



**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 15, 2013
4:00 p.m.**

AGENDA

- 1. 4:00 P.M. - CALL TO ORDER**
- 2. ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
- 3. APPROVAL OF PREVIOUS MONTH'S MINUTES**
- 4. NEW BUSINESS**

Item 1 - (Page 1) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING - Docket SU-13-06 (Cavaliere): A Special Use request for a guest lodging facility in a Rural Zoning District located at 121 and 117 W. Portal Rd in Portal. The Applicants seek to rent two existing cabins on a short-term basis. The Applicants are Bill and Dorothy Cavaliere.

Item 2 - (Page 28) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING - Docket SU-13-07 (Van Wart): A Special Use request in a Rural Zoning District to legitimize an existing portable restroom and septic service business located at 144 S. Sundust Trail in St. David. The Applicants are Tom and Ashley Van Wart.

Item 3 - (Page 71) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING - Docket SU-13-05 (Workman): A Special Use request for an Off-Site Advertising Sign in a Rural Zoning District in Hereford located at 10280 S. Wilderness Rd, at the west entrance of the Kings Ranch subdivision.

5. CALL TO THE PUBLIC - This is the time for the public to comment. Members of the Planning and Zoning Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01 (H) action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

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

7. CALL TO COMMISSIONERS ON RECENT MATTERS.

8. NOT A PUBLIC HEARING - Work Session: Discussion and direction on proposed revisions to the County's Water Conservation Measures in the Zoning Regulations.

9. ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES**

Wednesday, April 10, 2013

REGULAR MEETING at 4:00 p.m.

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

Chairman Lynch 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 was one Special Use request and one Special Use Revocation request on the Agenda in addition to the Work Session regarding the proposed changes to the Zoning Regulations. He explained the consequences of a potential tie vote and the process for approval and appeal. Mr. Lynch asked several speakers for additional information on their speaker's forms.

ROLL CALL

Chairman Lynch noted the presence of a quorum and called the roll, noting the presence of a new Commissioner, asking the Commissioners to introduce themselves and indicate the respective District they represent; nine Commissioners (Tim Cervantes, Pat Edie, Jim Lynch, Jim Martzke, Carmen Miller, Gary Brauchla, Liza Weissler, Ron Bemis, and Joe Garcia) indicated their presence. Staff members present included Beverly Wilson, Deputy Director; Dora Flores, Permit and Customer Service Coordinator; Peter Gardner, Planner I; Britt Hanson, Civil Deputy County Attorney; Michael Turisk, Planning Manager; and Pat Hoefler, Planning Tech.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the March 13, 2013 meeting as presented.

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Brauchla

Vote: Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 1)

Yes: Mr. Martzke, Ms. Miller, Chairman Lynch, Ms. Edie, Ms. Weissler, Mr. Cervantes, Mr. Brauchla, Mr. Bemis

No: 0

Abstain: Mr. Garcia

NEW BUSINESS

Item 1

PUBLIC HEARING -- Docket SU-13-04 (Red Horse Wind 2, LLC; Torch Renewable Energy, LLC):

A request for Special Use authorization for a 51-megawatt wind energy power plant west of Willcox. The proposed project would include up to 28 turbines each up to approximately 487-ft. in height. The subject properties are zoned RU-4 and includes nine Sections of AZ State Trust Land and a small portion of private land. Chairman Lynch noted that additional correspondence regarding the docket had been received by Commissioners and had been distributed prior to the meeting. He called for the Planning Director's report. Mr. Michael Turisk presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Turisk explained that the request was to allow the construction of a wind energy plant on the subject parcels. He noted that a proposed substation shown on the concept plan would not be constructed. Mr. Turisk explained that the docket was transmitted to various State agencies for comment. He addressed the access to the site as well as the existing infrastructure to handle the power generated. He also demonstrated how sparsely populated and undeveloped the area is, and noted that the majority of the site was State Trust land that is currently under a grazing lease. Mr. Turisk did explain that exact siting of the units was pending a number of studies. He explained other issues that will be addressed, including dust mitigation and lighting, as well as noise and view shed concerns. He also explained the issues regarding decommissioning of abandoned towers and noted that the County had a recommended Condition to enforce the removal of defunct towers should the project be approved. Mr. Turisk also explained the correspondence that Staff had received regarding the proposal. He closed by listing the factors in favor of and against approval, explaining several conditions to offset factors against, and invited questions from the Commission. Mr. Brauchla asked if the County was taking action to protect Airport Road. Mr. Turisk affirmed that Condition three addressed the potential road damage. Mr. Bemis asked if the project required County approval based on the project being on State Trust Land and also asked if private land had to be used for the project or if it could be entirely on State land. Mr. Hansen stated that the issue has rarely come up but explained the County's position is that private commercial uses on State Land were regulated by the Zoning Regulations, but noted that the Courts had never settled the question. He recommended that the Commission proceed under the assumption that the regulations did apply. Discussion continued between Mr. Bemis, Mr. Turisk, and Mr. Hansen regarding uses on State versus private land. Ms. Weissler asked about the bird and bat studies and wondered if the project should be placed on hold until after the studies were completed or if conditions speaking to the studies be enacted. Mr. Turisk noted that the studies were indeed ongoing and that there were several pieces of legislation that the Applicant must abide by. He also noted that several State and Federal agencies would have environmental oversight over the project. Ms. Weissler asked if construction could begin before the studies were complete. Mr. Turisk indicated that it could not. She also asked about the anemometer that was installed on the site and if there was currently sufficient data to justify the project. Mr. Turisk noted that the Applicant would not be pursuing the project if they did feel that it was a viable site. Mr. Lynch noted that the Commission's charter was land use, and reminded Commissioners that there were other agencies tasked with considering other factors of projects such as this and asked them to focus on the land use issues.

Mr. Lynch invited the Applicant to make a statement. Torch Energy owner Jonathon Killberg and project managers Rocky Ray and Glen Holliday spoke in depth about the company and their experience with wind energy. They explained that they are careful with their investments and are concerned with environmental impacts. Mr. Killberg explained that they were obligated to adhere to various Federal guidelines regarding bird and bat mortality and have conditions regarding guidelines with their State lease agreement.

He explained new technology and how it applied to the project. He then invited questions from the Commission. Mr. Martzke asked where they were with the Corporation Commission siting committee. Mr. Killberg noted that the siting committee did not apply, but their application with the Corporation Commission was in process. Mr. Holliday gave more details pertaining to the project. He noted that Fort Huachuca had reviewed and approved the project. He explained the economic benefits that the project would bring to the County. Mr. Holliday explained their rationale for this site, and gave more information regarding the environmental studies. He noted that the intent was to begin construction prior to the end of 2013 to capture a federal tax credit. Mr. Bemis asked for clarification of the tax credits and asked if the biological studies were unfavorable how that would impact the project. Mr. Holliday explained that they felt the studies were promising and felt comfortable that construction could begin on their desired schedule. Mr. Killberg stated that if they needed to stop they would do so. Mr. Bemis asked if that meant that no ground would be disturbed until all studies were completed. Mr. Killberg explained that their agreement with Fish and Wildlife noted that studies would be ongoing after construction was complete and that the statement that studies would be completed prior to construction was not correct. Mr. Bemis asked if US Fish and Wildlife would be rendering a biological opinion prior to construction. Mr. Killberg explained that the agency did not render opinions but rather would issue risks to wildlife. He noted that they did not give approval per se, but would note potential risks. Ms. Weissler asked about the recommendation from Game and Fish that two years of data be presented and asked about the potential for recovery if Game and Fish required turbines to be relocated based on the environmental data. Mr. Holliday went into detail about their relationship with Game and Fish and noted that they had already provided the agency with some of the requested information and reiterated that the environmental studies would continue well into the life of the project.

Mr. Lynch opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of the project.

Mr. George Scott spoke representing the Southeast Arizona Economic Development Group regarding the economic benefits the project would bring to the County. He noted that the cities of Benson and Willcox, in addition to their Chambers of Commerce and economic development agencies supported the project. He also based support on the location of the plant adjacent to existing transmission lines and the existing agreement with Tucson Electric Power.

Mr. Lynch then asked for speakers in opposition.

