



**Planning
Commission**

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

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

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Manager, Michael Turisk at 520.432.9240. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

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

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



Cochise County Planning Commission

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

**Regular Meeting
May 14, 2014
4:00 p.m.**

AGENDA

Please Be Courteous - Turn off cell phones and pagers while the meeting is in session.

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

2. ROLL CALL (Introduce Commission members and explain quorum and requirements for taking legal action).

3. APPROVAL OF PREVIOUS MONTH'S MINUTES

4. CALL TO THE PUBLIC - Pursuant to A.R.S. § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

5. NEW BUSINESS

Item 1- (Page 1) – PUBLIC HEARING - Docket Z-14-03 (Phillips): The Applicant requests to rezone two adjoining Parcels from RU-2 to RU-4 to facilitate construction under the County's Owner-Builder Opt-Out program. The property is located in the Desert Sky subdivision east of McNeal, on N. Tequila Sunrise Road. The Applicant is Leah Phillips.

Item 2 – (Page 13) – PUBLIC HEARING - Docket Z-14-04 (Dorofey): The Applicant requests to rezone a Parcel from RU-2 to RU-4 to facilitate construction under the County’s Owner-Builder Opt-Out program. The property, an unaddressed Parcel in the Desert Sky subdivision east of McNeal, is along N. EE Ranch Road. The Applicant is Ian Dorofey.

Item 3 – (Page 23) – PUBLIC HEARING - Docket SU-14-08 (Ransom): The Applicant requests a Special Use authorization for an Accessory Living Quarter (ALQ). The proposal is to remodel and expand an existing accessory structure into a Guest House of approximately 375-square feet. Pursuant to Section 1717 of the Cochise County Zoning Regulations, a notice was sent to all property owners within 300-feet of the subject property. As a written objection was received within 15-days, the request must proceed as a Special Use. The subject parcel is located at 10940 S. Dos Cahuamas Road, in Hereford. The Applicant is Sara Ransom.

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

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES
April 9, 2014
REGULAR MEETING at 4:00 p.m.**

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

Vice-Chair Martzke admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there were two Special Use dockets and a Regulation change on the agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Martzke noted the presence of a quorum and the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Tim Cervantes, Jim Lynch, Gary Brauchla, Pat Edie, Jim Martzke, Carmen Miller and Joe Garcia) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Britt Hanson, Chief Civil Deputy County Attorney, Michael Turisk, Planning Manager, Dora Flores, Permit and Customer Service Coordinator, Keith Dennis, Planner II, and Peter Gardner, Planner I.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the March 12, 2014 meeting striking a phrase referencing the Staff member present from the Attorney's office. **Action:** Approve with correction. **Moved by:** Mr. Lynch **Seconded by:** Mr. Brauchla

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

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

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

NEW BUSINESS

Item 1

PUBLIC HEARING

Docket SU-14-06 (Torch Renewable Energy, LLC): A Special Use authorization request for a Solar Energy Power Plant on one Section of land located approximately 14-miles west of Willcox.

The proposed utility-scale solar array would be constructed on private land, and the accessory infrastructure would be constructed on adjacent state trust land. The Applicant is Torch Renewable Energy, LLC, Glenn Holliday, Agent for Applicant.

Vice-Chair Martzke called for the Planning Director's report. Planning Manager, Michael Turisk presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the support and opposition from neighbors. Mr. Turisk also explained Staff's analysis of the Special Use factors. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke asked if the Applicant wished to make a statement. Mr. Glenn Holliday from Torch Renewable Energy spoke, explaining the concept of the project. He explained that a buyer existed for the power, and that the solar was replacing a portion of the previously approved wind energy solar plant. He explained the private access to the site and technical details of the system proposed. Mr. Holliday explained the approved siting of the transmission lines. He also explained how runoff would be controlled and how flooding and erosion would be prevented on the site as well as on adjoining properties. He also discussed the plant and wildlife studies required, and discussed the studies required in the Conditions, explaining that requirements were different on private land as opposed to State Trust land. Mr. John Kilberg from Torch Renewable Energy spoke about the economic basis for the project.

Mr. Martzke then opened the Public Hearing.

Ms. Patricia Gerrodette of Sierra Vista asked to speak twice, once as a private citizen, and once representing the Huachuca Audubon Society. She spoke on behalf of the Huachuca Audubon Society first, noting that the Society had appealed the wind farm to the Board to ensure that Game and Fish's concerns were attached to the permit as Conditions, and asked that a similar Condition be applied on the solar proposal. Ms Gerrodette then spoke as a private citizen, asking for information regarding the property owners, stating that she could not find the LLC listed online, and asked for individual names of the owners. Mr. Turisk deferred to the Applicant. Ms. Gerrodette stated that she believed that the Fort wanted all power lines to be buried. Mr. Turisk stated that the Condition requiring burial of the lines had been removed. Ms. Gerrodette asked for clarification of a memo expressing concern from County Staff regarding the flood report. She closed by stating a request that the Commission require the Applicant to meter and report all water use on the site.

Mr. George Scott of Benson spoke representing the Southeast Arizona Economic Development Group, and stated that the group supported the project as an economic driver for the County.

Mr. Alan Baker of Willcox spoke as the executive director of the Willcox Chamber of Commerce and Agriculture, and stated that the project would be a good fit for the area.

Ms. Mignonne Hollis of Sierra Vista spoke as the director of the Sierra Vista Economic Development Foundation. Ms. Hollis expressed support for the project as an example of economic development in the region.

There being no further speakers, and the Applicants not wishing to rebut, Mr. Martzke closed the Public Hearing and invited discussion. Mr. Lynch asked for clarification of the ownership of the property. Mr. Holliday explained the ownership and gave the names of the owners. Mr. Martzke then called for the Planning Director's summary and recommendation. Mr. Turisk recommended Conditional Approval and explained the Conditions recommended by Staff. Mr. Martzke asked for clarification regarding the Condition requiring lines to be buried. Mr. Turisk explained that the Condition had been struck as the Applicant had negotiated a compromise with Fort Huachuca that precluded the need to bury the lines. Mr. Martzke called for a motion. Mr. Lynch asked Staff for clarification regarding the language regarding the required studies. Mr. Turisk deferred to the Applicant. Mr. Holiday again explained the requirements. He noted that only the transmission lines were on State Trust land and explained the required studies. Mr. Korenkavich, an avian biologist working with Torch Energy spoke to explain the requirements from the Federal and State governments regarding the required studies. He clarified the nomenclature and which studies were required. Mr. Martzke asked if the studies were equivalent. Mr. Korenkavich explained that they were not, and clarified the recommendations from the State agencies. Mr. Lynch suggested rewording the Condition to read that all studies required by the State and Federal governments be done rather than noting particular studies. Mr. Martzke concurred. Mr. Turisk noted that the Condition would have to be altered as part of the motion. Mr. Lynch made a motion for Conditional Approval replacing Condition 1 with "Applicant shall submit all required Federal and State studies and provide copies to Community Development" and striking Condition 7 requiring burial of transmission lines. Mr. Hanson clarified with Mr. Lynch that the motion was to reference the Conditions presented at the meeting rather than the Conditions in the packet. Mr. Brauchla seconded the motion and Mr. Martzke asked for discussion. Mr. Martzke then called for a vote. The motion passed 7-0.

Motion: Motioned to grant the Special Use with the Conditions as recommended by Staff, replacing Condition 1 with "Applicant shall submit all required Federal and State studies and provide copies to Community Development" and striking Condition 7 requiring burial of transmission lines.

Action: Approve with Conditions **Moved by:** Mr. Lynch **Seconded by:** Mr. Brauchla

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

Yes: Mr. Lynch, Mr. Cervantes, Mr. Martzke, Ms. Edie, Ms. Miller, Mr. Garcia, and Mr. Brauchla

No: 0

Abstain: 0

Item 2

PUBLIC HEARING

Docket SU-14-05 (Sierra Vista Economic Development Foundation): A Special Use authorization request to establish and operate an Unmanned Aerial System (UAV) test facility. The project would reactivate existing runways and place new structures at the site to test small UAVs. The subject parcel is located at 2940 N. Four Pillars Road in Huachuca City. The Applicant is the Sierra Vista Economic Development Foundation.

