types of vehicles that we will have using the relatively primitive roads in the area. In an effort to address this question completely, we have now carefully examined the management and labor needs of our anticipated cultivation and infusion operations. To satisfy these needs we will have three to six residents at the property at any given time. Once the construction of the greenhouse is completed the only daily vehicle trips will be those associated with those residents' needs to go to town, as any other resident of agricultural property in the area might need or want to do.

In addition, for a few days every three months or so, when our product is harvested, there will be intermittent vehicle trips by unmarked passenger class vehicles (not commercial trucks) to bring seasonal workers to the property to help with the harvest, and pick up the products to bring them to market.

Given that the subject property is approximately 100, acres, under the current zoning, RU-10, there could be up to ten residential homes developed on the property. Suffice it to say that the vehicular traffic associated with our operations will be significantly less than what ten residences would generate.

Furthermore, we are prepared to enter into a private maintenance agreement with Cochise County, as a condition of the approval of our Special Use Permit, attesting to our commitment to help maintain our access roadways.

Building Height

In our notice and invitation letter dated February 25, 2016, I noted that the maximum height of the green house structures we were planning to build would be Twelve (12) Feet. During the discussion that followed the March 7, 2016 neighborhood meeting some of you doubted the viability of structures that small.

Upon further research into the subject, I discovered that this concern was valid. In fact, Twelve (12) Feet would be insufficient. We have now determined that to maximize the cultivation potential of the facilities our greenhouse structures will need to be 21 feet 4 inches

tall on center, sloping down to 13 feet 1.5 inches on the sides. I apologize for this discrepancy. Though our team has experience cultivating medical cannabis, we have only been doing so indoors in fully enclosed structures under grow lights to date, and we continue to learn as we embark on this endeavor to cultivate in greenhouses.

I understand that this additional nine feet four inches in height may be a concern, however the applicable zoning ordinance does allow for the construction of buildings up to thirty (30) feet in height, thus we are well below the maximum permissible height. We have no intention of building our greenhouses any taller than 21 feet 4 inches as noted herein.

Thank you for your interest in our project and for your anticipated support at the upcoming public hearing on April 13, 2016.

If you have any questions or concerns before then please feel free to contact me directly at nick@encantogreencross.com or 602-722-7953.

You may also contact the Cochise County Planning Manager, Jesse Drake, at 520-432-9300.

Very truly yours,

Nicholas Kriaris
NGK Enterprises, LLC

Drake, Jesse

From: Cratsenburg, Diane E
Sent: Tuesday, March 22, 2016 4:51 PM
To: Drake, Jesse
Subject: RE: SU comments

Forgot to note that the informational permits have no fee – added it in red to my original email, below.

Diane Cratsenburg
Engr Tech III
Cochise County Community Development
Highway and Floodplain Division
1415 Melody Lane
Bisbee, AZ 85603
520-432-9327
520-432-9337 fax

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From: Drake, Jesse
Sent: Tuesday, March 22, 2016 4:44 PM
To: Cratsenburg, Diane E
Subject: RE: SU comments

Thank you!

From: Cratsenburg, Diane E
Sent: Tuesday, March 22, 2016 4:44 PM
To: Drake, Jesse
Cc: Ellis, Ronald J; Lamberton, Karen L; Donovan, Dennis L; Wisehart, Melvin D
Subject: SU comments

16-04 – 6952 S Covered Wagon Rd, Willcox - Kriaris – no off-site improvement requirements.

16-05 – 14066 S Sunglow Rd – Canna Consultants - no off-site improvements required – applicant should be advised that these are primitive roads which receive very minimal maintenance with no change planned in the foreseeable future.

16-06 – 11429 N Moore Rd – Frazier –

* Applicant may have to provide apron at Moore/Courtland intersection at commercial permitting, which would have a fee of \$125 and would involve placement of a chip seal apron on the south side of W Courtland Rd at N Moore Road.
* No permit history for the existing driveways located at roughly 0.33 and 0.44 miles south of Courtland Road and noted on the Overall Site Plan submitted with the Special Use authorization request. An informational ROW encroachment permit (no fee) will be needed to document the existing driveways. A permit with a fee of \$100 would be required should the applicant wish to establish any additional driveways to access the parcel.

Diane Cratsenburg
Engr Tech III
Cochise County Community Development
Highway and Floodplain Division
1415 Melody Lane



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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INTEROFFICE MEMO

Date: Mar 21, 2016
To: Jesse Drake , Planning Manager
From: Brad Simmons, P.E., Civil Engineer II
For: Karen Riggs, P.E. RLS, Highway & Floodplain Director, Floodplain Administrator
Subject: Review for Special Use Permit 16-04/Parcel 305-55-015, NGK Enterprises LLC

The Cochise County Floodplain Division has reviewed the special use permit application and site plan. The following will need to be addressed prior to commercial permitting:

1. Since the approximate 40 acres is proposed to have multiple commercial greenhouses and a production building improvement, a drainage analysis will need to be submitted to demonstrate that there is no adverse impact to adjacent parcels and any downstream properties. The proposed rainwater catchment areas should be designed and strategically placed to detain or retain excess runoff due to the improvements.
2. Design plans for these and any improvements disturbing one acre or more will need to be submitted, reviewed and approved before construction begins.

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highway@cochise.az.gov
floodplain@cochise.az.gov



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Highway and Floodplain Division

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MEMORANDUM

Date: March 23, 2016
To: Jesse Drake, Planning Manager
From: Karen L. Lamberton, AICP County Transportation Planner
Subject: Kriaris Medical Marijuana/SU-16-04/Parcel # 305-55-015

The applicant, Nick Kriaris, is requesting a Special Use authorization to approve a facility for the cultivation and infusion of medical marijuana. The property is zoned RU-4, Rural, and the proposed growing and infusion processes are considered a Special Use in that zone under Sections 607.53 and 607.56 of the Zoning Regulations.

Special Use Authorization Conditions

We have no objection to issuing the requested Special Use Authorization with the following conditions and advisory notes to the applicant:

1. In advance or concurrent with their first Commercial Permit application the applicant is required to provide a Private Maintenance Agreement for Covered Wagon Rd. from their driveway access to Cattle Dr.

Background

The applicant is proposing to cultivate and infuse medical marijuana on the site in a series of buildings and greenhouses, constructed and phased in over time. A dispensary is not planned at this time: this is presented as a growing operation only. The subject parcel consists of 40 acres with residential, agricultural and commercial uses in evidence in the surrounding area. The site is generally located southeasterly of the City of Willcox.

Driveway Access

Access is taken from a privately maintained road, Covered Wagon Rd. onto the subject parcel from an existing gated driveway located approximately 1,500 feet north of E. Cattle Drive. Cattle Drive, is a county maintained, native surfaced primitive road with an 18 foot cross-section. Cattle Drive links via the county-maintained Quick Sliver Rd., to Azberger Rd., a county-maintained, chipped-sealed rural minor access roadway.

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Traffic Analysis

This type of use is akin to a small-scaled agricultural use: average trip generation rates specifically for this type of growing operation have not been developed on either a national or state-level at this time. The applicant anticipates up to 24 employees, at full-build out of this project, which has the potential to generate an estimated range of 36-107 vehicle trips per day. The applicant anticipates a heavy pick-up truck to be used for deliveries and agricultural activities on the site; no large commercial vehicles are anticipated at this time by the applicant.

Note: Vehicle trips are different than number of vehicles that travel to the site. Average vehicle trips per day also include incidental traffic generated due to the presence of any particular use (e.g. mail, deliveries, trash pick-up) and averages seasonal variations in trips generated.

Greenhouses tend to stabilize the typical seasonal variations inherent in open agricultural activities. The applicant is proposing a staged greenhouse development with up to 6 greenhouses built over time, as market demand allows. The applicant also anticipates one residential unit with 3 to 6 employees staying on site at any given time. Potentially this would add an estimated 9.57 vehicle trips per day, ranging from 4.3 to 21.8 vehicle trips per day, for non-commercial activities. However, typically having employees located on site reduces employee travel demand thus creating an internal capture rate that off-sets any additional residential use travel demand.

If built out to a full residential use this 40 acre parcel would likely generate an average of 95.7 vehicle trips per day for ten residential units. As a growing and infusion operation only, with no dispensary operation, the requested use is not likely to change the type of use that has historically been on this site nor the type and volume of traffic associated with an agricultural greenhouse operation. It is likely that even at full build-out, as proposed by this applicant; the trip generation for this site would be less than if developed as a residential use.