Mr. Homer Hansen introduced himself as a resident of Willcox, and an environmental biologist. He is also the chairman of the Wings over Willcox nature festival. He stated he felt that the project was being rushed and that the mitigation measures were not presented in sufficient detail. He spoke about the available wind power data and stated that he felt the project was not economically feasible based on that data. He noted again that he felt important information regarding the project was not disclosed. He stated that the only other wind farm in Arizona was not meeting its objectives. He stated support for alternative energy, but felt this project carried unacceptable consequences. He stated that he felt the bird studies were inadequate based on the short duration of the studies. He advocated slowing down on the project and also addressed cultural resources regarding ranching. He stated that he felt that birding was a larger economic impact than the wind farm would be.

Mr. David Omick introduced himself as a 16-year resident of Cochise County and a supporter of renewable energy. He voiced concerns regarding the project including view sheds and open space, Nature Conservancy visitors, and the speed of the project. He stated he felt that the Applicant did not propose a means to contact visitors to the area regarding their feelings on the project. He also addressed Game and Fish's response to the anemometer request and questioned the ability of the Applicant to gather sufficient data regarding the site's feasibility. Mr. Omick stated he felt the request was premature and urged staff to investigate this and questioned the Applicant's assertion that they were "on a tight development schedule". He also stated that the Todd Family had ranched the site for decades, and this fact alone merited careful consideration of all factors involved in the Special Use. He also questioned the economic impact and stated that the Special Use process should include an analysis of the offset created by the deleterious effects of the project on outdoor recreation.

Ms. Anna Lands introduced herself as a resident of Cascabel. She read a letter from a neighbor, Nick Meader. The letter expressed concern about visual impacts and shadow flicker for the ranch house. It also stated that there was not sufficient wind data to evaluate the economic potential of the project. The letter also stated that the wind was not of sufficient quality for the project, particularly in the summer. Ms. Lands then asked to speak again on her own behalf. She expressed concerns about vibration and produced claims that vibration from wind turbines was detrimental and caused illness to humans and animals.

The Applicant then spoke in rebuttal to the previous speakers. Mr. Killberg expressed appreciation for people's concerns regarding the economic viability of the project and pointed out that this issue was of greater concern for his company since they were the ones paying to construct the project. He explained flaws in the arithmetic wind models that were referenced by the speakers. He explained that the referenced data worked in large-scale models, but they were looking on a micro scale for a specific site that produced a convection flow. He also explained that they had been collecting data for a long time prior to the anemometer and had more data than the speakers realized. He further expounded on the economic benefits of a similar project in Deming, New Mexico. Mr. Ray went into detail regarding the environmental studies and wind data gathering. He also addressed the economic issues and emphasized their focus on them. He stated that he felt this project would supplement rather than harm the ranching heritage of the area. He also addressed the flicker and noise concerns referencing several medical studies. Mr. Holliday expanded on the land use and noted that the disturbed area was very small compared with the overall site.

Mr. Lynch closed the Public Hearing and invited discussion from Commissioners. Mr. Bemis noted that he had spoken with the Nature Conservancy and that they expressed no opinion and expressed faith in State agencies in protecting the environment. Ms. Weissler noted that she had spoken with the Huachuca Audubon Society and that they were taking no position on the project. Mr. Brauchla asked about protecting the roads. Mr. Turisk explained the County's position and the relevant proposed Condition of Approval. Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Turisk recommended Conditional Approval and explained the Conditions requested by staff. He also explained the two requested Modifications. Mr. Lynch called for a motion. Mr. Martzke commented regarding the timeframe from other agencies still ahead of the Applicant and expressed faith in Staff's efforts. Mr. Bemis expressed concern for the roads and stated that he felt there would be great deal of oversight from other agencies and then expressed support for the project. Mr. Lynch expressed the difficulties with power plant dockets and noted his support for this project. Mr.

Martzke made a motion for recommending Conditional Approval. Mr. Brauchla seconded the motion. Mr. Turisk asked for clarification that the Modifications were included. Mr. Martzke clarified, Mr. Brauchla seconded, and Mr. Lynch called for a vote. The motion passed 8-0, with Ms. Miller abstaining.

Motion: Motioned to approve with Conditions and Modifications the Special Use authorization for Wind Energy Power Plant

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Brauchla

Vote: Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 1)

Yes: Mr. Martzke, Chairman Lynch, Mr. Cervantes, Mr. Brauchla, Ms. Weissler, Mr. Bemis, and Mr. Garcia.

No: 0

Abstain: Ms. Miller

Item 2

PUBLIC HEARING -- Docket SU-09-22A (Infinity Farms): This Docket was a staff-initiated request to revoke the Special Use authorization granted in 2009 (Docket SU-09-22) by the Planning and Zoning Commission for a solar energy power plant for failure to comply with a Condition of Approval. The subject properties total 1,590-acres and are located approximately four miles east of Kansas Settlement Rd. in the Kansas Settlement area.

Chairman Lynch called for the Planning Director's report. Mr. Peter Gardner presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner explained that the request was driven by the Commission's denial of an extension of the sister project at a previous meeting. He also noted that the current property owner was unaware of the entitlement, had no intention of developing a solar plant, and was not contesting the revocation. Mr. Gardner closed by listing the factors in favor of and against approval and invited questions from the Commission.

Mr. Lynch noted that the property owner was not present.

Mr. Lynch also noted that there were no members of the public wishing to speak regarding this item and invited discussion from Commissioners. Ms. Edie complimented Staff on proactively bringing this item to the Commission. Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Revocation. Mr. Lynch called for a motion. Mr. Martzke made a motion for Revocation. Ms. Edie seconded the motion and Mr. Lynch called for a vote. The motion passed unanimously (9-0).

Motion: Motioned to revoke the Special Use Authorization.

Action: Revoke **Moved by:** Mr. Martzke, **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 9, No = 0, Abstain = 0)

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

No: 0

CALL TO THE PUBLIC

Chairman Lynch expounded on the law and policy regarding “Call to the Public” and then opened the “Call to the Public.” Jack Cook spoke about various matters. Jere Fredenburgh thanked the Commission for slowing the adoption of the proposed zoning regulation changes and for addressing the issue of a Public Advisory Board. She stated that she felt that the Board had to be in place prior to the adoption of any Zoning Regulations. Chairman Lynch closed the “Call to the Public.”

PLANNING DIRECTOR'S REPORT

Chairman Lynch then called for the Planning Director’s report. Deputy Director Beverly Wilson reported that there would be three Special Uses at the May meeting. She expounded on the Board’s Work Session regarding the Building Code Advisory and Appeal Board. Mr. Turisk added that the Board had approved the rezoning that the Commission had heard the previous month.

CALL TO COMMISSIONERS

Mr. Martzke spoke on computer issues and noted he may miss the next meeting. Mr. Bemis noted that he expected to be back on May 8. Ms. Weessler indicated she would not be present on May 8. Mr. Lynch asked Staff to provide further information regarding the proposed water conservation changes that would be addressed at a future Work Session.

WORK SESSION

The Commission held a Work Session to continue reviewing proposed changes to the Zoning Regulations. Article 19 was covered. Chairman Lynch noted that the Work Session was open to the Public, but was not a Public Hearing. He reiterated that there would be no action taken at this time. Ms. Wilson presented and explained the proposed changes. There were numerous requests for clarification and suggestions for minor changes from the Commission. There was also a discussion regarding what constituted regulating content of signs. Another Work Session was proposed to review proposed water conservation changes.