Vice-Chair Martzke called for the Planning Director's report. Planner I, Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the Modifications requested by the Applicants, and explained Staff's assessment of the requests and the support and opposition from neighbors. Mr. Gardner also explained Staff's analysis of the Special Use factors. He closed by listing factors in favor of and against approval and invited questions from the Commission. Ms. Miller commented that her personal airspace had been impacted in recent years including drone over flights, personal flights, as well as border patrol and medivac flights. She emphasized the importance of privacy. Mr. Gardner clarified Staff's Conditions regarding flight rules and how such Conditions had impacted the previously granted Special Use Authorizations. Ms. Miller asked about limitations on the size of the systems to be tested. Mr. Gardner explained the Conditions limiting the units, as well as economic limitations on testing of larger units. Ms. Miller asked who would be contacted regarding violations of the Conditions. Mr. Gardner clarified the multiple options for contact and consequences of potential violations.

Mr. Martzke invited the Applicant to make a statement.

Ms. Mignonne Hollis of the Sierra Vista Economic Development Foundation (SVEDF) clarified the details of the operation of the site, noting that the site would not be sublet to customers, but they would be charging for use of the site. She also explained the various bodies that governed the testing of UASs on the site and the details of the operation and the test site manager. Ms. Hollis emphasized that a manager would be on site for all testing. She also explained the limitations of the site and how they precluded larger, more intrusive units. She also explained the details of what would be tested. Ms. Hollis closed by inviting questions. Ms. Edie expressed amusement that a UAS greater than 55-pounds would require a tower but a tower would not be required for a civil manned aircraft. Mr. Lynch asked about the background of the SVEDF. Ms. Hollis explained that it was a private non-profit governed by a Board of Directors and a charter. Mr. Lynch asked if the testing would involve airframe and avionics testing. Ms. Hollis deferred to the testing manager, Louis Brock. Mr. Brock explained the details of the testing process. Mr. Lynch expressed concern about testing a proven production device versus testing an experimental, uncertified airframe and the risks associated with such flights. Ms. Hollis stated that uncertified units would be tested, and Mr. Brock explained the fail-safes built in to prevent harm to neighbors.

Mr. Martzke opened the Public Hearing.

Mr. George Scott of Benson spoke representing the Southeast Arizona Economic Development Group, expressing support for the project. He stated that his organization had been working with the Applicant to pursue similar opportunities for economic development.

Mr. Paul Hollinshead of Cochise County spoke first as a UAS instructor at Cochise College and emphasized his confidence in the safety systems built into UAS vehicles. He stated that the site would provide potential employment for his students. As a private citizen, he expressed a desire for more employment, and stated that this proposal was a no-impact way to create more jobs.

Ms. Patricia Gerrodette of Sierra Vista spoke, disputing the previous speaker's claim that there would be no impact. Ms. Gerrodette asked about Staff's statement regarding the Applicant's financial interest in compliance with the Conditions. Mr. Gardner stated that lack of compliance could result in the Authorization being revoked and the business would cease. Ms. Gerrodette expressed disappointment in Staff's support for the requested Modification to eliminate the requirement for gravel in the roadways. Mr. Gardner stated that a large road network existed on the property and that all the roads in the area were dirt. Ms. Gerrodette asked if those roads had less traffic. Mr. Gardner explained that the proposed traffic that would be generated was within the range for a single-family dwelling. Ms. Gerrodette questioned Staff's assertion that with the requested Modifications the project complied with the eight applicable Special Use factors, asking if Modifications were required to comply with four of the factors. Mr. Gardner explained that the Modifications applied to only one of the eight factors, and that the other seven factors were in compliance without modifications. Ms. Gerrodette then questioned water usage and asked the Commission to require the Applicant to meter and report all water usage. Mr. Gardner clarified that the listed water usage was specifically for the additional use, not the existing single-family dwelling.

Mr. Mark Pitts of Sierra Vista stated he owned property adjacent to the site, and encouraged the Commission to approve the proposal. He stated that the project fit with the culture of the area.

Mr. Louis Brock of Sierra Vista identified himself as the contracted test site manager and addressed the privacy issue and explained the operations manual for the site and how it would protect surrounding property owners. He also stated how it would be enforced, emphasizing that any video shot that was not applicable to the test must be deleted.

Mr. Dale Hurtt of Huachuca City spoke as a neighboring property owner and stated he had no problem in general with the project, but had some remaining concerns. He expressed a concern about allowing users to fly in and the size of aircraft on the field. He also asked about the hours of operation and the number of units that may be operating at once. Mr. Hurtt expressed a desire for Conditions to codify the requirements for the future. He specifically expressed a desire to prohibit helicopters on site. He also expressed concern for the road.

There being no one else interested in speaking, Mr. Martzke closed the Public Hearing and asked if the Applicant wished to rebut. Ms. Hollis thanked the Commission and the public speakers for their input. She expressed support for Staff's Conditions and noted that they were similar to their own self-imposed Conditions. She clarified that there would be no more than one client on site at a time, which would limit both traffic and the number of units flying at any given time.

Mr. Martzke then asked for discussion from the Commission. Mr. Cervantes asked if the residence was a private one and asked if the unit would be used for the operation. Ms. Hollis stated that the residence would not be used for the operation, and future structures may be built for the use.

Mr. Martzke then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions and Modifications recommended by Staff.

Mr. Cervantes asked about adding a Condition requiring monitoring and metering of commercial water usage. Mr. Gardner and Mr. Hanson offered clarification of the Commission's powers to impose Conditions at the time. Mr. Lynch asked if a similar requirement existed for other businesses, and if not, stated he felt the Commission should not impose such requirements only on selected businesses, and stated that they were not water regulators. Mr. Cervantes conceded the point. Mr. Lynch stated that if the Commission wished to require water metering and reporting it should be built into the regulations rather than imposed piecemeal via Conditions on permits. Mr. Cervantes agreed and expressed concern about water usage in the area. Ms. Miller and Mr. Martzke concurred with Mr. Lynch. Mr. Cervantes expressed concern about the Sierra Vista Sub-watershed, and Mr. Gardner clarified that the site was just outside the designated Sub-watershed area. Mr. Lynch asked if the site was currently authorized as an airfield. Mr. Gardner stated that one runway was currently authorized for manned aircraft by the FAA, but neither runway currently had County approval for such use. Mr. Lynch asked for clarification if such authorization was currently before the Commission. Mr. Gardner explained that it was. Mr. Lynch asked what sort of aircraft would be permitted. Mr. Gardner stated that Staff was not requesting any such limits. Mr. Martzke called for a motion. Mr. Lynch made a motion for Approval of the Special Use with Conditions and Modifications given by Staff. Ms. Edie seconded the motion and Mr. Martzke asked for discussion. Mr. Martzke then called for a vote. The motion passed 6-1, with Mr. Garcia dissenting.

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

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

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

Yes: Mr. Lynch, Mr. Cervantes, Mr. Martzke, Ms. Edie, Ms. Miller and Mr. Brauchla

No: Mr. Garcia

Abstain: 0

Item 3

PUBLIC HEARING

Docket R-14-06 (Amendments to the Zoning Regulations): Consideration of proposed amendments to the current Zoning Regulations (adopted October 22, 2013; Zoning Ordinance 13-05). The intent of the proposed amendments is to provide for more simplification and clarification of the current regulations.

Mr. Martzke called for the Planning Director's report. Customer Service and Permit Coordinator, Dora Flores presented the Docket, explaining the nature of the changes. Mr. Lynch interrupted, stating that he had reviewed the changes, and found them simple and easy to understand and offered to make a motion. Mr. Martzke agreed and asked for input from the Commission. Ms. Edie stated that she had previously asked Staff for one clarification which she shared with the Commission. There being no other input, he called for a motion.