Private Maintenance Agreement

The applicant's access is off of a non-county maintained roadway. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Like all other native surfaced roadways in the County the access roads to this site are subject to changing conditions which include sudden and severe flooding, ruts, erosion and blowing dust. There is no expectation that the applicant will maintain the private segment of the roadway in any better condition than the County can manage to do in severe weather conditions. However, the applicant will likely have a higher motivation to bring the roadway back into passable condition than other property owners in order to provide access to their customers and the Private Maintenance Agreement formalizes the higher degree of obligation that they would have as a business owner along this residential roadway.

Advisory Note for the Applicant

The conceptual plan is adequate for this Special Use application but will not be adequate at the Commercial Permitting stage. At the commercial permit stage additional details, including a sight distance triangle, per Zoning Regulation 1807.06 and/or Roadway Design Standards D-300, will be needed on the site plan or as a separate illustration. Details on the driveway width, driveway access radii will also be needed: design should comply with the County's Roadway Design Standards.

Failure to provide required details on the site plan at the Commercial Permit stage may result in the application being found deficient and returned for revisions. Checklists and examples available from the Planning and Zoning Dept. office.

Should the scope or scale of operation change during the process of review by the State and Federal agencies the applicant is advised that conditions related to off-site impacts may change.



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PRIVATE MAINTENANCE AGREEMENT
KRIARIS MEDICAL MARIJUANA GREENHOUSES

Nick Kriaris, for owners Ralph Oriano and Rose Ferrara of parcel 305-55-015, addressed on Covered Wagon Rd., Willcox Arizona, agree to participate with other property owners to maintain Covered Wagon Rd. for a distance of approximately 1,500 feet from the driveway of my parcel to E. Cattle Drive, the nearest County maintained roadway, in a passable condition for the duration of my permitted commercial land use.

I acknowledge that the Cochise County Community Development, Highway and Floodplain Department do not, and will not, maintain the access roadways to my parcel.

I acknowledge that all-weather access is not likely assured to my parcel in the foreseeable future.

I certify that I have the legal authority to use the proposed access which connects my subject parcel to E. Cattle Drive for my permitted commercial use on this parcel.

Signature

Date

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 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
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 520-432-9278 fax
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 planningandzoning@cochise.az.gov

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 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

Special Use Docket SU-16-04 (Kriaris)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

I am selling, and I am moving to my family

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

(Attach additional sheets, if necessary)

PRINT NAME(S): RALPH ORIANO

SIGNATURE(S): Ralph Oriano

YOUR TAX PARCEL NUMBER: 9400198-019 305-55-0104-305-55-018 E3
from the Assessor's Office) 305-55-0159 (the eight-digit identification number found on the tax statement)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, March 28, 2016 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Jesse Drake at jdrake@cochise.az.gov that must be received by April 12, 2016 to have your support or non-support noted verbally at the meeting. You may also personally make a statement at the public hearing on April 13, 2016.

NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

COCHISE COUNTY
MAR 15 2016
PLANNING

Special Use Docket SU-16-04 (Kriaris)

X YES, I SUPPORT THIS REQUEST
Please state your reasons:

Humanitarian good produced by this company, alleviating severe health conditions, often chronic: cancer, seizures, arthritis and others. This is a quiet operation with no retail sales or retail traffic. I'd like to know more about water table impact and pollution, if any.
Thank you, lauri.barr@outlook.com

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

(Attach additional sheets, if necessary)

PRINT NAME(S): Lauri Barr

SIGNATURE(S): Lauri Barr

YOUR TAX PARCEL NUMBER: 30555014B (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, March 28, 2016 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Jesse Drake at jdrake@cochise.az.gov that must be received by April 12, 2016 to have your support or non-support noted verbally at the meeting. You may also personally make a statement at the public hearing on April 13, 2016.

NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

COCHISE COUNTY

MAR 14 2016

PLANNING

Special Use Docket SU-16-04 (Kriaris)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

See attached letter

(Attach additional sheets, if necessary)

PRINT NAME(S): Cynthia R Peterson

SIGNATURE(S): Cynthia R. Peterson

6707 S BIRCHM TRC
WILLOW 85643

YOUR TAX PARCEL NUMBER: 305-55-006 3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, March 28, 2016 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Jesse Drake at jdrake@cochise.az.gov that must be received by April 12, 2016 to have your support or non-support noted verbally at the meeting. You may also personally make a statement at the public hearing on April 13, 2016.

NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Cynthia R Peterson
6707 S Bascom Trl
Willcox, AZ 85643
520-507-6131
craebiscuit@gmail.com

March 17, 2016

Jesse Drake, Planning Manager
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Re: Docket SU-16-04 (Kriaris) Medical Marijuana

Mr. Drake:

I am opposed to the issuance of a Special Use Permit for the proposed facility for cultivation and infusion of medical marijuana at 6952 S Covered Wagon Rd, Willcox, AZ. My residence is located at 6707 S Bascom Trl, the forty-four (44) acre parcel just northeast of the proposed facility and I have lived at this address for twenty-eight (28) years.

There is not only a security risk but a lack of fire/police protection as well. I am a single woman living alone and I am aware of several other women in the area that are living alone as well. After learning about other facilities such as this having major security issues and fires from the process, I feel that our neighborhood will become unsafe. The reason I live where I do, which is 25 miles from town, is to enjoy peace, quiet and less traffic noise and be able to enjoy the outdoors without having to look over my shoulder in fear.

Although I do not oppose the use of marijuana for medical purposes, I am strongly opposed to having this facility in my back yard due to lack of police/fire protection but also property values dropping due to this undesirable facility.

Thank you for considering my position on this matter.



Cynthia R Peterson

COCHISE COUNTY

MAR 23 2016

PLANNING

Mr. Drake:

Please consider this as a post script to my letter dated March 17, 2016, concerning Docket Su-16-04. The day that I mailed this letter to you I received the attached letter from Nicholas Krairis, NGK Enterprises, LLC. I am unable to attend the Special Use Permit hearing on April 13 as I will be out of the country.

I am now even more strongly opposed to the medical marijuana cultivation and infusion facility at 6952 S. Covered Wagon Road, Willcox, Az., which connects to my property, Tax Parcel #305-55-006 3. I attended the March 7, 2016, discussion with NGK Enterprises and now am convinced that I, as well as my neighbors, were either misled or lied to about what this facility will mean to our neighborhood. My next question is, what else have they not told us?

I am hopeful that this Special Use Permit will be denied by Cochise County as the area proposed for this facility is really not 'ideal' for anyone except NGK Enterprises and that it will disrupt our neighborhood and take away our peace of mind.

Cynthia R. Peterson
6707 S. Bascom Trail
Willcox, AZ 85643
520-507-6131
craebiscuit@gmail.com



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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jim Henry, Planner I *JH*
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket SU-16-07 (Brown)
DATE: April 1, 2016 for the April 13, 2016 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use Authorization to approve a dog / cat boarding and doggy daycare facility on a 2.3-acre General Business (GB), zoned property. The proposed uses are considered animal husbandry and require a Special Use Authorization per Section 1205.04 of the Zoning Regulations. The Applicant is Nicole Brown.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 2.3 acres
 Zoning: GB (General Business)
 Growth Area: A
 Comprehensive Plan Designation: NC
 Area Plan: None
 Existing Uses: Vacant
 Proposed Uses: Dog / Cat Boarding and Doggy Daycare Facility

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-12 / General Commercial (GC)-City of Sierra Vista	Residential and Storage Units
South	GB	Vacant
East	General Commercial (GC)-City of Sierra Vista	Commercial
West	S. Wardle Rd / R-36	Access Road and Residential