ADJOURNMENT

Mr. Martzke moved to adjourn, Mr. Bemis seconded, and the meeting was adjourned at 6:40 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *PGW JON*
FOR: Beverly J. Wilson, Deputy Director, Planning Division
SUBJECT: Docket SU-13-06 (Cavaliere)
DATE: April 25, 2013, for the May 15, 2013 Meeting

APPLICATION FOR A SPECIAL USE

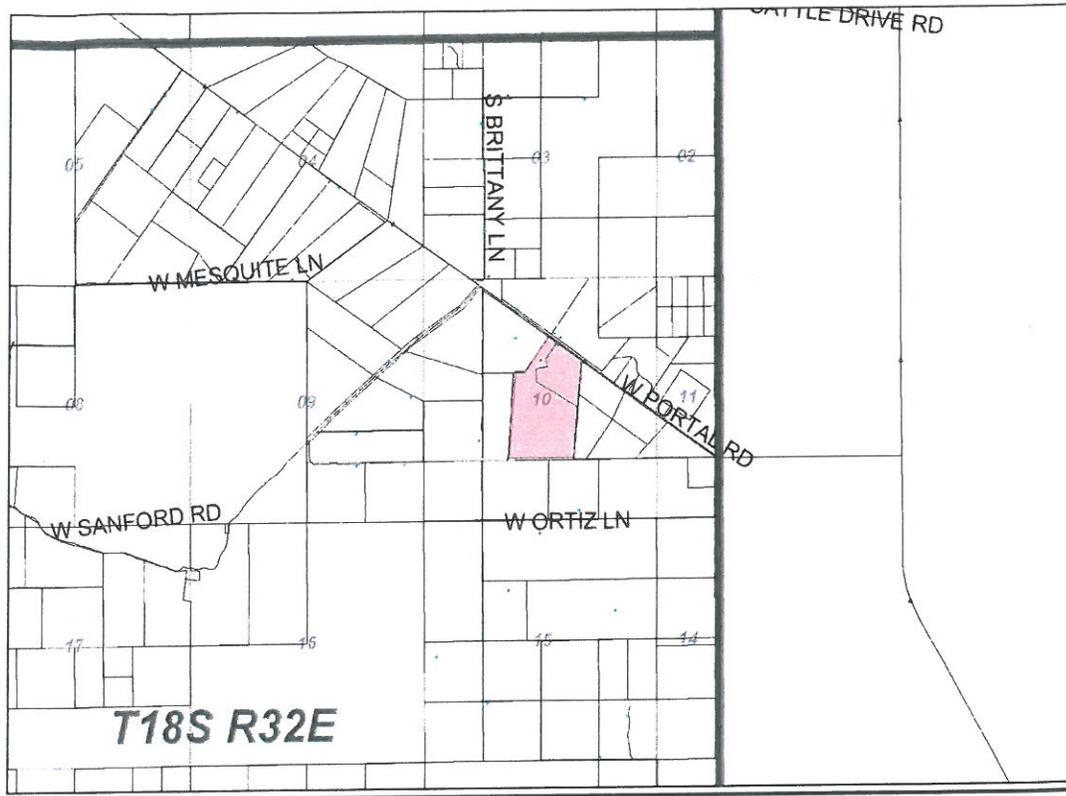
Applicants Bill and Dorothy Cavaliere seek Special Use authorization from the Planning and Zoning Commission for a Guest Lodging operation, per Section 607.01 of the Zoning Regulations. Their intent is to offer an existing ranch cabin, as well as a portion of a second cabin, as lodging for tourists such as birders and hikers. The subject Parcels (402-40-005M&N) are located at 121 West Portal Road in Portal, AZ.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 80.32 Acres
 Zoning: Rural (RU-4)
 Growth Area: Category D (Rural)
 Plan Designation: Rural
 Area Plan: None
 Existing Uses: Ranch with four single-family residences and related structures

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	vacant / B&B
South	RU-4	single-family residential
East	RU-4	Vacant
West	RU-4	ranch land with dwelling



Location Map

II. PARCEL HISTORY

There is no record of any permits, violations, or any other activity for these parcels. All improvements, with the exception of a 280-square-foot shed constructed in 1980, were built prior to the adoption of zoning in 1975.

III. NATURE OF REQUEST

Mr. and Mrs. Cavaliere acquired the main property in 2009 and the additional portion in 2012. They live on the property and intend to offer one of their cabins and a portion of a second cabin for short-term rentals. Their principal clientele would include birders, hikers, and prospective residents of the Portal area. As the units are complete dwellings and include kitchens, the use may not be characterized as a Bed and Breakfast and is therefore deemed Guest Lodging.



One of the cabins to be used as Guest Lodging.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS
(Section 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Seven of the 10 criteria apply to this request.

The project as submitted complies with six of the seven applicable Special Use factors, as submitted. If the Conditions of Approval recommended by staff and the Modifications requested by the Applicant are applied, the project would also comply with the additional applicable factor.



This photo shows the second cabin proposed to be used for Guest Lodging. This structure includes a personal library.

A. Compliance with Duly Adopted Plans: Complies

Although the project site is not within the boundaries of any area plans, the proposed use is compliant with various policies in the County’s Comprehensive Plan, including the appropriateness of non-residential development in Category D areas for purposes including tourism.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.05 of the Zoning Regulations specifies “recreational support services compatible with rural living” as land uses agreeable to the purpose of the Rural Districts.

C. Development Along Major Streets: Not Applicable

The property takes access from West Portal Road, a County-maintained, rural collector road. The existing driveway has served the ranch since prior to County permitting was required. the County Transportation Planner has determined that the traffic load will not exceed the typical range for a single-family dwelling.

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

The property is accessed directly from West Portal Road via an existing 14-foot driveway with a cattle guard. As noted above, Staff has indicated that the proposed use would not generate traffic in excess of the normal range for a single-family residential use.



14-ft. driveway with a cattle guard on property.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer, and utility services on the property. Provisions for services currently exist on site, as the property is served by a well and two septic systems. Columbus Electric Co-Op provides electric power, and the Portal Volunteer Fire Department would provide fire protection. Condition #2 is a standard condition requiring compliance with all applicable standards, permitting or other requirements as may be necessary.

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

The project is on an 80-acre site within a rural area east of Portal. The project can and does meet most site development standards as submitted. However, the Applicant has requested Modifications to development standards relative to the width of the driveway and surfacing requirements for the driveways and internal parking areas as well as to required lighting.

The Applicant maintains that the native soils and existing gravel of the driveway and parking areas will provide for ample parking on the site without the need for land clearing or surface treatments. As for the driveway, the Applicant's position is that the existing driveway which is 14-feet across would be sufficient to accommodate his business while maintaining as much vegetation and natural amenities as possible. Lastly, the Applicant is requesting a Modification to the requirement that parking areas for activities operating during hours of darkness be lighted. The Applicant feels that the existing porch lights on the cabins provide sufficient illumination for safety, and that additional lighting would detract from the site and possibly create offsite impacts, including negatively impacting the dark night skies in the area. Planning and Highway Staff are supportive of the Modifications as requested.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received three letters of support. Staff has also received one letter of support from a neighboring property owner.



View of one of two proposed parking areas on the site.

H. Hazardous Materials: Not Applicable.

I. Off-Site Impacts: Complies

The greatest potential for off-site impacts associated with the proposed business is traffic-related, but these are anticipated to be light, given the nature of the business proposed. The property is surrounded by large expanses of undeveloped land, ranch land, and rural residences, and therefore, the use is unlikely to generate any noticeable off-site impacts. The requested Modification to the lighting requirement would also mitigate any potential offsite light trespass.

J. Water Conservation: Not Applicable

There is no proposed additional development, as the project would use existing facilities.

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 17, 2013, and published a legal notice in the *Sierra Vista Herald* on April 25, 2013. To date, the Department has received one letter of support from neighboring property owners.

VI. REQUESTED MODIFICATIONS

The Applicant has requested the following site development standard Modifications as part of this Special Use request, all of which are supported by Staff:

1. A Modification to the 24-foot two-way driveway standard for commercial uses; the Applicant maintains that the existing 14-foot driveway would be adequate for the land use proposed;
2. A Modification to the 2-inch deep gravel surface requirement for the driveway and parking area. The native soil and gravel surface of the area is, according to the Applicant, sufficient for travel and parking as is; and
3. A Modification from the requirement for parking areas to be lit if activities occur during hours of darkness. The Applicant maintains that the existing porch lighting is adequate for safety and further lighting would be intrusive.

VII. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Special Use

1. With the three requested Modifications, the request complies with each of the seven applicable Special Use factors used by Staff to analyze such requests;
2. The Rural Districts are established for such land use proposals, per Section 601.05 of the Zoning Regulations;
3. The land use would generate no appreciable off-site impacts, and traffic would be minimal along a developed and maintained rural roadway;
4. The proposed use would utilize existing structures; and
5. Staff has received one letter of support and the Applicant has received three letters of support for the project.