Mr. Lynch made a motion to forward the proposed changes to the Board of Supervisors with a recommendation of Approval. Ms. Edie seconded the motion and Mr. Martzke called for a vote. The motion passed 7-0.

Motion: Motioned to forward the changes as proposed to the Board of Supervisors with a recommendation of approval.

Action: Forward with a recommendation of approval **Moved by:** Mr. Lynch **Seconded by:** Ms. Edie

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

Yes: Mr. Lynch, Mr. Cervantes, Mr. Martzke, Ms. Edie, Ms. Miller Mr. Garcia, and Mr. Brauchla

No: 0

Abstain: 0

Item 4

PLANNING DIRECTOR'S REPORT:

Planning Director, Beverly Wilson offered the Director's Report, informing the Commission that there would be three Rezoning requests for the May meeting. She noted that a Work Session with the Board had been held regarding the Light Pollution Code and sign regulations.

CALL TO COMMISSIONERS ON RECENT MATTERS:

No Commissioners wished to comment.

ADJOURNMENT – Vice-Chair Martzke called for a motion to adjourn: Mr. Lynch moved, Mr. Garcia seconded and the meeting was adjourned at 6:30 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Peter Gardner, Planner I *(Signature)*
For: Beverly Wilson, Planning Director *(Signature)*

SUBJECT: Docket Z-14-03 (Phillips)

DATE: April 29, 2014, for the May 14, 2014 Meeting

APPLICATION FOR A REZONING

The Applicant seeks to rezone two adjacent five-acre parcels from RU-2 (Rural, one dwelling per two-acres) to RU-4 (Rural, one dwelling per four-acres) for the purpose of utilizing the County's Owner-Builder Opt-Out program to permit existing structures. The current RU-2 Zoning designation does not qualify for the program.

The property (Parcels #404-02-265 & 404-02-268) is located on N. Tequila Sunrise Road in McNeal, AZ. The Applicant is Leah Phillips.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Size: 10-acres
 Zoning: RU-2 (Rural, one dwelling per 2-acres)
 Growth Area: Category D (Rural Area)
 Area Plan: None
 Comprehensive Plan Designation: Rural
 Existing Uses: Single Family Residence
 Proposed Uses: Same

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-2	Vacant Land
South	RU-2	Vacant Land
East	Non-Maintained Road/RU-2	N. Zuni Ave/Vacant Land
West	Non-Maintained Road/RU-2	N. Tequila Sunrise Rd/Vacant Land

II. PARCEL HISTORY

There is a small home along with several accessory structures on the property, all of which the Applicant constructed without a permit.

When the Applicant discovered that permits were required for construction, she came forward proactively to rectify the situation. Staff has no further history on the parcel.



West view of the property, with the home in the background.

III. NATURE OF REQUEST

The Applicant, Leah Phillips, has a home and accessory structure on her property, which were constructed without permits. Upon discovering that building permits were required, she approached Staff to correct the situation. As it is difficult to inspect existing structures for Building Code compliance, the Owner-Builder Opt Out program was presented as an option. The Applicant chose to use this program to legitimize the construction, though the property is not currently eligible under the current RU-2 zoning. To utilize the program a property must be zoned for a minimum lot size of four-acres or more, and must be a minimum of four-acres. While the property currently complies with the second provision, a downzoning to RU-4 is required to meet the first provision.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category “D”–Rural Area and is considered a “Rural” land use designation area per the *Comprehensive Plan*. Section 402 of the County Zoning Regulations allows owners of property lying within this designation to request a rezoning to RU-4 (Rural, one home per four-acres), as this is the default zoning in the unincorporated areas of the County. Decreases in density such as this are encouraged in such Rural areas to protect open space and the County’s rural character.



Example of surrounding area, looking southeast.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides 15 criteria used to evaluate rezoning requests. Nine of the criteria are applicable to this request, which, as submitted, complies with each of the nine applicable factors.

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

While the Applicant has not yet submitted a site plan, Staff’s review of aerial images and information from the Applicant is sufficient for the current proposal. A complete site plan will be required at permit submittal. Note that Section 2208.03.B.1 of the Zoning Regulations does not relate specifically to what is proposed. That is, the rezoning would not facilitate a new residential subdivision development and so would not require a new subdivision plat submittal.

2. Compliance with the Applicable Site Development Standards—Complies.

All existing structures comply with applicable site development standards.

3. Adjacent Districts Remain Capable of Development—Complies.

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses—Complies.

The proposal would not create any non-conforming land uses.

5. Compatibility with Existing Development—Complies.

There is no existing development, and the proposed downzoning further preserves open space in the area.

6. Rezoning to More Intense Districts—Not Applicable.

The request is to rezone to a less intensive district, therefore this factor does not apply.

7. Adequate Services and Infrastructure—Complies.

The site is located off grid, but has potential for all necessary utilities.

8. Traffic Circulation Criteria—Complies.

While the local roads are primitive, the request will not serve to increase potential usage of said roads.

9. Development Along Major Streets—Not Applicable.

The property does not border any major street.

10. Infill—Not Applicable.

This Factor applies only for rezoning requests to GB, LI or HI, and is therefore not applicable.

11. Unique Topographic Features—Not Applicable.

There are no exceptional topographic features warranting consideration on or near the site, nor is the request a rezoning to a more intensive district, therefore this factor is not applicable.

12. Water Conservation—Not Applicable.

As a proposal to reduce the permitted density on the parcel, this factor is not applicable.

13. Public Input—Complies.

As a request to rezone to a less intensive district, no Citizen Review was required. Staff posted the property and mailed letters to property owners within 1,500-feet of the site. To date Staff has received requests for clarification, and one negative response from a neighbor expressing concern about the value of their land.

14. Hazardous Materials – Not Applicable.

No hazardous materials are proposed as part of the development plan.

15. Compliance with Comprehensive Plan - Complies

A reduction in potential density from one dwelling per two-acres to one dwelling per four-acres, while maintaining the Rural designation is in harmony with the policies of the Comprehensive Plan.

V. SUMMARY

This rezoning request pertains to two adjacent five-acre parcels in McNeal. The Applicant is requesting to downzone the parcels from RU-2 to RU-4 to facilitate using the Owner-Builder Opt Out program to legitimize structures constructed without a permit. The Applicant approached Staff to rectify the situation, and therefore no violation has been issued.

The requested zoning of RU-4 is in character with the five-acre lots and open, undeveloped nature of the area.

Staff's recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval:

Factors in Favor of Approval

- 1. Allowing the request would be in keeping with the character of the area which is undeveloped land; and
- 2. The *Comprehensive Plan* policies encourage reductions of density in undeveloped areas.

Factors Against Approval

- 1. The request comes as a result of a request to legitimize structures built without a permit; and
- 2. One neighboring property owner has expressed opposition based on uncertainty regarding property values.

VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Docket Z-14-03 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following standard Conditions:

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

Mdm. Chair, I recommend we forward Docket Z-14-03 to the Board of Supervisors with a recommendation of conditional approval, subject to the Conditions recommended by staff.

Note: the Board of Supervisors will consider this Docket at a public hearing at their regular meeting of Tuesday, June 10, 2014.