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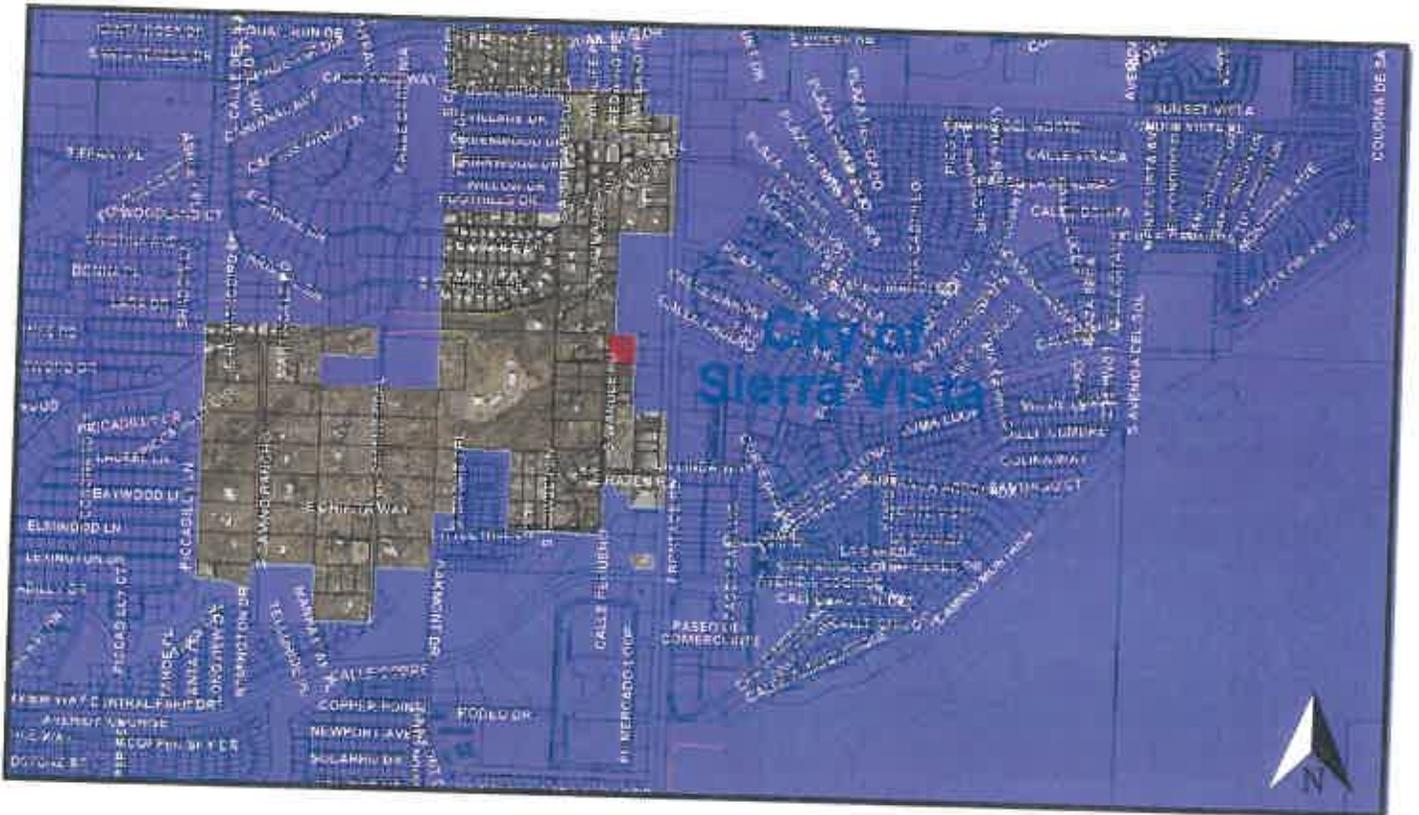
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 highway@cochise.az.gov
 floodplain@cochise.az.gov

II. PARCEL HISTORY

None

III. NATURE OF REQUEST

The Applicant proposes a dog and cat boarding facility, a doggy daycare, a grooming and training facility, as well as a small retail component on a 2.3 acre parcel zoned General Business (GB) in a County enclave adjacent to the incorporated limits of the City of Sierra Vista. The proposal includes a 50' x 95' steel building, a doggy daycare yard, and kennels. While the proposal does include retail, animal grooming, and animal training components, these are allowed uses in a GB zoning district. Therefore, the Applicant is requesting a Special Use Authorization for dog and cat boarding facility. The property is not currently address, but is located west of US 92 approximately one-quarter mile north of the intersection of E. Hazen Road and S. Wardle Road.



Location Map



Site aerial in existing condition

photo date March 21, 2015



View to the northeast



View to the east from S. Wardle Road



Rear wash view to the north



Interior of the property view to the southwest



Intersection of unauthorized road and S. Wardle Road view to the south

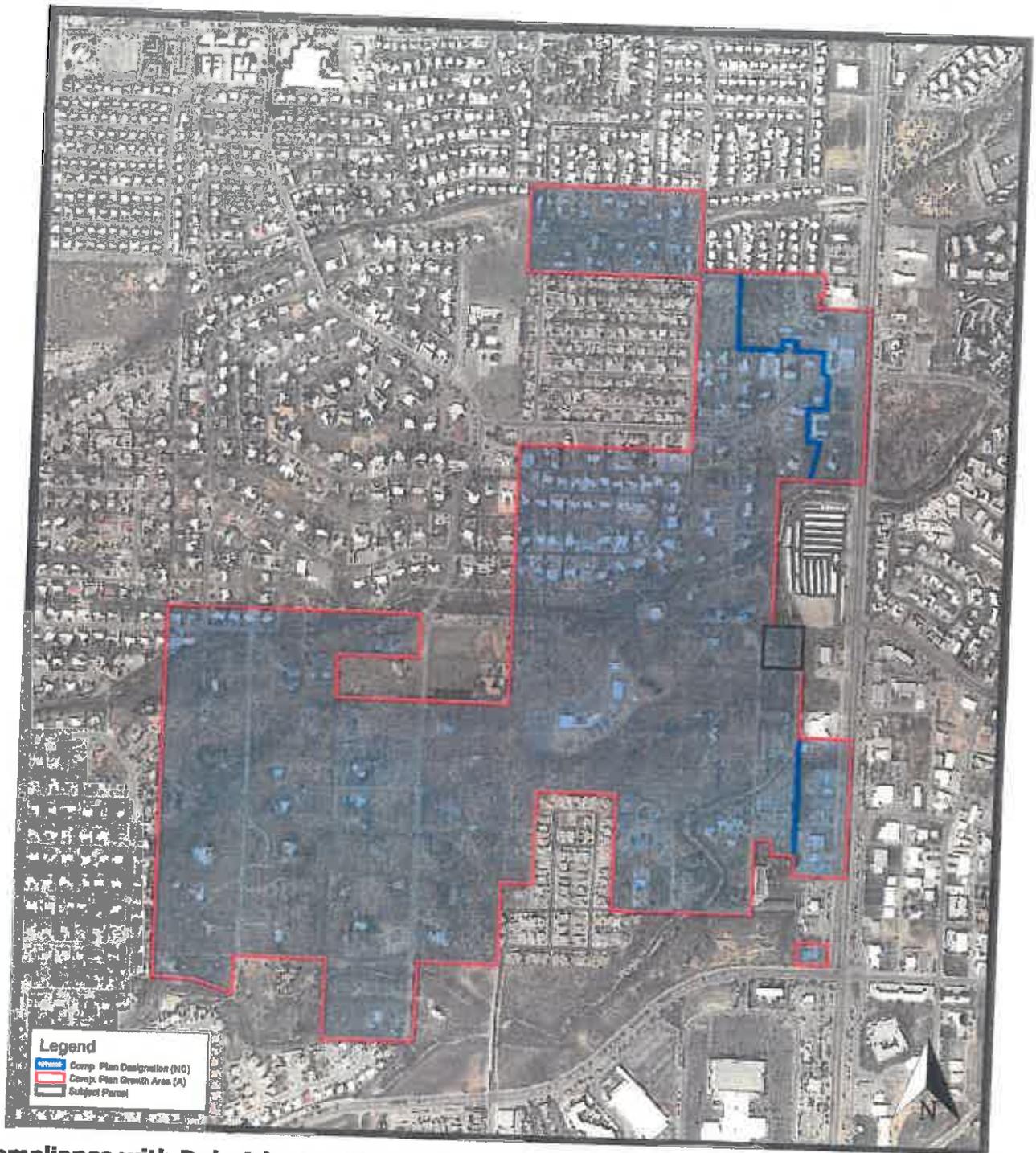


S. Wardle Road view to the south

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed.

Nine of the ten factors apply to this request. The project, as submitted, fully complies with six of the nine applicable factors and will comply with seven factors if waivers are granted.



A. Compliance with Duly Adopted Plans: Does not Comply

The subject parcels lies within a Category A-Urban Growth Area, one of the County's four Growth Areas. Within the four Growth Categories, there are seven potential plan designations. These designations more specifically identify the existing character of smaller areas within each Growth Area. The subject parcel is within a "Neighborhood Conservation" plan designation. .