Factor Against Allowing the Special Use

1. None Apparent

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. 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. Prior to the issuance of a certificate of occupancy, the Applicant shall file an informational right-of-way permit to register the driveway as an authorized access to the County-maintained right-of-way system.

Staff also recommends that the Modifications discussed above be applied to the land use as part of such approval.

Sample Motion: *Mr. Chair, I move to approve Special Use Docket SU-13-06, 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. Concept Plans
- D. Agency Comments
- E. Requested Modifications
- F. Citizen Review and Public Comment

SU-13-06



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

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

TAX PARCEL NUMBER 402-40-005M 8 & N

APPLICANT BILL CAVALIERE

ADDRESS 121 W. PORTAL RD., PORTAL, AZ. 85632

CONTACT TELEPHONE NUMBER (520) 558-2580

EMAIL ADDRESS: BILLCAVALIERE@HOTMAIL.COM

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

ADDRESS _____

DATE SUBMITTED 3-24-13

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

----- PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that **nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.**)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

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

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

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

PART TWO - QUESTIONNAIRE

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

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

1. What is the existing use of the property? PRIVATE RESIDENCE

2. What is the proposed use or improvement? RENTAL COTTAGES (two)

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? TWO COTTAGES FOR TOURISTS TO RENT. WILL HAVE NO IMPACT ON NEIGHBORING PROPERTIES AT ALL.
4. Describe all intermediate and final products/services that will be produced/offered/sold.
TWO RENTAL COTTAGES ACCOMODATIONS

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)

FRAME/STUCCO WITH METAL ROOFS

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

N/A

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from _____ AM to _____ PM) 24 HRS.

B. Number of employees: Initially: 2 ^{Residents} Future: _____
Number per shift Seasonal changes _____

C. Total average daily traffic generated:

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

2

(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?

PORTAL ROAD, EAST AND WEST

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

70% FROM EAST, 30% FROM WEST

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

MORNINGS, SPRING + SUMMER, 7 DAYS/WEEK

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

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

Will you use a septic system? Yes X No ___ If yes, is the septic tank system existing?

Yes X No ___ Show the septic tank, leach field and 100% expansion area on the site plan.

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

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

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

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	PRIVATE	NONE
Sewer/Septic	PRIVATE	"
Electricity	COLUMBUS ELECTRIC CO-OP	"
Natural Gas	N/A	—
Telephone	N/A	—
Fire Protection	PORTAL VOL. FIRE DEPT.	INSTALLED SMOKE DETECTORS, FIRE EXTINGUISHERS + EXIT SIGNS

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

BIRDWATCHING ON PREMISES

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

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

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

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

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

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

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

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

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

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

Yes ___ No

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

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

Yes ___ No

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

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

NONE

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? N/A
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) N/A

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).