VII. ATTACHMENTS

- A. Rezoning Application
- B. Aerial Photograph
- C. Location Map
- D. Neighbor Response



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY

COCHISE COUNTY REZONING APPLICATION

MAR 10 2014

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

PLANNING

1. Applicant's Name: Leah D. Phillips

2. Mailing Address: PO Box 62

McNeal AZ 85617

City State Zip Code

3. Telephone Number of Applicant: 520 508-7357

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

5. Email Address: Zarrelli191@yahoo.com

6. Assessor's Tax Parcel Number: 404-02-265
404-02-265 (Can be obtained from your County property tax statement)

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

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

- List attached (if applicable): _____

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

A 6

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

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

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No X

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

12. Is more than one parcel contained within the area to be rezoned? Yes X? No _____

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: RU2

14. Indicate proposed Zoning District for Property: RU4

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

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

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

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

17. Describe all structures already existing on the property: well-house

partially barbwire fence

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: Build a house & garage

using Owner Builder opt out

19. Are there any deed restrictions or private covenants in effect for this property?

- No Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

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

W. Silver Clouds way & Zuni Ave

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 1

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		by self
Sewer/Septic		by self
Electricity		none
Natural Gas		none
Telephone		none
Fire Protection		none

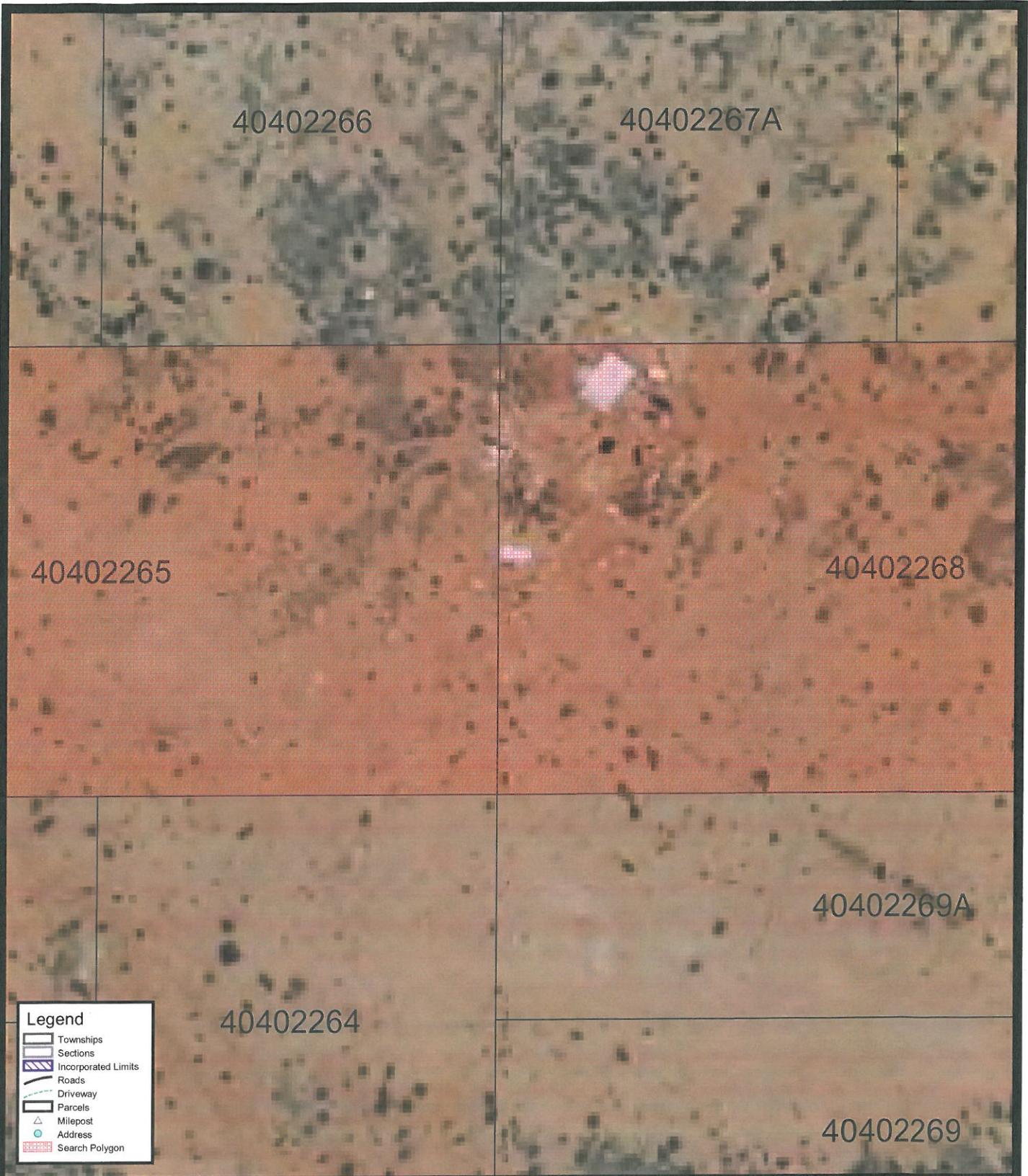
24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional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

25. AFFIDAVIT

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

Applicant's Signature: Joel D. Phillips

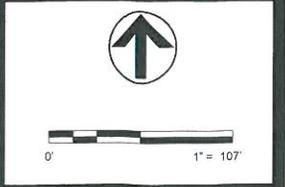
Date: 3-10-14



Z-14-03 (Phillips)
Aerial Map

B

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



10



Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Search Polygon



Z-14-03 (Phillips)

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



Rezoning: Docket Z-14-03 (Phillips)

APR 30 2014

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Blank lined area for providing reasons for supporting the request.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Handwritten response: We ARE NOT quite sure how the Rezoning will EFFECT the value of our LAND.

(Attach additional sheets, if necessary)

PRINT NAME(S): LARRY LONG K. VO

SIGNATURE(S): [Handwritten signature]

YOUR TAX PARCEL NUMBER: 404 02 270 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Supervisors. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Wednesday, April 30, 2014 if you wish the Commission to consider them before the May 14 meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above.

RETURN TO: Peter Gardner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

D 12



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Peter Gardner, Planner J *(signature)*
For: Beverly Wilson, Planning Director *(signature)*

SUBJECT: Docket Z-14-04 (Dorofey)

DATE: April 29, 2014, for the May 14, 2014 Meeting

APPLICATION FOR A REZONING

The Applicant seeks to rezone a five-acre parcel from RU-2 (Rural, one dwelling per two-acres) to RU-4 (Rural, one dwelling per four-acres) for the purpose of utilizing the County's Owner-Builder Opt-Out program to permit existing structures. The current RU-2 Zoning designation does not qualify for the program.

The property (Parcel #404-02-302) is located on N. EE Ranch Road in McNeal, AZ. The Applicant is Ian Dorofey.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Size: 5-acres
 Zoning: RU-2 (Rural, one dwelling per 2-acres)
 Growth Area: Category D (Rural Area)
 Area Plan: None
 Comprehensive Plan Designation: Rural
 Existing Uses: Single Family Residence
 Proposed Uses: Same

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-2	Vacant Land
South	RU-2	Vacant Land
East	RU-2	Vacant Land
West	Non-Maintained Road/RU-2	N. EE Ranch Rd/Vacant Land

II. PARCEL HISTORY

There is a small home on the property which the Applicant constructed without a permit. When the Applicant discovered that permits were required for construction, he came forward proactively to rectify the situation. Staff has no further history on the parcel.



East view of the property, with the home in the background.