The Neighborhood Conservation (NC): "plan designation identifies an area as having an established character which is primarily residential, and which needs special rezoning protections to maintain the character of land use that occurs, in general, on lot sizes of one acre or less. The NC plan designation may

occur within a Growth Category A, B or C Area, and shall be established according to the following criteria”:

a. "The area to be designated is a developed residential neighborhood that warrants protection from non-residential uses"; or

- The area is a mixture of zoning districts. The parcels to the northwest, southwest, and west of the subject parcel are developed residential properties on lots greater than one acre. The parcels to the south of the subject parcel are zoned General Business (GB) to the east and north lies the City of Sierra Vista. These parcels are zoned General Commercial (GC).

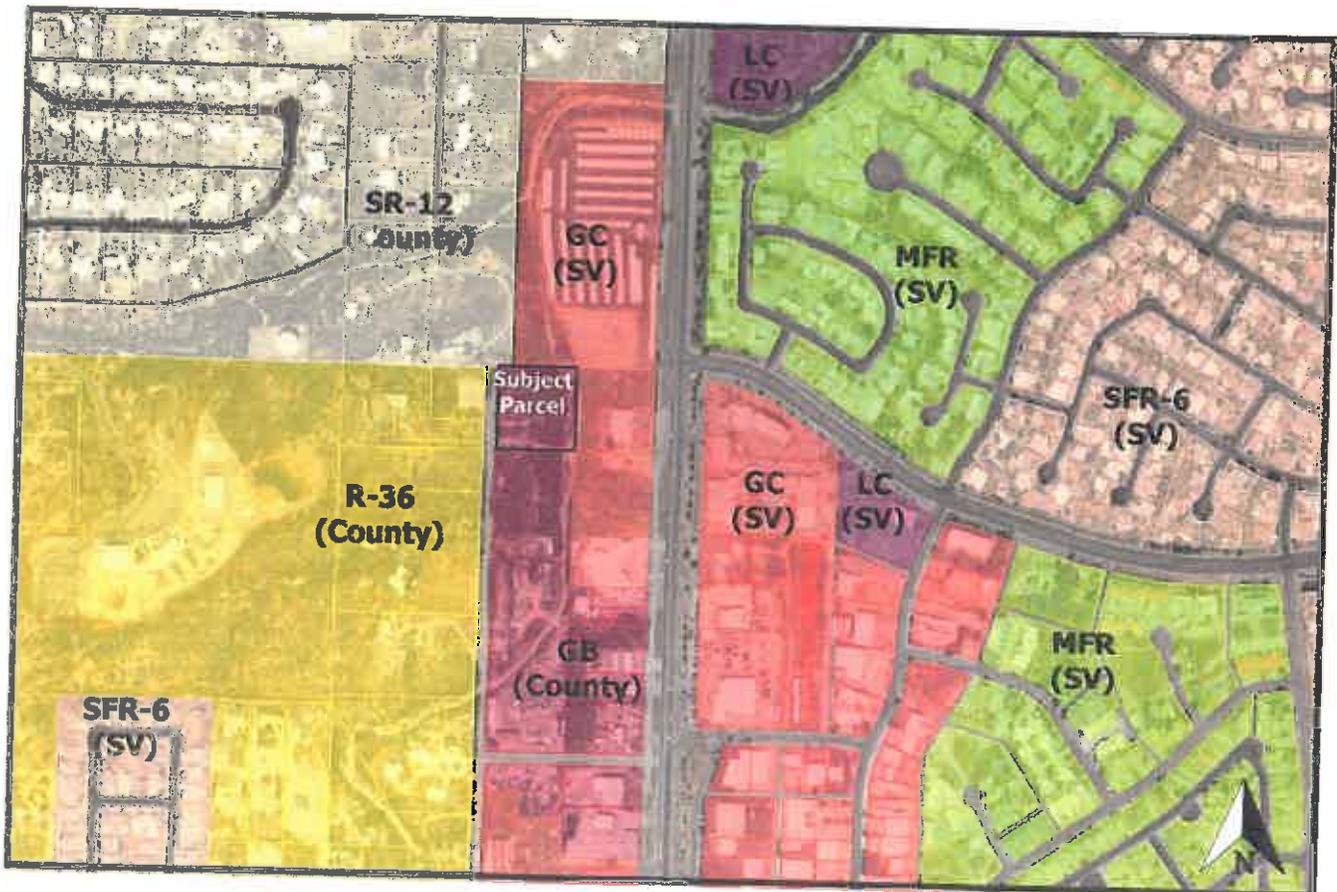
b. "The area is an approved subdivision for which all the improvements are in place and constructed to minimum County standards”.

- The surrounding residential parcels are not part of an approved subdivision.
- The primary access roadways to the subject parcel are not currently built to a county design standard for primitive native surfaced roadways.

While the proposal is not supported by its Comprehensive Plan designation, the proposal is supported by the Comprehensive Plan Economic Development Element:

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

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



Zoning Map

B. Compliance with the Zoning District Purpose Statement: Complies

The proposal satisfies the Zoning Regulations GB-General Business Zoning District purpose statement 1201.03 *"to encourage concentrated development of commercial activities for the convenience of the public"*.

Once developed, the City of Sierra Vista would be interested in annexing the property. After annexation, the City of Sierra Vista would convert the County's General Business (GB) zoning to their equivalent zoning district, which is General Commercial (GC), which allows dog and cat boarding my right.

C. Development Along Major Streets: Does not Comply

The property is located west of US 92 beyond the incorporated city limits of Sierra Vista, AZ. Access is taken from US 92 to Hazen Road, west to S. Wardle Road, north to the site. Neither Wardle Road nor Hazen Road are on the County maintenance system.

D. Traffic Circulation Factors: Complies

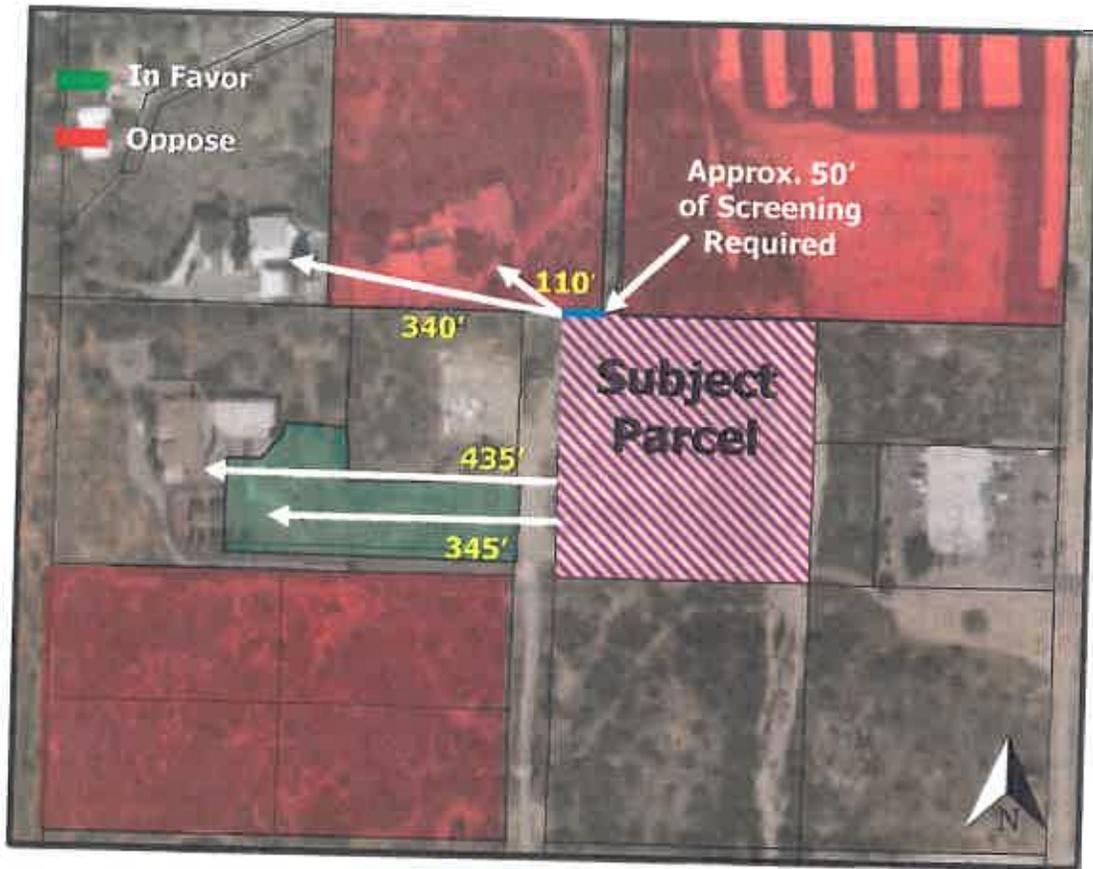
Approval of the Special Use request will result in a more active use of a residential street. While Staff does not expect the increase in usage to justify off-site improvements, there is potential for a substantial amount of vehicle trips per day, especially around the holidays.