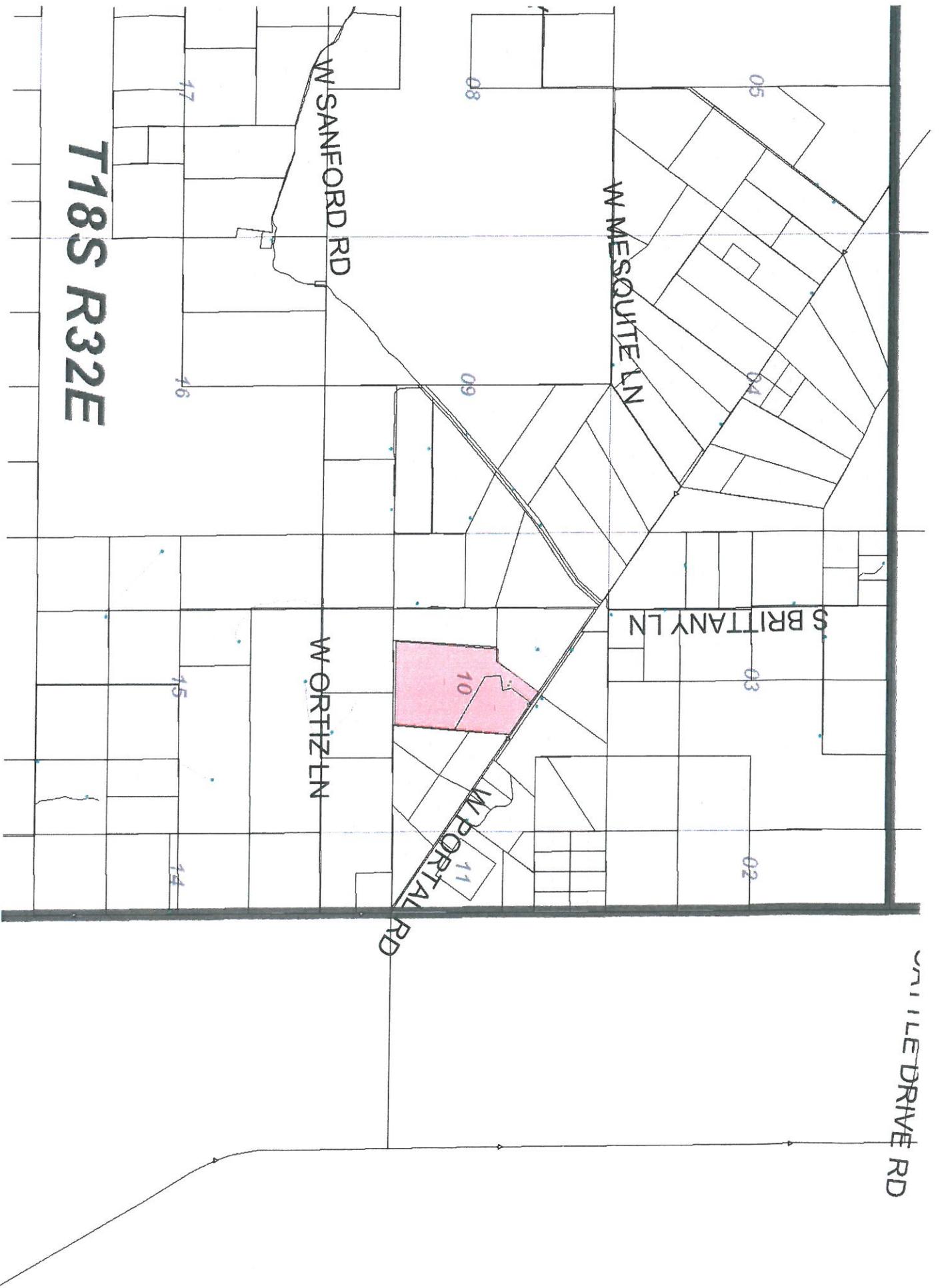
SECTION E - Applicant's Statement

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 Bill Cavaliere

Print Applicant's Name BILL CAVALIERE

Date signed 3-24-13



T18S R32E

WILLE DRIVE RD

W MESQUITE LN

S BRITTANY LN

W PORTAL RD

W ORTIZ LN

W SANFORD RD

05

04

03

02

08

09

10

11

17

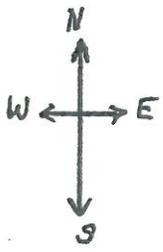
16

15

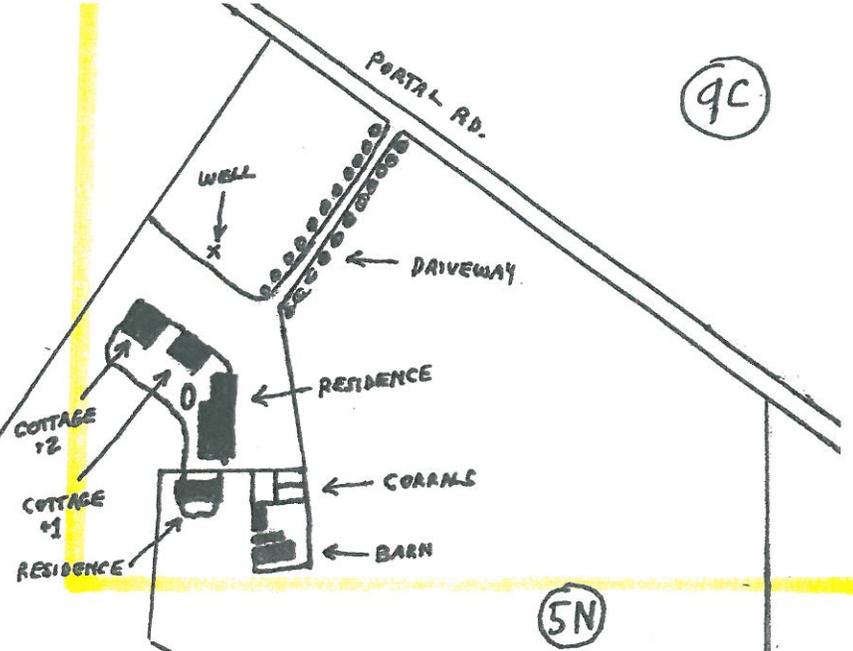
14

5B

9C



SEE INSET →



5N

5H

5G

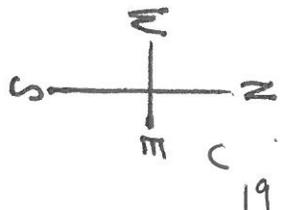
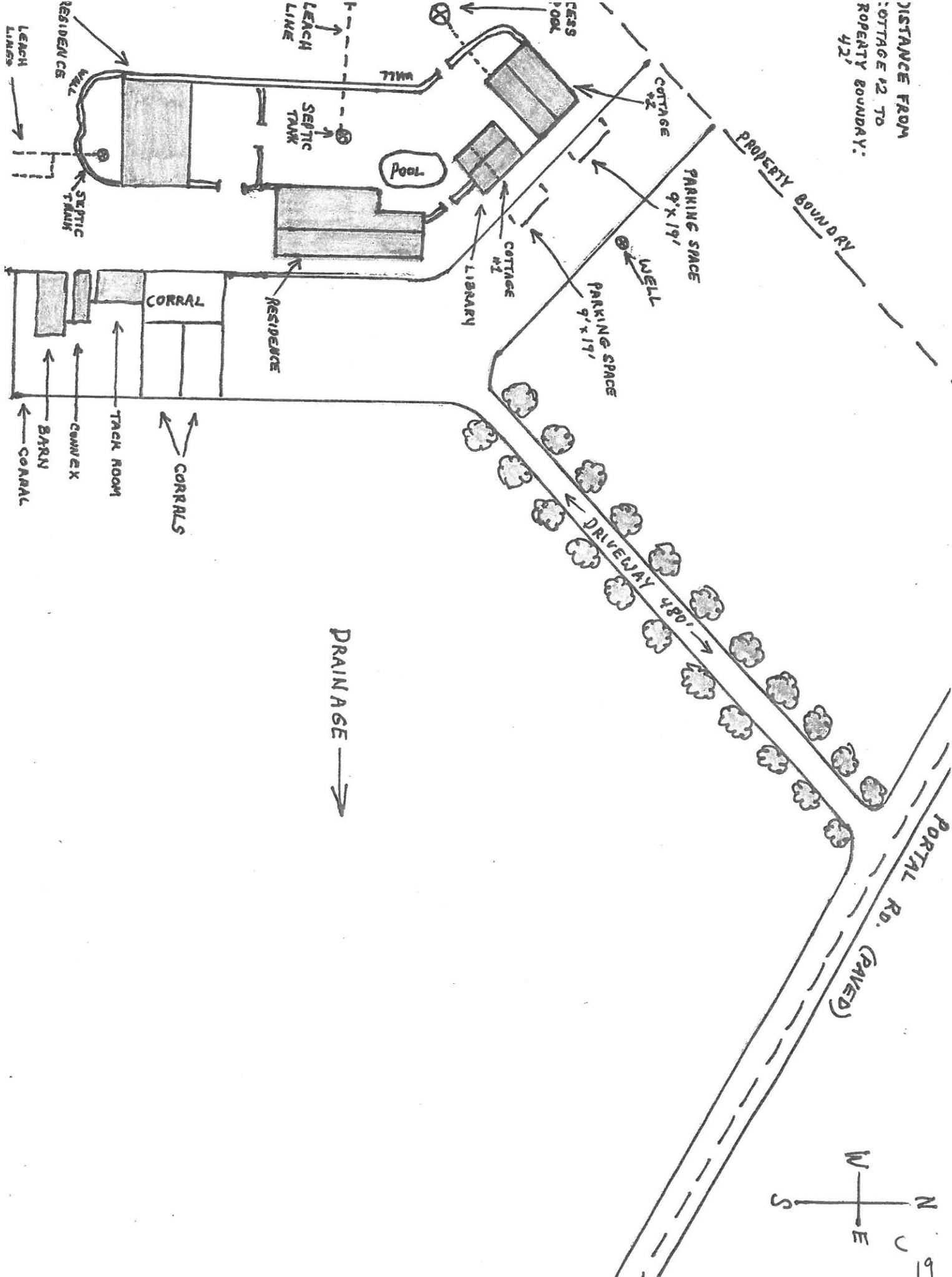
5M

5L

3A

3B

DISTANCE FROM
COTTAGE #2 TO
PROPERTY BOUNDARY:
42'



DRAINAGE →



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

Date: April 22, 2013
To: Peter Gardner, Planner I
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Cavaliere Ranch Cabins In Portal: SU 13-06/Parcel #402-40-005M/N

The applicant is applying for a Special Use Authorization to convert existing ranch cabins into Bed and Breakfast sites for intermittent guest lodging. Access to the site is from Portal Road, a county-maintained, chip-sealed, with a 24 foot cross-section, rural minor access roadway.

The access driveway is native surfaced, with a cattle-guard and defining gateway features. Buildings and access driveway in place have been in place for some time: the driveway likely established with the original residential use. There is currently no Right-of-Way/Encroachment Permit on record for this driveway, not unexpected given that the current process of permitting residential driveways has changed since this site was first constructed.

Traffic Analysis

Trip generation, at full occupancy, with the primary residential unit, is estimated to be 15.89 vehicle trips per day, per the ITE Manual, 8th edition. This use will not likely increase the trip generation from this parcel beyond that of the high end of the range for a single residential unit (21.85 trips per day) and will likely be off-peak, seasonal and intermittent in use.

Recommendation and Applicant Guidance

The proposed use would not notably change traffic volumes or traffic circulation in the area. We see no need for any on or off-site improvements for this proposed use. We also have no objection to granting requested waivers to allow the existing driveway width and surfacing to remain in place.

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

- At, or prior to, the Commercial Permit phase the applicant is requested to obtain a no-fee, informational Right-of-Way/Encroachment Permit to register their driveway as an authorized access onto the county-maintained roadway system.
- The site plan is adequate to illustrate the concept for this Special Use authorization request. It will not be adequate at the Commercial Permit phase. The applicant is advised that a revised

site plan that clearly shows all the driveway dimensions as well as sight triangles (Roadway Design Standards D-300 & Zoning Regulation 1807.06) will be needed at the Commercial Permit stage (as well as for the ROW/Encroachment Permit).

What we are primarily looking for is the dimensions of the width of the driveway between the existing posts, the distance of those from the edge of pavement, property lines. What we want the applicant to be sure of is that no fixed objects are in the county's right-of-way or interfere with sight distance. Our preliminary review of this access driveway leads us to believe that there are no issues of concern.

To obtain the no-fee, informational Right-of-Way/Encroachment Permit the applicants should contact the County's Highway and Floodplain Department at 520.432.9300 and speak with Francis Marinez.

cc: Docket SU-13-06, Highway Dept.

Mr. Peter Gardner
Cochise County Community Development
1415 Melody Lane,
Bisbee, AZ 85603

May 1, 2013

Dear Mr. Gardner,

Regarding my proposed business, I request the following modifications:

1. A Modification to the 24-foot two-way driveway standard for commercial uses; the Applicant maintains that the existing 14-foot driveway would be adequate for the land use proposed;
2. A Modification to the 2-inch deep gravel surface requirement for the driveway and parking area. The native soil and gravel surface of the area is, according to the Applicant, sufficient for travel and parking as is; and
3. A Modification from the requirement for parking areas to be lit if activities occur during hours of darkness. The Applicant maintains that the existing porch lighting is adequate for safety and further lighting would be intrusive.