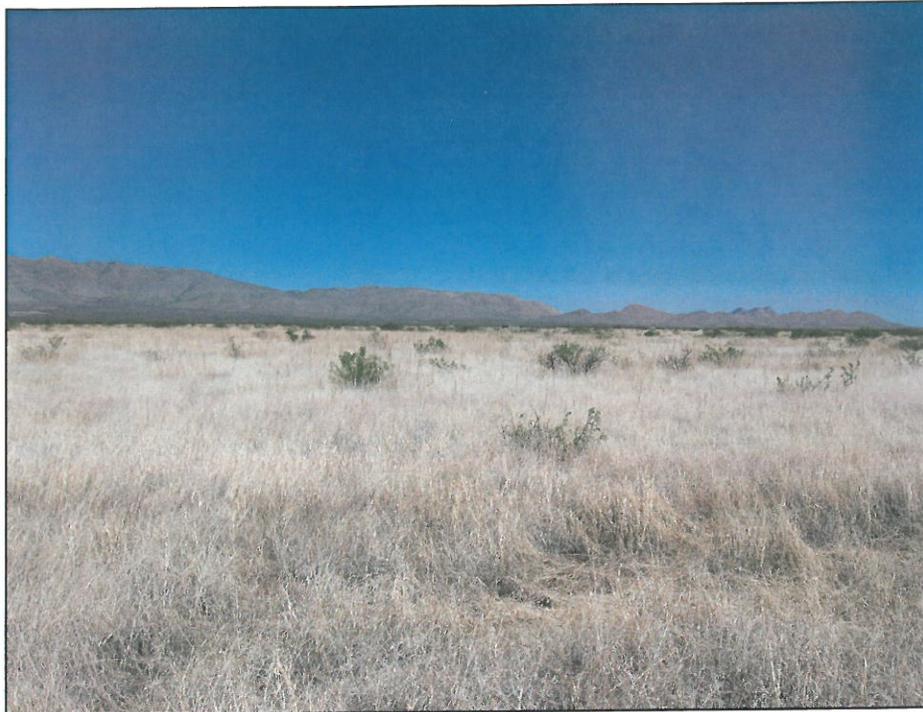
III. NATURE OF REQUEST

The Applicant, Ian Dorofey, has a home on his property which was constructed without a permit. Upon discovering that building permits were required, he approached Staff to correct the situation. As it is difficult to inspect existing structures for Building Code compliance, the Owner-Builder Opt Out program was presented as an option. The Applicant chose to use this program to legitimize the construction, though the property is not currently eligible under the current RU-2 zoning. The Owner-Builder Opt Out program requires a property to be zoned for a minimum lot size of four-acres or more, and must be a minimum of four-acres. While the property currently complies with the second provision, a downzoning to RU-4 is required to meet the first provision.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category “D”–Rural Area and is considered a “Rural” land use designation area per the *Comprehensive Plan*. Section 402 of the County Zoning Regulations allows an owner of property lying within this designation to request a rezoning to RU-4 (Rural, one dwelling per four-acres), as this is the default zoning in the unincorporated areas of the County. Decreases in density such as this are encouraged in such Rural areas to protect open space and the County’s rural character.



Example of surrounding area, looking southeast.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides 15 criteria used to evaluate rezoning requests. Nine of the criteria are applicable to this request, which, as submitted, complies with each of the nine applicable factors.

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

While the Applicant has not yet submitted a site plan, Staff’s review of the site and information from the Applicant is sufficient for the current proposal. A complete site plan will be required at permit submittal. Note that Section 2208.03.B.1 of the Zoning Regulations does not relate specifically to what is proposed. That is, the rezoning would not facilitate a new residential subdivision development and so would not require a new subdivision plat submittal.

2. Compliance with the Applicable Site Development Standards—Complies.

All existing structures comply with applicable site development standards, such as minimum setbacks, for example.

3. Adjacent Districts Remain Capable of Development—Complies.

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses—Complies.

The proposal would not create any non-conforming land uses.

5. Compatibility with Existing Development—Complies.

There is no existing development, and the proposed downzoning further preserves open space in the area.

6. Rezoning to More Intense Districts—Not Applicable.

The request is to rezone to a less intensive district.

7. Adequate Services and Infrastructure—Complies.

The site is located off grid, but has potential for all necessary utilities.

8. Traffic Circulation Criteria—Complies.

While the local roads are primitive, the request will not serve to increase potential usage of said roads.

9. Development Along Major Streets—Not Applicable.

The property does not border any major street.

10. Infill—Not Applicable.

This Factor applies only for rezoning requests to GB, LI or HI, and is therefore not applicable.

11. Unique Topographic Features—Not Applicable.

There are no exceptional topographic features warranting consideration on or near the site, nor is the request a rezoning to a more intensive district.

12. Water Conservation—Not Applicable.

As a proposal to reduce the permitted density on the parcel, this factor is not applicable.

13. Public Input—Complies.

As a request to rezone to a less intensive district, no Citizen Review was required. Staff posted the property and mailed letters to property owners within 1,500-feet of the site. To date, Staff has received requests for clarification, but no formal responses from neighboring property owners.

14. Hazardous Materials—Not Applicable.

No hazardous materials are proposed as part of the development plan.

15. Compliance with Comprehensive Plan—Complies

A reduction in potential density from one dwelling per two-acres to one dwelling per four-acres, while maintaining the Rural designation is in harmony with the policies of the *Comprehensive Plan*.

V. SUMMARY

The rezoning request is for two adjacent five-acre parcels in McNeal. The Applicant is requesting to downzone the parcels from RU-2 to RU-4 to facilitate using the Owner-Builder Opt Out program to legitimize structures constructed without a permit. The Applicant approached Staff to rectify the situation, and therefore no violation has been issued. The requested zoning of RU-4 is in character with the five-acre lots and open, undeveloped nature of the area. Staff’s recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval:

Factors in Favor of Approval

1. Allowing the rezoning request would be in keeping with the rural character and lack of development in the area;
2. The *Comprehensive Plan* policies encourage reductions of density in undeveloped areas.

Factors Against Approval

1. The request comes as a result of a request to legitimize structures built without a permit.

VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Docket Z-14-04 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following standard conditions:

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

Sample Motion: *Mdm. Chair, I recommend we forward Docket Z-14-04 to the Board of Supervisors with a recommendation of conditional approval, subject to the conditions recommended by staff.*

Note: the Board of Supervisors will consider this Docket at a public hearing at their regular meeting of Tuesday, June 10, 2014.

VII. ATTACHMENTS

- A. Rezoning Application
- B. Location Map



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY

MAR 10 2014

COCHISE COUNTY REZONING APPLICATION

PLANNING

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

1. Applicant's Name: Ian M. Dorofey

2. Mailing Address: P.O. Box 223 #

McNeal AZ 85617

City State Zip Code

3. Telephone Number of Applicant: (520) 234-7603

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

5. Email Address: idorofey@hotmail.com

6. Assessor's Tax Parcel Number: 404-02-302 (Can be obtained from your County property tax statement)

7. Applicant is (check one):

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

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

- List attached (if applicable): _____

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

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

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

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

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No

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

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: RU2

14. Indicate proposed Zoning District for Property: RU4

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

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

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

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

17. Describe all structures already existing on the property: Shack

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: _____

A

19

19. Are there any deed restrictions or private covenants in effect for this property?

- No X Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

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

E. E. Ranch

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? None

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 1

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		off grid
Sewer/Septic		off grid
Electricity		off grid
Natural Gas		off grid
Telephone		off grid
Fire Protection		off grid