E. Adequate Services and Infrastructure: Complies

City sewer lines are located on this eastern portion of the property. It is the City of Sierra Vista's policy, to provide City services to properties within their jurisdiction. While the subject parcel is not currently within the City's jurisdiction, in order for the Applicant to tap into City services, the City of Sierra Vista would require the Applicant to sign a pre-annexation agreement stating that the Applicant agrees to be annexed, should the City pursue annexation in the future, which the Applicant has agreed to. Electricity is provided to the site by Sulphur Springs Valley Electric Cooperative.

F. Significant Site Development Standards: Complies with Waivers

The Applicant plans on clearing only the land where the building and outdoor areas will be located outside of the floodplain, leaving the rest of the land in its natural condition so as to prevent erosion and to help screen the facility from the surrounding residences. However, leaving the native vegetation in a natural state does not satisfy the zoning requirements for screening. As such, the Applicant is requesting a waiver from the screening requirements that would require a six foot solid screen between the adjacent residential parcel that abuts the subject parcel along the northwest edge per Section 1203.5 of the zoning regulations. The neighborhood is spread out with homes on properties of several acres in size, with the nearest residence approximately 165' away from the dog play area. Seeing that the nearest residence is roughly 20-30 foot higher in elevation than the subject parcel, a 50 foot long, six foot tall solid screen would not serve its intended purpose. Staff therefore supports the Applicant's waiver request.



Approximate Distance to the Nearest Residence



View of the nearest residence looking northwest from the subject parcel



View from the nearest residence looking southeast

G. Public Input: Complies

The Applicant sent or delivered letters to all property owners within 1,000-feet of the subject parcel to notify them of this application and to address any neighbor concerns. This letter generated one letter of support and one letter in opposition.

H. Hazardous Materials: Not Applicable

The application states no hazardous materials will be used.

I. Off-Site Impacts: Complies**Noise and Odor**

To address the noise levels, the Applicant intends to limit the times in which the dogs will be outside. The proposed outside schedule for the dogs to have a bathroom break and outside time will be before 7 am and after 7 pm. In addition, the Applicant plans to install a camera monitoring system, so that staff can respond quickly to problems during off hours.

To mitigate the smell, the kennels will be cleaned and disinfected daily both inside and out. The Applicant is adamant that animals entrusted to her care, have a clean and germ free area to stay in. Waste will be collected and sealed in a double bag system and stored in a container that will be removed from the property on a weekly basis. In order to mitigate odor and pests attracted to the storage containers, proper steps will be taken to ensure that the containers and disposal units are thoroughly cleaned after each use.

Traffic

Although S. Wardle Road, is not a County maintained road, the Applicant will still be required to adhere to Zoning Regulation 1807.02 A., which requires that the Applicant enter into a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the Applicant to participate in the maintenance of S. Wardle Rd. in a "passable" condition. A "passable" condition means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a County maintained standard or to an all-weather condition.

J. Water Conservation: Complies

The project is located within the Sierra Vista Subwatershed area, and will comply with all applicable requirements.

V. PUBLIC COMMENT

The Planning Department staff mailed notices to neighboring property owners within 1,000-feet of the subject property. Staff posted the notice to the County website on March 21, 2016, published a legal notice in the *Bisbee Observer* on March 10, 2016 and posted the property on March 11, 2016. Staff received a total of five responses to these notification efforts, two in support and three opposed to the proposal.

VI. REQUESTED MODIFICATIONS

The Applicant is requesting waivers from the six foot solid screen requirement on the north side of the subject parcel that would be required to screen the proposed non-residential use from the residential land that is adjacent to the subject parcel along the northwestern edge of the subject parcel per Section 1203.5 of the zoning regulations. Staff supports this request.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to allow dog boarding kennels on a portion of a 2.3-acre vacant General Business (GB), zoned property located on S. Wardle Road adjacent to the incorporated limits of the City of Sierra Vista.

Factors in Favor of Approving the Special Use

1. The proposal complies with the Comprehensive Plan's Economic Development.

2. The proposal complies with six of the nine applicable factors Staff uses to evaluate Special Use requests.
3. The proposal complies with the Zoning ordinance purpose statement.
4. Two letters in support have been received.
5. The requested use is not as intrusive as other uses that would be allowed by right in a GB zoning district including a bar, car repair shop, convenience store, butcher shop, or an impound storage yard.

Factors Against Allowing the Special Use

1. The proposal is not supported by its Comprehensive Plan Designation nor is it supported by the City of Sierra Vista's Comprehensive Plan.
2. Staff has received three letters in opposition to the proposal.

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. 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
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-16-07, with the Conditions and Modifications recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Special Use application
- B. Site plan
- C. Location map, Zoning Map, and Comp. Plan Map
- D. Agency comments
- E. Public Comment

2. The proposal complies with six of the nine applicable factors Staff uses to evaluate Special Use requests.
3. The proposal complies with the Zoning ordinance purpose statement.
4. Two letters in support have been received.
5. The requested use is not as intrusive as other uses that would be allowed by right in a GB zoning district including a bar, car repair shop, convenience store, butcher shop, or an impound storage yard.

Factors Against Allowing the Special Use

1. The proposal is not supported by its Comprehensive Plan Designation nor is it supported by the City of Sierra Vista’s Comprehensive Plan.
2. Staff has received three letters in opposition to the proposal.

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;
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3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-16-07, with the Conditions and Modifications recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Special Use application
- B. Site plan
- C. Location map
- D. Agency comments
- E. Public Comment

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

TAX PARCEL NUMBER 105-16-001c
APPLICANT Nicole Brown/ TailTopia
ADDRESS 4537 S Kino RD Sierra Vista AZ 85650
CONTACT TELEPHONE NUMBER 443-812-0986
EMAIL ADDRESS: boxerspoint@hotmail.com
PROPERTY OWNER (IF OTHER THAN APPLICANT) _____
ADDRESS _____
DATE SUBMITTED 02/23/16

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

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

By signing below, I acknowledge that:

11. A complete response to any correspondence will be submitted to Cochise County for any subsequent reviews.
12. The Applicant or Agent will be sent written or electronic notice of a license approval or denial within the substantive review period.
13. All required permits must be obtained prior to any construction and that failure to obtain permits may result in fines or other penalties.
14. The Applicant or Agent is responsible for all changes and additional time required to correct plans and/or development as a result of differences between the proposed use and what is permitted in the zoning district in which the property lies.
15. The project review process and timeframe is suspended when a project triggers the requirement for an application for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

By signing below, I acknowledge that:

16. An appeal protesting any denial of an application may be made to Cochise County Community Development Department, Planning Division Deputy Director, Beverly Wilson, 1415 Melody Lane, Bldg. E. Bisbee, Arizona 85603. The appeal shall set forth all relevant facts pertaining to the denial, and must be in writing. It must be filed within ten-days from the date of the denial letter.
17. If the County does not issue to the Applicant the written or electronic notice granting or denying a license within the **overall** time frame or within the mutually agreed upon time frame extension, the county SHALL refund the Applicant all fees charged for reviewing the applications and SHALL excuse any fees not yet paid. The refund SHALL be made within 30-working days after the expiration of the agreed upon time frame pursuant A.R.S. § 11-1605(J).

Nicole Brown
Signature

23 Feb 11
Date

Nicole Brown/ Tailtopia

Print Name/Firm

Owner

Agent

6. Traffic Impact Analysis (TIA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

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

PART TWO - QUESTIONNAIRE

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

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

1. What is the existing use of the property?

Commercial Land

- What is the proposed use or improvement?

Build a 50x95 steel building with fencing

2. 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?

dog and cat boarding kennel with doggy daycare, grooming and training. There are limited neighbor

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

Dog Boarding, Cat Boarding, grooming, dog training, dog daycare, and small retail section

4. 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)
-

5. Will the project be constructed/completed within one year or phased? One Year ^{yes}
 Phased if phased, describe the phases and depict on the site plan.
-
-

6. Provide the following information (when applicable):

A. Days and hours of operation: Days: ⁷ _____ Hours (from ⁰⁷⁰⁰ _____ AM to ¹⁹⁰⁰ _____ PM)

Concept Plan Instructions for Special Uses

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

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

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

Service	Utility Company/Service Provider	Provisions to be made
Water	Gr. zona water	
Sewer/Septic		
Electricity	Sulpher Springs	
Natural Gas		
Telephone	Vonyage	
Fire Protection		

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Dog turnouts and playyards. Dog training will also occur outside when the weather is nice.