Thank you for your time.

Bill Cavaliere

Aurora Enriquez
369 Portal Road,
Portal, AZ 85632

March 8, 2012

Dear Ms. Enriquez,

I am planning on opening a business at my property located at 121 W. Portal Road. I currently have two guest houses at this site that I plan to operate as rental cottages. Since the two cottages already exist, this plan will not entail any kind of construction, either in structures or roads.

The reason you have received this letter is because I am required by the Cochise County Community Development to notify any landowners who have property adjoining my land of this proposal.

Please feel free to submit any comments you may have on my proposed request to change the use of my property. I can be contacted at the address or email listed below. I look forward to hearing from you.

Thank you for your time.

Sincerely,

Bill Cavaliere

Submit written comments to: Bill Cavaliere
121 W. Portal Rd.,
Portal, AZ 85632

Or email comments to: billcavaliere@hotmail.com

cc/file

Reply

rental cottages

Sweep

Move to

Categories

Content is n
available. Ple
back later.

Folders

Inbox

Junk

Drafts

Sent

Deleted 21

Bills pics

[New folder](#)

Quick views

Documents

Flagged

Photos

Shipping updates

[New category](#)



Terry Morgan (TerryM@gud.com) [Add to contact](#)

To: billcavaliere@hotmail.com

Mr. Cavaliere – We own the Quailway Cottage and ranch premises on Portal Road that the County apparently considers as adjoining to your property. We can't picture the location of your property, however, other than it must be across the Portal Road given the address. I would like to talk to you about your proposal sometime soon. Is there a number where I can reach you? It shouldn't take long.
Terry Morgan

Terry D. Morgan
 Terry Morgan & Associates, P.C.
 1201 Elm St.
 4800 Renaissance Tower
 Dallas, TX 75270

(214) 740-9944 Work
 (214) 969-5902 Fax
 terrym@gud.com

I CALLED MR. MORGAN BACK ON SAME DAY I RECEIVED THIS (3-15-13)
AND ~~GAVE~~ ^{HE} GAVE ME VERBAL APPROVAL -

B.C. -

F 24

ch email

Reply

Delete

Your Portal property

Move to

Categories

Content is n
available. Ple
back later.

Folders

Inbox 10

Junk

Drafts

Sent

Deleted 23

Bills pics

[New folder](#)

Quick views

Documents 1

Flagged

Photos 2

Shipping updates

[New category](#)



NPAIZIS (npaizis@hotmail.com) [Add to contacts](#)

To: billcavaliere@hotmail.com

Got your letter today informing me of your plans. I have no concerns whatsoever. I wish you luck in your endeavor.

Nick P.

F 25

New email Reply

Delete Move to Sweep Move to Categories

Rental Cottage

Folders

Inbox 38

Junk

Drafts

Sent

Deleted 20

Bills pics

[New folder](#)

Quick views

Documents 1

Flagged

Photos 9

Shipping updates

[New category](#)



Eileen Potter (eileen@fautrever.com) [Add to contacts](#)

To: billcavaliere@hotmail.com

Bill,

Thank you for the letter of intent regarding your proposed rental cottages. My name is Erin Willett, I am Eileen Potter's granddaughter and her power of attorney.

I have shared the contents of your letter with Eileen and her three surviving children. All parties concur that we do not foresee any problems with your change of use proposal.

Thank you for sharing the details with us. We wish you much success in your new venture.

Regards,
Erin Willett,
POA for Eileen Potter

F 26

Special Use: Docket SU-13-06 (Cavaliere)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): WOLFGANG ESSER M. PATRICIA ESSER ANN
SIGNATURE(S): Patricia A. Esser

YOUR TAX PARCEL NUMBER: 402-110-0055-1 (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 Friday, May 3, 2013 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.**

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

F 27



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner II *LD BW*
FOR: Beverly J. Wilson, Deputy Director Planning Division
SUBJECT: Docket SU-13-07 (Van Wart)
DATE: May 1, 2013, for the May 15, 2013 Meeting

APPLICATION FOR A SPECIAL USE

The Applicants request Special Use authorization for an equipment rental land use in a Rural District, per Section 607.22 (Retail sales, rentals, or accessory storage of materials, merchandise, supplies and equipment) of the Zoning Regulations. The Applicants seek to legitimize an existing portable restroom and septic service business on their property. Up to 25-units are stored on site and delivered to customers for use. The Applicants also store up to three pump trucks on the property. The subject parcel (124-41-005H) is located at 144 S. Sundust Trail in St. David, AZ; the Applicants are Tom and Ashley Van Wart of the same address.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.0-Acres
 Zoning: Rural (RU-4)
 Growth Area: Category D (Rural)
 Plan Designation: Rural-Density Residential
 Area Plan: St. David Area Plan
 Existing Uses: Single-family residential and portable restroom/septic service

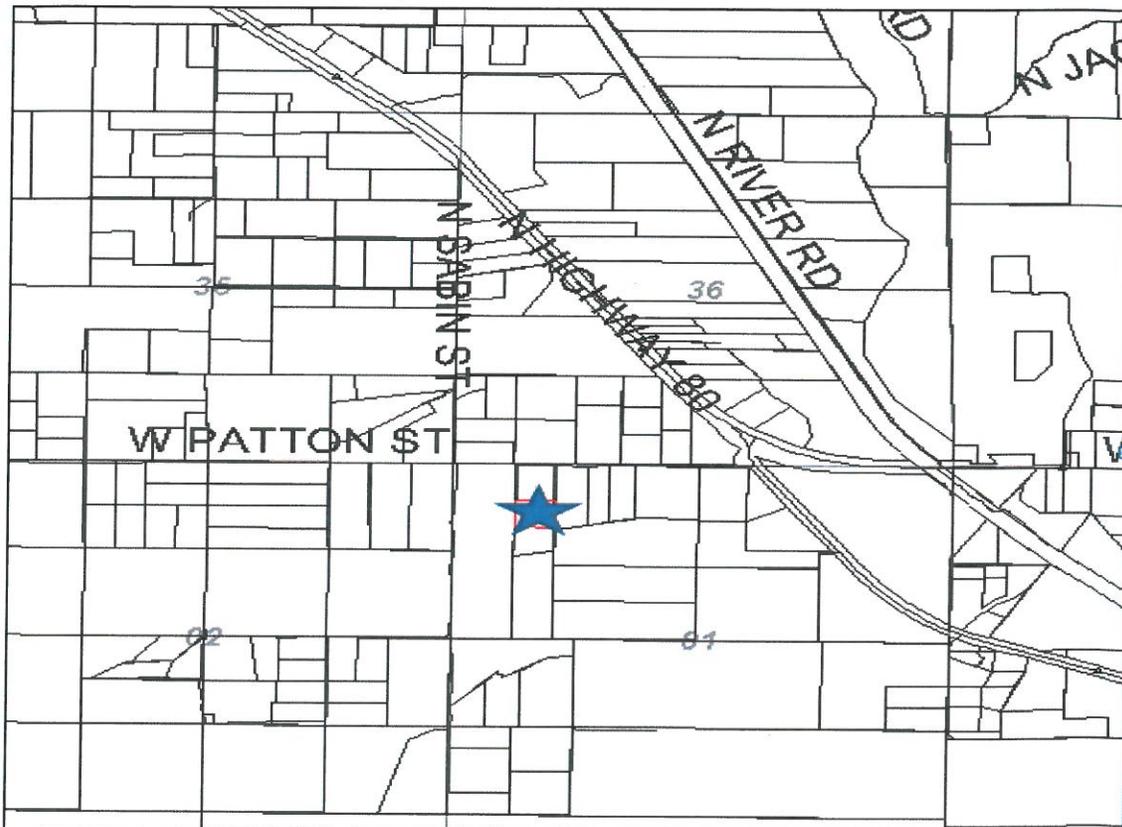
Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural Residential
South	RU-4	Rural Residential
East	RU-4	Companero Road, Rural Residential
West	RU-4	Sundust Trail, Undeveloped Land

II. PARCEL HISTORY

- The Parcel subject to this request was originally part of a larger parcel (124-41-005E.) In 2004, staff processed a permit for three single family homes on this 13.40-acre parcel, which was subsequently split into three parcels.