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

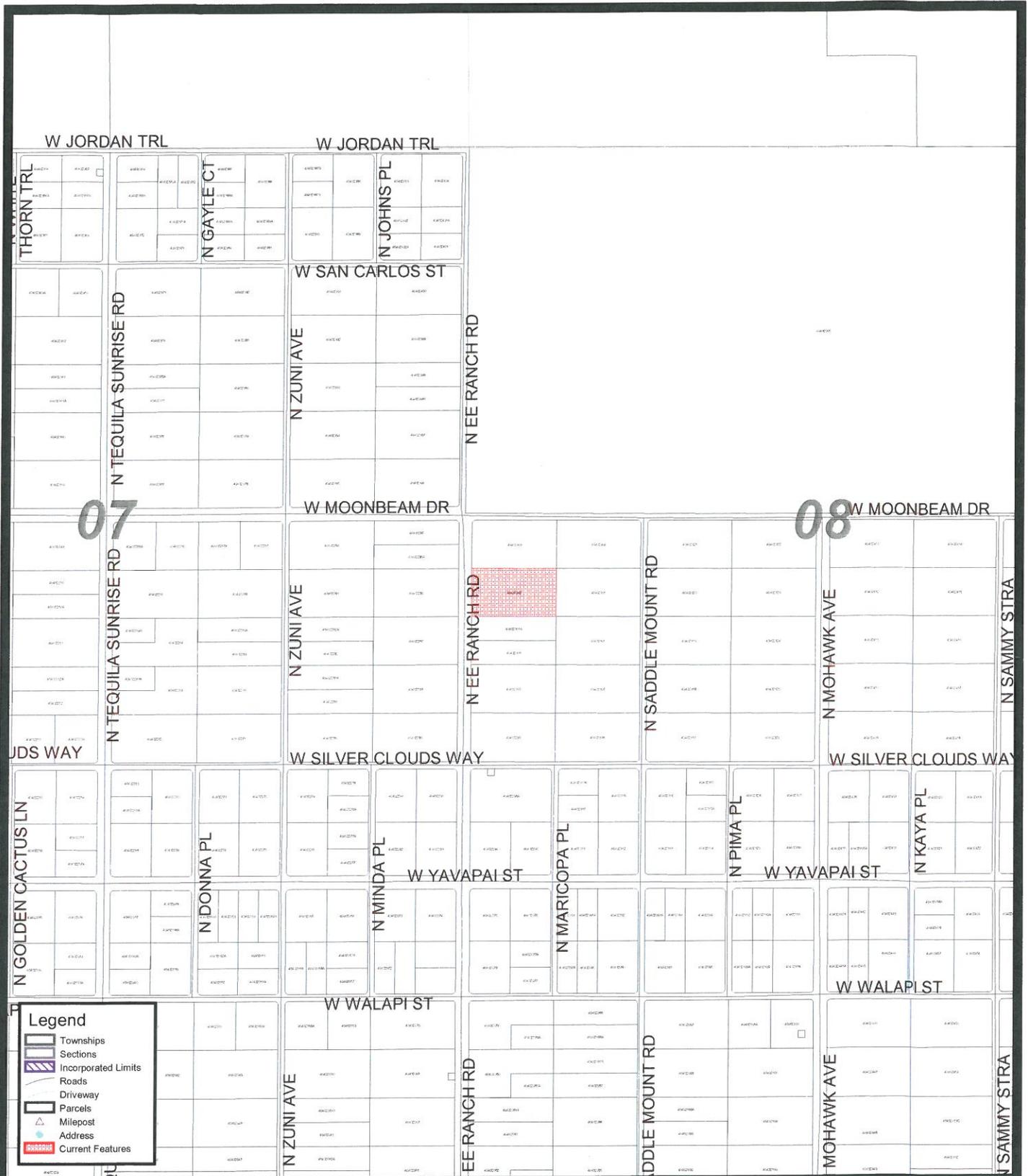
Facilitate Opt-out building

25. AFFIDAVIT

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

Applicant's Signature: *Sam M. Dowdy*

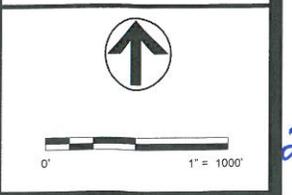
Date: 3-10-14



Z-14-04 (Dorofey)

B

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



22



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner *(PG)*
FOR: Beverly J. Wilson, Planning Director *(BW)*
SUBJECT: Docket SU-14-08 (Ransom)
DATE: April 30, 2014, for the May 14, 2014 Meeting

APPLICATION FOR A SPECIAL USE

Docket SU-14-08 (Ransom): The Applicant is requesting a Special Use authorization for an Accessory Living Quarter (ALQ) on the subject parcel. The proposal is to remodel and expand an existing accessory structure into a Guest House of approximately 375-square feet. Pursuant to Section 1717 of the Cochise County Zoning Regulations, a notice was sent to all property owners within 300-feet of the subject property. A written objection was received within 15-days, therefore, the request must proceed as a Special Use. The subject parcel (104-79-003P) is located at 10940 S. Dos Cahuamas Road, in Hereford. The Applicant is Sara Ransom.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

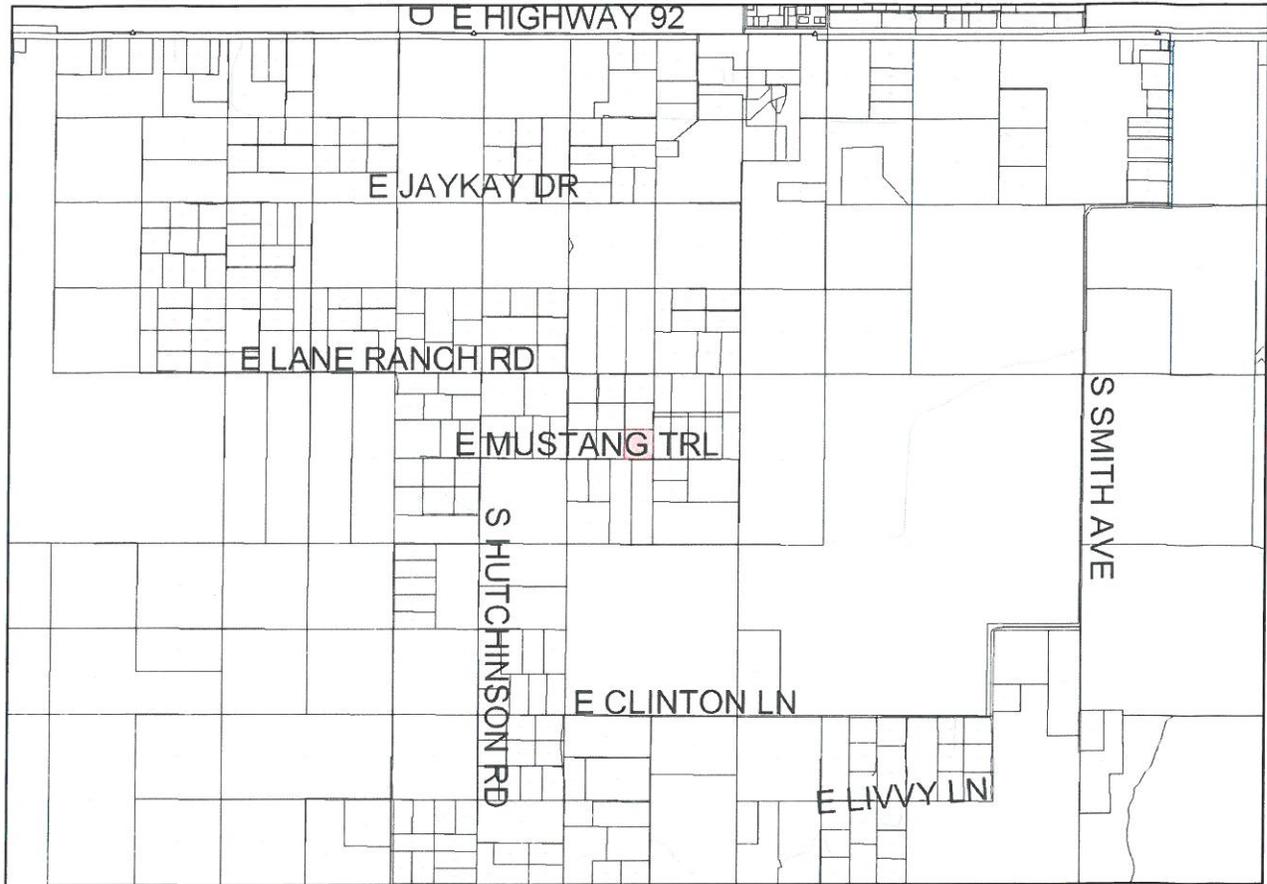
Parcel Size: 4.71-Acres.
 Zoning: Rural (RU-4).
 Growth Area: Category D (Rural).
 Plan Designation: Rural-Density Residential.
 Area Plan: Southern San Pedro Valley Area Plan; Sierra Vista Sub-Watershed.
 Existing Uses: Single-Family Residence and accessory structure.
 Proposed Uses: Same, with existing accessory structure converted to guesthouse, and an additional accessory structure constructed.

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single Family Dwelling
South	Non-Maintained Road/RU-4	E. Mustang Trail/Single Family Dwelling
East	Non-Maintained Road/RU-4	S. Dos Cahuamas Rd./Single Family Dwelling
West	RU-4	Single Family Dwelling

II. PARCEL HISTORY

1995 – House, septic, and accessory structure



The parcel is east of S. Kings Ranch Road, south of E. Highway 92.

III. NATURE OF REQUEST

Applicant, Sara Ransom intends to extend and convert an existing accessory structure into an approximately 375-square foot guesthouse. The primary intent is for living space while the principal home is being constructed, with the structure remaining available as a guesthouse for future visitors. A permit for a detached garage with a bathroom is in process, with a septic system proposed that will serve both the garage and the guesthouse.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Eight of the 10 criteria apply to this request. The project as submitted complies with each of the eight applicable Special Use factors.