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No ^x ___ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

Will any noise be produced that can be heard on neighboring properties? Yes ^x ___ 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?

Dog barking may be heard. There will always be staff outside with the dogs to help control the noise.

3. 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?

4. Will odors be created? Yes ^x ___ No ___ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties?

All animal feces will be picked up immediately and will be disposed of in double bags.

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

6. 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.
7. 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. _____
8. 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).
9. 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.
10. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)
 crushed gravel and paved handicap spot

11. 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.)
12. 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.

B. Number of employees: Initially: 4 Future: 8
Number per shift Seasonal changes _____

C. Total average daily traffic generated:

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

20

(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?
east to west and back on S Wardle rd

(4) If more than one direction, estimate the percentage that travel in each direction
S Wardle rd is the only way to and from the location

(5) At what time of day, day of week and season (if applicable) is traffic the heavies
0700 and 1800 will be the heaviest daily traffic. Also more traffic during summers and holidays

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.
Estimated total gallons of water used: per day 800 **per year** 292,000

Will you use a septic system? Yes _____ No ^x_____ 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 ^x_____ 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:

2. How many acres will be cleared? ¹ _____
 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 Nicole Brown

Print Applicant's Name Nicole Brown/ TailTopia

Date signed 23 Feb 16

Respected Neighbors,

My name is Nicole Brown and I am writing to you today to ask for your consideration on a business venture I'd like to embark on. I would like to open a Dog & Cat Boarding Kennel that would house approximately 24 dogs & 12 cats with a Doggie Day Care, Dog Training Center & Grooming Salon. The business will be located at the end of Wardle Rd behind the Papa John's building.

Let me tell you a little bit about myself so you understand where I come from & what my background is. I have been a Soldier in the United States Army for 24 years, which gave me the unique opportunity of opening a successful Dog Boarding facility on Ft. Meade in Maryland. I have worked as a Veterinary Technician under several Veterinarians, which gives me insight to when an animal is not feeling well & how to treat it. While living in Washington DC, I was the director of the local Humane Society. My varied experience with pets & my passion for their care has led me to this path of caring for the beloved pets of my neighbors & community.

There is a high need for more Boarding Kennels in the area. I would like the opportunity to provide the community with the peace of mind that their Pets will be in excellent hands while they travel or work. The two questions most frequently asked with a business like this are "How will you control the noise level with multiple dogs on the property?" & "How will you deal with the removal of dog waste to prevent foul odors?". Allow me to address these questions up front.

The noise level will be addressed by limiting the times in which the dogs will be outside. They will only be allowed outside the kennel on an individual basis for bathroom breaks before 7am and after 7pm. The facility will also be outfitted with a camera monitoring system so that staff can respond quickly during hours that the business is closed.

The kennels will be cleaned and disinfected daily both inside & out, this is a point in which I am adamant on as I believe that the dogs I board should have an enjoyable, germ-free & safe area to stay in. The waste will be collected hourly & the area properly sanitized. The waste will be collected & sealed in a double bag system & stored in a container until removed from the property once weekly at a minimum. Proper steps will be taken to assure that the containers & disposal units will be thoroughly cleaned & decontaminated after each use which will limit the odor & attraction of pests such as flies.

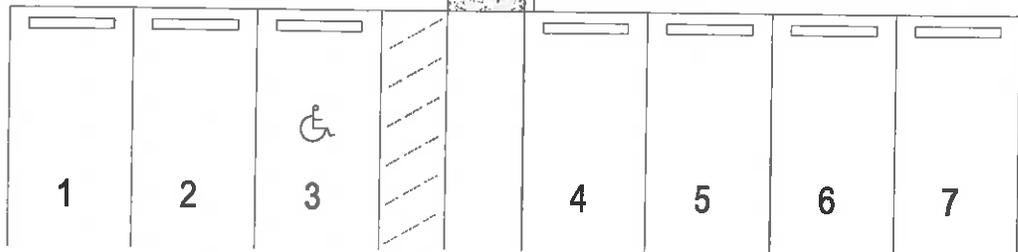
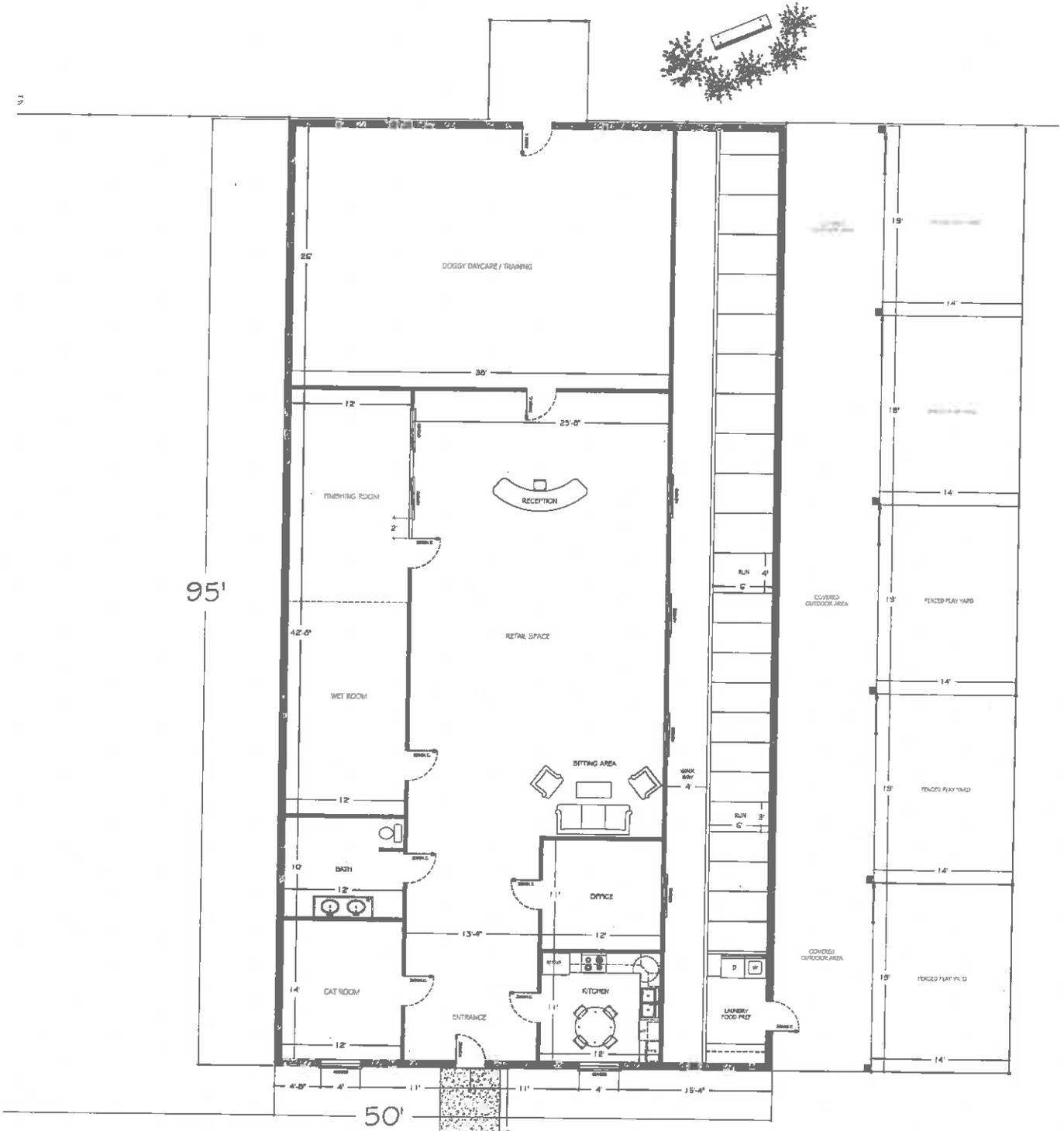
If you have any questions or concerns, I welcome your comments. My contact information is listed below. The most direct & timely route for communication would be email.