- The owners and Applicants purchased the property in 2008, and conducted the septic service and portable restroom business at another location. In 2012, the Applicants moved the business to their place of residence.
- In 2013, a Violation was issued for a business without a permit. This Docket is intended to resolve the Violation.



Location of the Van Wart property, just off Patton Road in St. David.

III. NATURE OF REQUEST

Applicants Tom and Ashley Van Wart have operated a septic pumping/service and portable restroom business for about five years. Mr. Van Wart decided in 2012 to relocate the business headquarters from Mescal to his residence in St. David; the residence also serves as the home office for the business.

The business owns and services 25 portable restroom units, for use by the Border Patrol and at job sites in Sierra Vista and Tucson. Also part of the business is a septic service operation, with three pump trucks in operation to service septic systems in the St. David area, as well as regionally. The trucks carry a 250-gallon, 1,000-gallon, and 2,500-gallon storage tank for servicing area septic systems as well as the portable restrooms. There is a 1,000-gallon septic holding tank installed below ground level on the property. This is used to temporarily store waste material, which is used to transfer waste material from the smaller pump truck to the larger, which collects and transports the waste to designated dump sites in Sierra Vista and Tucson.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

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

A. Compliance with Duly Adopted Plans: Complies

The business is within the boundaries of the St. David Area Plan. As a sub-set of the overall County Comprehensive Plan, the St. David Area Plan was adopted in 2005 as a policy guideline for future development in the community. In the Plan document there are a number of Vision Statements that articulate the community goals for future development, as well as specific policy statements that apply to rezoning and Special Use requests. Both the Vision Statements and policies emphasize support for businesses that serve the local area, particularly with regard to the rural residential nature of the area. One Vision Statement suggests support for “locally owned-and operated small scale, neighborhood-serving businesses.”

The Applicant’s business does serve the needs of the rural St. David community in its capacity as a septic service, although the portable restroom portion of the business is more regional in nature.

B. Compliance with the Zoning District Purpose Statement: Complies

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

C. Development Along Major Streets: Not Applicable

State Route 80 is the nearest major roadway, approximately ½-mile east.

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

The property takes access from Patton Road, a rural minor access, County-maintained chip-sealed roadway to Sundust Trail, a private roadway atop a 30-foot ingress/egress and utility easement. Compliance with this factor is assured through off-site improvements under certain circumstances. In this case, such improvements are warranted in order to protect the Patton Road travelway from degradation from continued travel by trucks weighing as much as 10-tons. To accomplish this, Staff recommends Condition #2, which would require the Applicant to obtain a County right-of-way permit, and install a commercial apron along the Patton Road access.



South view of the storage area. Note the existing gravel surface at right.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property. The nature of the business is such that most activities take place off-site; apart from administration of the operation from the Applicant's home, the site is used to store trucks, restroom units and septic waste on a temporary basis. In terms of infrastructure needs, the property is otherwise typical of Rural Residential homes in the area. The exception to this is the impact that larger trucks would have on the Patton Road travelway over time. This road impact is addressed in Condition #2, discussed above.

F. Significant Site Development Standards: Complies (Subject to Condition #1 and Requested Modifications)

The site is equipped with a covered parking structure used to shelter the pump trucks. This structure is 25-feet from the southern property line, which means it does not comply with the 40-foot setback required for Special Uses in the Rural Districts. The Applicant has asked that this standard be Modified in order to accommodate the existing structure.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received three responses: one neighbor stated they could not support the project, one supported it, and one offered a qualified statement

of concern with ideas on how to mitigate off-site impacts and possible effects on neighboring property values.



South view of the underground septic holding tank ports.

H. Hazardous Materials: (See Condition #4)

The Applicant maintains that all portable restrooms are cleaned off-site prior to being stored on the property. However, as discussed, there is a 1,000-gallon septic storage tank on the property used for temporary storage of waste materials. Condition #4 would require that the Applicant obtain all necessary permits and fulfill all conditions as required under local and state regulations for the operation of this tank.

I. Off-Site Impacts: Complies (See Conditions #2, #3 and #4)

Condition #2, previously discussed, would mitigate impacts to the nearby Patton Road travelway.

Off-site impacts associated with this project could include dust, noise, odor, and visual impacts. The Applicant has already installed a dust-abating gravel surface for parking and driving areas, but County development standards would require that the area used to store the portable restroom units also be graveled (see Condition #4, requiring adherence to other local regulations).

The Applicant states that the portable restroom units are always clean before being stored on the property, and that no cleaning of these units takes place on the property. Staff recommends, as Condition #3, that no such washing or rinsing of portable restroom units take place on the

property, to ensure mitigation of possible contamination and odor-related off-site impacts, as well as to conserve water.

In order to mitigate visual impacts, the Commission may wish to consider imposing a condition requiring the outdoor storage, parking and loading areas to be screened.

J. Water Conservation: Not Applicable (See Condition #3)

This factor is not applicable, as the Applicant uses no water in the operation of the business on the property. However, Condition #3, recommended by staff, would require that all portable restroom units be washed and rinsed off-site.

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 22, 2013, and published a legal notice in the *Bisbee Observer* on April 18, 2013. To date, the Department has received two statements of support from neighboring property owners, and three from neighbors opposing the request.

VI. REQUESTED MODIFICATION

Because the parking structure used on the site is already built, and is 25-feet from the southern property line, the Applicant is requesting that the Commission modify the 40-foot setback requirement for Special Uses in the Rural Districts, to accommodate existing site conditions. Staff supports the request.

VII. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Special Use

1. With the Conditions of Approval recommended by staff, the request complies with the eight applicable Special Use factors used by staff to analyze such requests;
2. The St. David Area Plan supports, in its Vision Statements and Policies, locally-owned businesses that serve the local area;
3. Off-site impacts can be effectively mitigated with the Conditions of Approval recommended by Staff; and
4. Three neighboring property owners have expressed support for the request in writing – one in response to the Citizen Review, and two in response to County mailings.

Factors Against Allowing the Special Use

1. The Applicant established the land use without a permit; the Special Use request is intended to rectify a violation;
2. Although the St. David Area Plan is generally supportive of Special Uses that serve the local residents, such uses are encouraged in Neighborhood Business Districts, or areas with a Neighborhood Conservation designation, not in Rural Residential Areas as in this case; and

3. Four neighboring property owners have expressed opposition to the request in writing – one in response to the Citizen Review, and three in response to County mailings.

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. As part of the commercial permit process, the Applicant shall obtain a right-of-way permit for installation of a commercial apron at the Patton Road access;
3. There shall be no on-site washing or rinsing of portable restroom units on the property;
4. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Staff also recommends that the setback Modification discussed above be applied to the land use as part of such approval.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-13-07, with the Conditions and the Modification of development standards recommended by Staff; the Factors in Favor of approval constituting the Findings of Fact.*

IX. ATTACHMENTS

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



**COCHISE COUNTY
COMMUNITY DEVELOPMENT**

"Public Programs...Personal Service"

APR 01 2013

PLANNING

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

TAX PARCEL NUMBER 124-41-005H

APPLICANT Tom AND ASHLEY VAN WART

ADDRESS 144 SUN DUST TRAIL ST. DAVID AZ 85630

CONTACT TELEPHONE NUMBER 520-686-1277 (T) 520-405-4000 (A)

EMAIL ADDRESS: A1PORTAPETS@gmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

ADDRESS _____

DATE SUBMITTED 3/28/13

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

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that **nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.**)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

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

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

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

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? We use it as our home
as well as storing our porta pots on the property
2. What is the proposed use or improvement? To continue to keep our
units on the property
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? No customers enter property
therefore the only impact would be visually seeing anywhere
from 5 to 25 toilets on the back of our property
4. Describe all intermediate and final products/services that will be produced/offered/sold.
N/A... Our business consists of us going to the
customer.