View to the structure to be converted into the Accessory Living Quarter.

A. Compliance with Duly Adopted Plans: Complies. The *Southern San Pedro Valley Area Plan* provides guidance for the location and size of residential structures. The Plan encourages residential structures to be one story and clustered, to minimize view shed disruption. The proposed size and location of the guesthouse achieve this goal. It should also be noted that the guesthouse would be a minor expansion of an existing structure. The small size and intermittent, occasional use of the of guest house ensure that the goals of the *Sierra Vista Sub-Watershed Overlay Zone* are not compromised as noted in Item J, below.

B. Compliance with the Zoning District Purpose Statement: Complies.

Section 601.04 of the Zoning Regulations encourages "...space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the county situated outside of existing communities". The proposed guesthouse does not alter the character of the lot or the surrounding area.

C. Development Along Major Streets: Not Applicable.

The property takes access from S. Dos Cahuamas Road via E. Mustang Trail, which are non-county maintained local roads.



Looking south along the proposed Accessory Living Quarter, showing the garage site and in the background, the view towards the objecting neighboring property.

D. Traffic Circulation Factors: Complies.

While the addition of the guesthouse may increase the potential traffic on the local roadways, it will not be out of proportion with existing and typical residential traffic.

E. Adequate Services and Infrastructure: Complies.

A new septic system will be installed to accommodate the guesthouse along with a plumbed detached garage. Adequate power is available pending the completion of a permit to upgrade the parcel's electrical service. As noted above, the local roadways can safely accommodate the negligible increase in potential traffic.

F. Significant Site Development Standards: Complies.

The objection to the Accessory Living Quarter forces the request to be treated as a Special Use, therefore increasing the setback from 20-feet to 40-feet. The site complies with all site development standards, including the increased setback, for the RU-4 district with no modifications.

G. Public Input: Complies.

While the original Accessory Living Quarter request met with one objection, the Special Use request has received two letters of support for the project. It is also important to note that the basis of objection to the original request was based on technical issues that are addressed during the building permit process, as well as a concern about the Applicant's well share.

While well share agreements are outside the jurisdiction of the County, it is important to clarify that the objecting neighbor is not a party to the Applicant's well share.

H. Hazardous Materials: Not Applicable

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

I. Off-Site Impacts: Complies

As a small, accessory residential unit constructed from an existing structure, impacts, if any, would be in keeping with the rural-residential character of the neighborhood.

J. Water Conservation: Complies

The requirements of the Sierra Vista Sub watershed Overlay Zone, as well as the transitory nature of the use will ensure minimal impact on water usage.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on April 28, 2014, and published a legal notice in the *Bisbee Observer* on April 24, 2014. To date, the Department has received two responses supporting the Special Use. There has been no further opposition beyond the original objection to the Accessory Living Quarter request.

VI. SUMMARY AND CONCLUSION

The Applicant has requested authorization to expand a small existing accessory structure and convert it into an Accessory Living Quarter (ALQ). As a written objection was received from a neighbor within 300-feet, the request has been processed as a Special Use Authorization, per the Cochise County Zoning Regulations. If the request is approved, it will not produce significant negative impacts to surrounding properties, and would facilitate use of existing residential structures.

Factors in Favor of Approving the Special Use

1. The ALQ would not generate any off-site impacts, nor be out of character with the surrounding rural-residential neighborhood;
2. The proposed use would be an appropriate use of the property and would not be dissimilar to other residences in the area that, although they do not have second dwelling units, also feature sheds, outdoor storage of vehicles and goods and other similarly situated accessory structures; and
3. Two neighbors have supported the request in writing.

Factors Against Allowing the Special Use

1. One neighbor protested the original ALQ application, which precipitated the public Special Use process.

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 thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. The Applicant shall submit a completed joint permit application for the ALQ 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 with appropriate fees. A permit must be issued within 18 months of 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: *Madame Chair, I move to approve Special Use Docket SU-14-08, with the Conditions recommended by staff; the Factors in Favor of approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Accessory Living Quarter Application
- B. Location Map
- C. Site Plan
- D. Original Objection
- E. Public Comment



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY

APR 03 2014

ALQ-14-03
Letter sent 04/04 PM
SU-14-08

APPLICATION FOR ACCESSORY LIVING QUARTERS PLANNING

Applicant's Name: Sara V. Ransom

Mail Address: 10940 S. Dos Cahamas Rd Hereford 85615
Street # Town State Zip code

Email Address: _____

Phone Number: 602 327 7031

Tax Parcel Number: 104-79-003P

Accessory Living Quarters (ALQ) definition: An attached or detached structure that is used either as a guesthouse or as quarters for the ill, elderly or disabled, or their caretaker. Accessory living quarters must be incidental and subordinate in size, impact and purpose to a principal dwelling. Detached accessory living quarters are limited to one kitchen per unit.

The structure shall be no more than 75% of the size of the principal dwelling, including exterior wall dimensions. The area calculation shall include all attached areas, except carports and patios, and enclosed attached garages. The combined square footage of a detached accessory living quarter and the total square footage of a garage attached to the accessory living quarters shall be subordinate in size to the principal dwelling.

A Special Use Permit is required for ALQs 1) larger than 75% of the size of the principal dwelling, 2) with a separate utility meter and/or address, and 3) to be used as a rental unit. ALQs shall not be used for commercial purposes other than a home occupation. Recreational vehicles, other than park models, shall not be permitted as accessory living quarters in any zoning district. Manufactured homes, rehabilitated mobile homes, mobile homes with the State Office of Manufactured Housing Rehabilitation Insignia of Approval, and park models may be permitted as accessory living quarters in those Zoning Districts that allow mobile or manufactured homes as permitted structures.

Guesthouse – Accessory living quarters that provide temporary accommodations for guests of the principal household. A guesthouse may include a kitchen but, except for parcels zoned Rural and in the absence of a special use permit, cannot have separate utility meters.

Quarters for the Ill, Elderly or Disabled – Accessory living quarters used by an ill, elderly or disabled person in need of special care or supervision; or a care provider for any such person if the person in need

A 29

of such care is a resident on the site. Accessory living quarters for the ill, elderly or disabled, or their caretaker, may include a kitchen.

To qualify as an accessory living quarters, the structure must meet the definition above and:

- Be on a property with an existing home;
- Meet all site development standards such as setbacks from the property boundaries; and
- Be zoned RU, or R-36, or SM-36, 87,174, 10-acres, 18-acres or 36-acres, or SR-43, 87,174, 10-acres, 18-acres or 36-acres.

Describe the purpose of the Accessory Living Quarters: Guest house
less than 375 sq ft

Required Submittals

1. This application;
2. Joint permit application; and
3. Building/use permit fee made out to Cochise County Treasurer. \$ _____