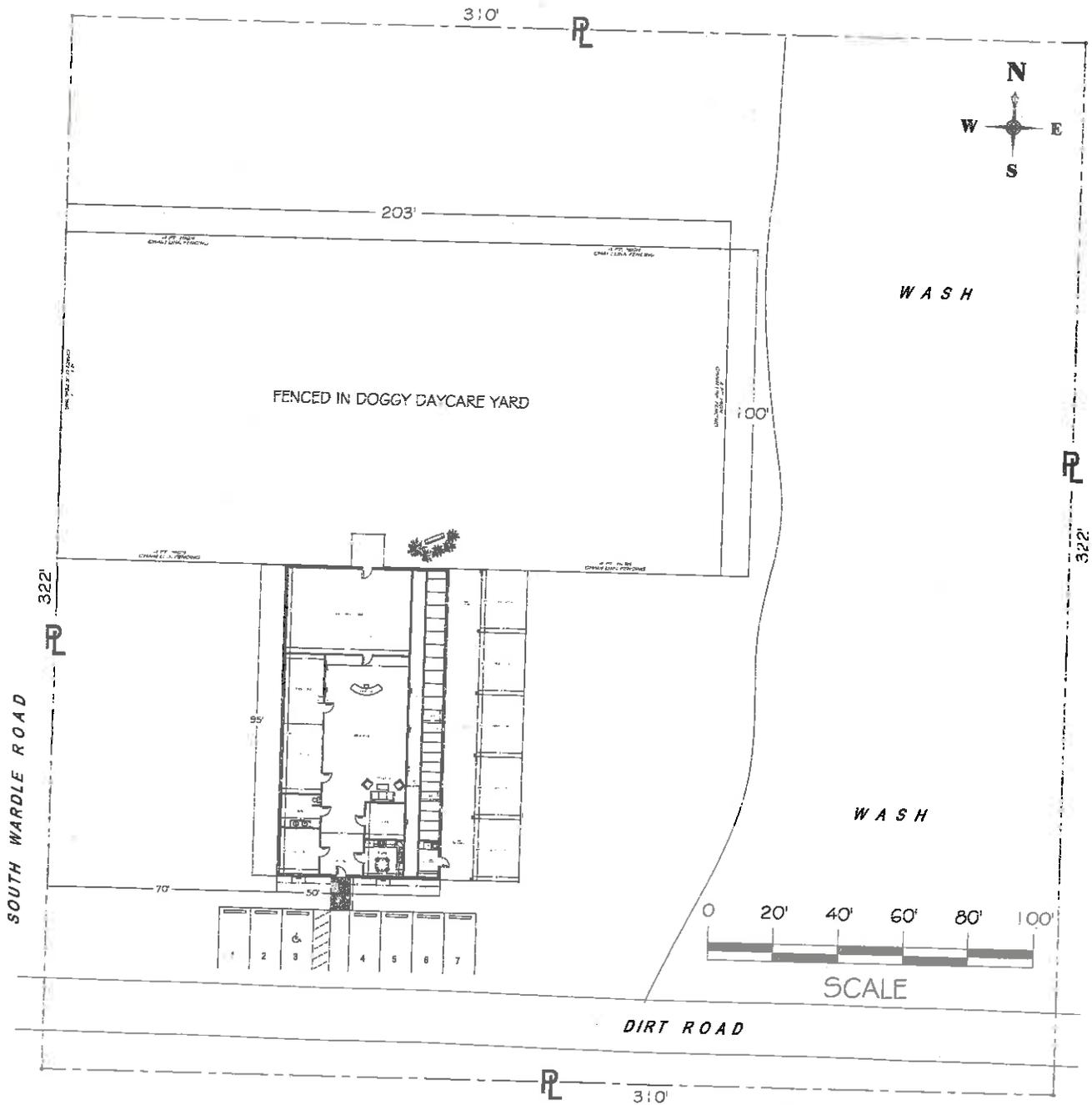
I thank you for your time & consideration,

Nicole Brown

Email: boxerspoint@hotmail.com

Mailing Address: 4537 S. Kino Rd, Sierra Vista, AZ 85650







Legend

- Subject Parcel (APN 105-16-001C)
- Parcels
- Floodplain:
- Flood Hazard Areas:
- ZONE A
- ZONE AE
- ZONE AH
- ZONE AO
- ZONE X - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- ZONE D
- Maintained Roads
- Driveways
- Roads



SU-16-07

This map is a product of the
Cochise County GIS
Information Technology Dept.





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

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

MEMORANDUM

Date: March 21, 2016
To: Jim Henry, Planner 1
From: Karen L. Lamberton, County Transportation Planner
Subject: Brown Dog and Cat Boarding/SU 16-07/Parcel #105-16-001C

The Applicants are seeking to develop a dog and cat boarding and kennel operation on a parcel located adjacent to the incorporated city of Sierra Vista.

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

- The applicant will be required to submit a Private Maintenance Agreement during the Commercial Permit phase.

The applicant is seeking to operate a dog boarding and kennel operation in the Sierra Vista area. Access is available via privately owned roadways for approximately .4 miles (Wardle Ave. to Hazen Rd.) and then connects to the state maintained Highway 92. No research was conducted about the sufficiency of any private or public easements on Wardle Ave or Hazen Road: it appears that a 50 foot publicly dedicated easement is in place: it is the applicant's responsibility to be assured of their legal right to use these roadways.

Traffic Analysis

There is not an equivalent use for a small, rural short term boarding facility in the ITE Manual, 8th ed. The applicant estimates 4 to 8 employees, in the future, with heavier use during the summer and holidays. It is likely that most of this traffic will be off-peak hours and much like a specialty shop, this proposed pet boarding activity is likely to produce only minimal and intermittent trips throughout the day. A use akin to this one, veterinary services, would be anticipated to produce approximately 54 vehicle trips per day, for a facility this size; however, that type of use tends to typically have hourly trips whereas pet boarding tends to cluster around pick-up and drop off timeframes with many days of no trips at all and others, typically around holiday travel timeframes, where the kennels could potentially be at full occupancy.

The pet grooming element is typically a higher traffic generator than the kennels alone would be. There would likely be some overlap (a kenneled dog also schedule to be groomed during their holiday stay) making this element of this proposed land use accessory to the primary purpose of a

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

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

dog and cat kennel. However, pets arriving for only grooming would have a different type of traffic pattern with the potential of 4 vehicle trips per drop off and pick up within a span of one to two hours. This site is not proposing multiple grooming bays; if fully booked with an estimate two pets per hour this use could generate about 64 vehicle trips on any given day. We would estimate this to be very high end of the potential range and not reflective of any typical day.

On days with full occupancy of the kennels it could potentially be possible that an estimated 76 vehicle trips per day might occur at the high end of the range. If combined with the addition of fully booked additional pets for grooming, plus the full contingent of employees at full build-out, this land use could potentially add 70 vehicles per day (140 vehicles trips) to the traffic network. On a typical day, it is more likely that this use will be far less than this and reflect the higher end of a typical residential unit of 20-30 vehicle trips per day.

The closest maintained roadway is the state highway – given its proximity to the urbanized city of Sierra Vista it is unlikely that this use will notably impact the traffic volumes or circulation on that state facility. The change of traffic will be noticeable on the private roadways as the land use currently is vacant; however, adjacent use include an animal hospital, a contractor, a pizza restaurant all of which tend to have higher traffic volumes and truck deliveries as well as increased employee vehicle trips in and out of these types of businesses. This proposed use is likely to be consistent with this pattern already in the area.

Private Maintenance Agreement

The applicant's access is off of a non-county maintained roadway. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

The applicant is advised that at this time the non-maintained access roadways to their parcel would not be considered to be designed to a minimal rural dirt road standard (minimum 20-foot cross-section, minimum 2 percent crown, barrow ditch for metering out storm-water). In addition, some type of pavement stabilization would be appropriate for improving the access to the site.

Like all other native surfaced roadways in the County the access roads to this site are subject to changing conditions which include sudden and severe flooding, ruts, erosion and blowing dust. There is no expectation that the applicant will maintain the private segment of the roadway in any better condition than the County can manage to do in severe weather conditions. However, the applicant will likely have a higher motivation to bring the roadway back into passable condition than other property owners in order to provide access to their customers and the Private Maintenance Agreement formalizes the higher degree of obligation that they would have as a business owner along this residential roadway.