How an Accessory Living Quarters Application is processed

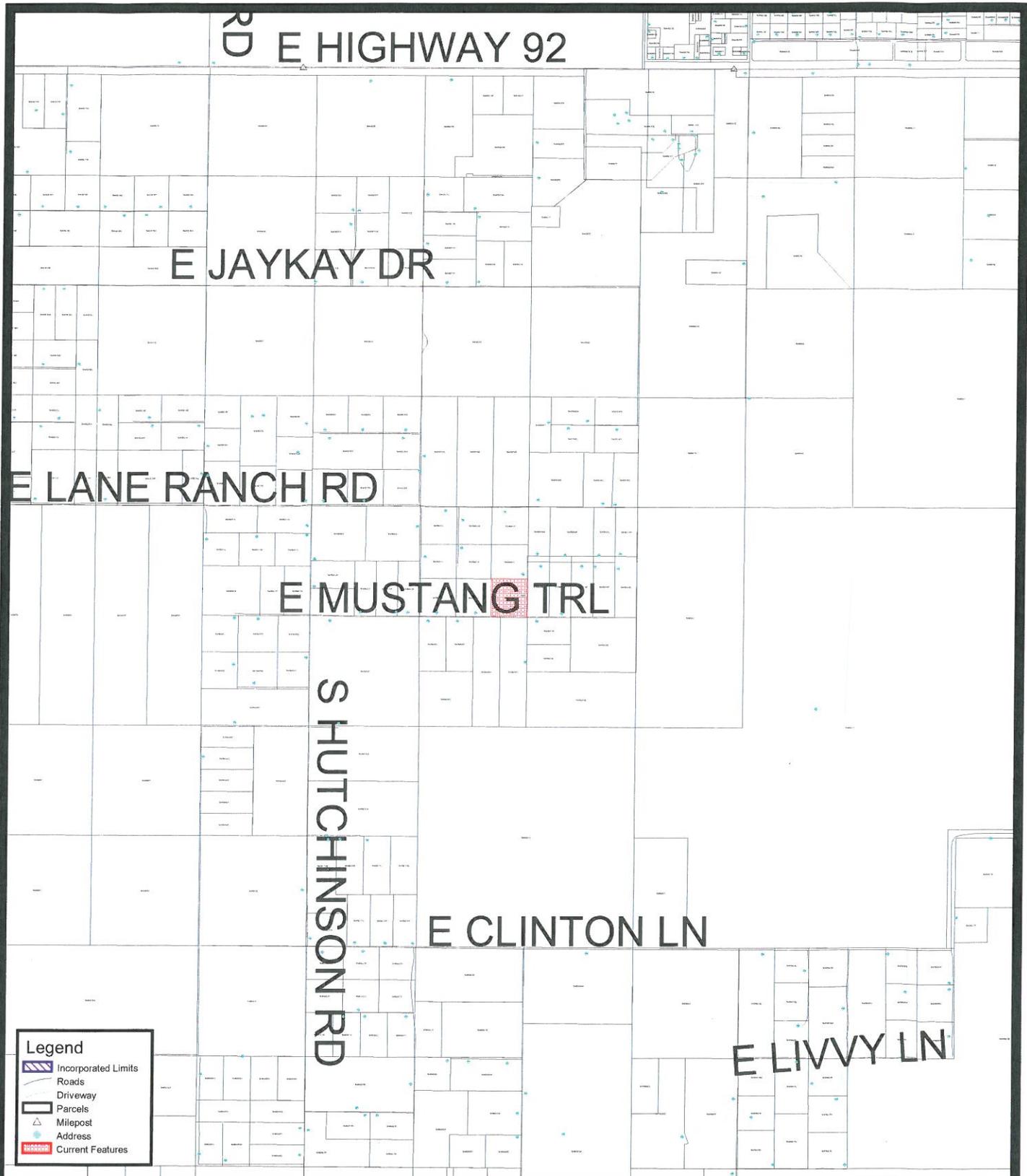
1. Property owners within 300 feet of your property are notified of the application by mail.
2. They are given 15 days from the date of the mailing of the notice (postmarked date of envelope) to file a written protest.
3. This notification will include the application and a site plan showing existing buildings and the proposed accessory living quarter's structure. It will also describe the procedure for appealing the request.
4. If **no** protest is received, the Accessory Living Quarters meets the size limitation and all site development standards are met, the Zoning Inspector will issue the permit in the manner of a residential building permit.
5. If **a protest is received** and/or if the Accessory Living Quarters is requested to: 1) exceed 75% of the size of the principal dwelling, 2) be allowed to be rented, or 3) have a separate address or utility meter, then the application will be processed as a Special Use permit. The Planning and Zoning Commission at a public hearing will consider the Special Use permit. It usually takes approximately 8 weeks to process a Special Use permit. The fee is \$300. A handout is available that describes the Special Use process.
6. Prior to issuance of a permit for an Accessory Living Quarters, the Applicant shall sign and the Zoning Inspector shall record a notice that specifically identifies the location of the structure on the property, indicate that the subject structure is an accessory living quarters, and state that the property owner or tenant has agreed to comply with all County Zoning Regulations applicable to accessory living quarters.

Signature 

Date 4-3-14

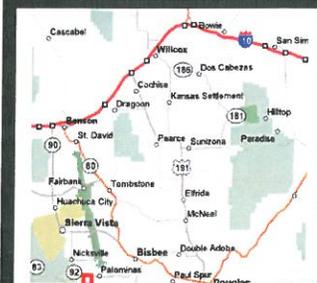
A

30



Legend

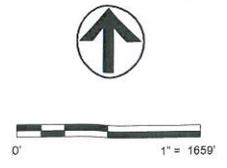
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Current Features



**SUP-14-08 (Ransom)
Location Map**

B

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



POST MARKED 4/04/14
REC'D 4/06/14

ACCESSORY LIVING QUARTERS (ALQ 14-03) COMMENT LETTER

Property Owner Name: ROBERT MURPHEY, OLIVE MURPHEY

Telephone Number: 520-678-8361

Mailing Address: 8680 E. MUSTANG TRAIL, HEREFORD, AZ 85615
Street # Town State Zip code

Email Address: -

Parcel Number: 104-79-006D-4

Physical address of your property (if different from above) _____

Date: 4-14-2014

We, the undersigned owners of property located within 300 feet of the parcel for which an Accessory Living Quarters is requested, **object** for the following reasons: APPLICANTS SITE PLAN: (1) DOES NOT INCLUDE SOURCE OF ELECTRICAL POWER. AS MAIN HOUSE HAS SMALL ELECTRICAL SERVICE, IT IS BELIEVED THAT NEW SERVICE (VIA GARAGE/WORKSHOP-PROPOSED?) WOULD BE REQUIRED FOR GUEST HOUSE HEATING, COOLING ELECTRICAL NEEDS. (2) GUEST HOUSES USUALLY HAVE BATH ROOMS AND SOME TIMES KITCHENS. NO SEPTIC SYSTEM HOOKUP IDENTIFIED. ADEQUACY OF CURRENT SYSTEM QUESTIONED. NO NEW SEPTIC SYSTEM NOTED ON SITE PLAN. (3) WELL 1500 SQ. FT. PROPOSED GARAGE/WORKSHOP HAVE BATHROOM, SINK, DRAIN REQUIRING SEPTIC SYSTEM? (4) DOES WELL (WATER) AGREEMENT ALLOW FOR ADDITIONAL LIVING QUARTERS? (5) ^{ALTHOUGH} ~~ALLOW~~ SITE PLAN STATES FIELD FENCE ON ALL PROPERTY LINES, IT DOES NOT IDENTIFY 30 FOOT PUBLIC EASEMENTS ON ON EAST AND SOUTH PROPERTY LINES. THESE EASEMENTS MAKE UP 1/2 OF MUSTANG TRAIL AND ONE HALF OF LOS CRUZAMAS RD. AS RESULT, I SUSPECT MOST DIMENSIONS ARE INACURATE.

Signature (s): Robert Murphey Olive J. Murphey

Return to: COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603
(520) 432-9240 Fax 432-9278

Office Use Only
Date received: _____
Received within 15 days beginning the day after mailing of Property owner letter: Yes: ___ No: ___
Postmarked date of letter: _____

Special Use: Docket SU-14-08 (Ransom)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I Henry and Martha Helms support The Request.
We, feel That anyone That wants To Remodel
and Improve Their Home Should Be able Too.
We, have No objection and Support Them.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Henry + Martha Helms

SIGNATURE(S):

H. Henry W. Helms Jr
Martha R. Helms

YOUR TAX PARCEL NUMBER: 104-79-007-1 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Wednesday, April 30, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.** COCHISE COUNTY

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

APR 29 2014

PLANNING E

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APR 25 2014

PLANNING

Special Use: Docket SU-14-08 (Ransom)

PPD ✓

YES, I SUPPORT THIS REQUEST
Please state your reasons:

My wife and I have no objections to the improvements listed. It should be a great deal better than the debris, clutter and old trailer that previously was there. The improvements that the owner has already made are considerably nicer. We do not object to any properly constructed development.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): PAUL D LANGER Judith K Langer

SIGNATURE(S): *Paul D Langer*
Judith K Langer

YOUR TAX PARCEL NUMBER: 10479 003K (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Wednesday, April 30, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

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