Recommendation and Advisory Note for the Applicant

Given the off-peak intermittent type of travel demand this use would generate, and given the seasonal nature of the proposed use no off-site improvements will be required of the applicant. It will be the applicant's responsibility to ensure that their access to their parcel and proposed business is in a passable and drivable condition for their employees and customers. They applicants may wish to work with parcel owners immediately to the east of them and consider entering into a joint use driveway permit for access onto Highway 92. The applicants are advised that the appearance of an old utility dirt road accessing their site directly from the Highway frontage area is not an authorized access for their parcel and should not be used without legitimizing an access driveway with ADOT and obtaining legal rights across those other parcels under separate ownership.



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

INTEROFFICE MEMO

Date: March 1, 2016
To: Jim Henry, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: SU-16-07 (Brown)

Background: The applicant is requesting a Special Use authorization to approve a dog/cat boarding and a doggy daycare facility on a 2.3 acre General Business (GB), zoned property. The proposed uses are considered animal husbandry and require a Special Use Authorization per Section 1205.04 of the Zoning Regulations. While the proposal does include retail, animal grooming, and animal training components these are allowed uses in a GB zoning district. The subject parcel, APN 105-16-001C is not currently addresses, but is located approximately one-quarter mile north of the intersection of East Hazen Road and South Wardle Road, near Sierra Vista, AZ. It is further described as being situated in Section 12, Township 22 South, Range 20 East of the Gila and Salt River Base and Meridian, in Cochise County, Arizona. The Applicant is Nicole Brown. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from US 92 to Hazen Road, west to South Wardle Road, north to site
- Wardle Road was dedicated to the public at a width of 50 feet in Docket 1675, page 513 records of Cochise County, AZ
- Wardle Road is not a county maintained road

Recommendation:

- No need for right-of-way dedication is required for Wardle at this time.

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

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

We have no objection -
Hope your business goes

well - Sincerely,

Conrad Hegeman

520-249-0806

Dear Quate,

We received your
note today about building
a Annex at the end of
Wardle Rd. We are in the
process of selling our house
on Wardle Rd. The new
owners may object, but



Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

REVIEW

To: Jesse Drake-Planning Manager-Cochise County Community Development
From: Ruth Bigelow-Right of Way Agent
Date: February 26, 2016
Re: SU-16-07 (Brown) Dog Kennel-105-16-001C

- SSVEC has no issues with this Special Use Permit

if you have any questions concerning this review please contact me at 520-384-5513 or rbigelow@ssvec.com

March 15, 2016

To Whom It May Concern:

We are the owners of the property located at 1690 s. Wardle Rd in addition to four 1 acre Parcels directly adjacent to the property which we understand you are trying to secure approval for a Special Use Permit to house a Dog/Cat Boarding Facility.

We do not agree to the Special Use Permit simply because the devaluation to our residence and the 4 single acre parcels which we own would be catastrophic.

A Dog Kennel/Boarding business is highly destructive and we do not agree to approve of any variances in this regard.

Please contact us with the name and telephone number of the person we need to contact directly with regard to this matter so we may prepare for the Hearing scheduled for April 13, 2016.

Sincerely,

Helen & Alfonso Mele
1690 Wardle Rd.
Sierra Vista, Az.

520 439-9743 or 520 266-2517

Special Use Docket SU-16-07 (Brown)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

This is a quiet neighborhood which is why we love it. The noise from barking dogs will be disturbing to the tranquility of the area and will also be disruptive to wildlife that use the Coyote ditch.

(Attach additional sheets, if necessary)

PRINT NAME(S): Patrick N. Bryan

SIGNATURE(S): Patrick Bryan

YOUR TAX PARCEL NUMBER: 10505028 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, March 28, 2016 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Jim Henry at jhenry@cochise.az.gov that must be received by April 12, 2016 to have your support or non-support noted verbally noted at the meeting. You may also personally make a statement at the public hearing on April 13, 2016.

NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

PLANNING
MAR 03 2016
COCHISE COUNTY

Special Use Docket SU-16-07 (Brown)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

We do not want to have a bunch of noisy dogs right below our bedroom. We cherish our quiet times.

(Attach additional sheets, if necessary)

PRINT NAME(S): Craig Munsey Linda Munsey

SIGNATURE(S): Craig Munsey
Linda Munsey

YOUR TAX PARCEL NUMBER: 105 - 05 - 079 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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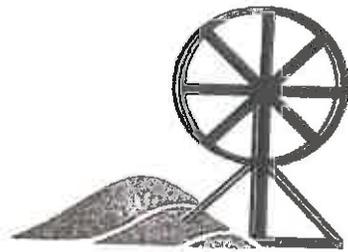
NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

COCHISE COUNTY

MAR 23 2016

PLANNING



Cashway Mini Warehouses, L.L.C.

1400 South Hwy 92, Sierra Vista, AZ 85635 □
(520) 458-1973 ♦ Fax (520) 459-6955

Corporate Headquarters

P.O. Box 450, Waddell, AZ 85355-0450 ■
(623) 536-5614 ♦ Fax (623) 536-5615

March 24, 2016

COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane

Building E

Bisbee, Arizona 85603

ATTN: Jim Henry, Planning I

RE: Docket SU-15-07 (Brown) Dog & Cat Kennel

Dear Mr. Henry:

Enclosed please find our response to the above Special Use Permit & zoning matter, along with the attached "**Exhibit A**" pictures of the subject and surrounding property.

Unfortunately, my management team and I will be unable to attend the public hearing on Wednesday, April 13, 2016, due to a prior seminar training engagement presented by the AZ Self Storage Association in Phoenix. We are however, very concerned about having this kind of operation close to an eating establishment and large private residences, that are zoned to accommodate their needs. And then you have our business... that caters to customers that are *outside and exposed to the elements*, during their storage unit visit. Our Resident Manager has expressed that he does not want any part of this proposed idea or vision either.

I am sure once you review aerial satellite imagery along the wash, you would agree that this business is not suited to be tucked behind a restaurant, with direct access to the wash. It is my understanding that this is not the first location that will be denied their request and it is our hope that they will find a more suitable arrangement for the dogs, than a beauty parlor and school *inside* the described accommodations.

Thank you for your efforts to manage our zoning laws and special use permits with great consideration for all of us. I remain,

COCHISE COUNTY

MAR 28 2016

PLANNING

EXPRESS MAIL

Sincerely yours,

CASHWAY MINI WAREHOUSES, L.L.C.

Therese Sanders, Owner, Manager

Special Use Docket SU-16-07 (Brown)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

Due to the noise, health and environmental concerns for both our customers and Resident Manager, we could not and will not support this venture. This parcel is approximately 300 yards from our southwest fence and even closer to the other surrounding homes and businesses. It is possible the property could invite activities that would be hard to police, since it lies next to a wash and within the floodplain. (See attached pictures marked as "Exhibit A" and by reference made a part hereof.) Our property, consisting of 12.63 Acres overlooks the Coyote Wash and has been in our family since the early 1970's. We contribute over \$68,000/year in taxes and believe this animal shelter/retreat/pound dressed up as a "Doggie Day Care" will drive down the property values in our area. Nothing is quiet about 24 dogs. (Attach additional sheets, if necessary)

PRINT NAME(S): CASHWAY MINI WAREHOUSES, L.L.C.

SIGNATURE(S): Therese A. Sanders
By: Therese A. Sanders, Member/Manager

YOUR TAX PARCEL NUMBER: 105-05-007-3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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

"Exhibit A"



Special Use Docket SU-16-07 (Brown)

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): HELEN MELE & ALFONSO MELE

SIGNATURE(S): *Helen Mele*
Alfonso Mele

YOUR TAX PARCEL NUMBER: 105-16-001K3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

COCHISE COUNTY
MAR 17 2016
PLANNING

Special Use Docket SU-16-07 (Brown)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

We are very excited about this business coming into our community. Our parcel would be the closed parcel to this business on waddle road and we fully support this endeavor. Mrs. Brown has served our country for over 20 years of her life. Our support is the least we can do. We hope the county will support her as well.

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

(Attach additional sheets, if necessary)

PRINT NAME(S):

John D Pray, Kayla E Pray

SIGNATURE(S):

John D Pray
Kayla E Pray

YOUR TAX PARCEL NUMBER: 105-16-797 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, March 28, 2016 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Jim Henry at jhenry@cochise.az.gov that must be received by April 12, 2016 to have your support or non-support noted verbally noted at the meeting. You may also personally make a statement at the public hearing on April 13, 2016.

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Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

COCHISE COUNTY

MAR 07 2016

PLANNING

"Exhibit A"



CMW MANAGER RESIDENCE



"Exhibit A"



COYOTE WASH



← cmw