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)

N/A

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

N/A

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 5 Hours (from 7 AM to 3 PM)

B. Number of employees: Initially: 2 Future: 3?
Number per shift Seasonal changes One shift

C. Total average daily traffic generated:

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

2 entering 2 leaving

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

3

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

Down sundust to Patton (L), the Sabin turn (R)

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

Monday through Friday leave at 4⁷ come back apr 4 pm

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

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

D. Estimated total gallons of water used: per day 7000 gallons per year _____

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

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

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

Attached _____ NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Well	
Sewer/Septic	Septic	
Electricity	Sulphur Springs	
Natural Gas	N/A	
Telephone	N/A	
Fire Protection	1 ST. DAVID FIRE	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

loading and off loading restrooms. Trucks leaving in the morning + coming back + parking in the evening

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.

The toilets and three pump trucks parked.

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

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

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

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

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

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

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

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

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

Yes ___ No

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

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

Yes ___ No

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

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

Crush aggregate

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

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

SECTION C - Water Conservation and Land Clearing

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

2. How many acres will be cleared? 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

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*.

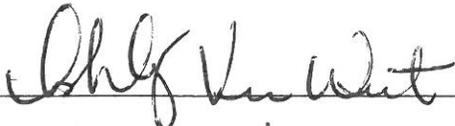
Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, 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.

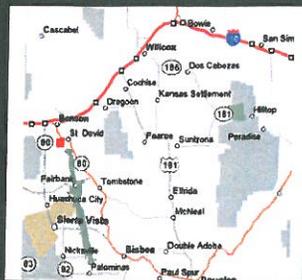
Applicant's Signature 

Print Applicant's Name ASHLEY VAN WAPT

Date signed 3/28/13



01



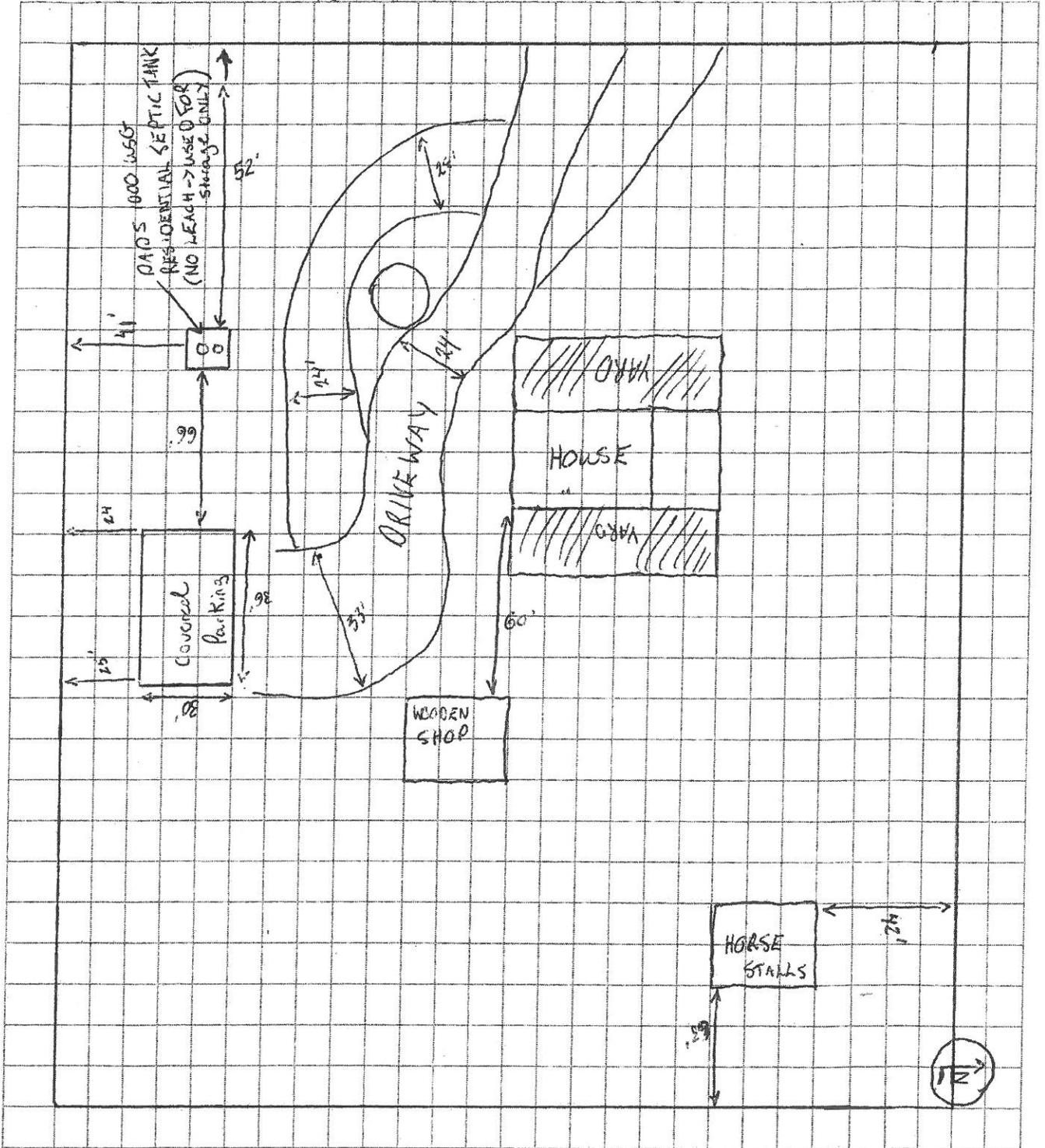
Docket SU-13-07
(Van Wart)
Location Map

This map is a product of the Cochise County GIS



42

14 SKETCHES/PLANS/MAPS (Optional)





COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

Date: April 8, 2013
To: Keith Dennis, Senior Planner
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Van Wort Portable Restroom Facilities: SU 13-07/Parcel #124-41-005H

The applicant is applying for a Special Use Authorization to continue a business of leasing portable restroom facilities (applicant states that 5 to 25 units may be stored on site) in the St. David area. Five trucks, including one large tanker type truck, were on-site during a drive-by site visit on April 7, 2013. The applicant intends to bring units to customers with no more than 3 employees planned for the future operation of this business. Access is taken from Patton Rd., a rural minor access, 24 foot cross-section, county-maintained chip-sealed roadway to S. Sundust Trail, a private roadway. S. Sundust Trail is currently a native-surfaced roadway with approximately a 20 foot cross-section, scattered gravel along portions of the roadway, gated at the right-of-way line and then flaring out to a disturbed area of +/- 50 feet at the connection with Patton Rd.

Traffic Analysis

There is no exact equivalent for this proposed land use in the ITE Manual, 8th edition. The closest match is Land Use 110/General Light Industrial estimating a range between 6.97 and 20.84 for the number of employees, area of parcel under non-residential use and total acres of the parcel. Most days this site, combined with the residential use already in place, would likely generate near the high end of a typical residential unit (about 21 trips per day) with the primary impact on the transportation system being the type of traffic not the volume of traffic. There would be heavier and larger trucks using this primitive roadway and the turning radii needed at the intersection with Patton Rd. would need to reflect the wider turning movements of these larger vehicles.

Legal Access to Site

Commercial businesses are subjected to additional requirements for access than are residential uses. Zoning Regulation 1807.02A states that legal access must be in place from the place of business to the nearest County-maintained roadway or a roadway with a Private Maintenance Agreement in place. A Private Maintenance Agreement would be required at the Commercial Permit phase for S. Sundust Trail (requires the applicant to keep the roadway in passable condition from their driveway to Patton Rd).

It *appears* that parcel owners taking access from S. Sundust Trail believe that a 30 foot ingress/egress & Utility easement exists along the east property line (Sundust Trail) as noted in a Record of Survey dated July 6, 2004 and Revised July 2, 2007. It is clear from County records that a 30 foot ingress/egress easement exists along S. Companero Rd. on the west property boundary and the expectation would

have been that this would have been the preferred access roadway for the subject parcel. On June 22, 2005 a request was made of the 911 addressing to address S. Sundust Trail and around this time parcel owners began to make frequent use of this new alignment. However, the roadway and connection to the county-maintained Patton Rd. were never legitimized, as far as the Highway Dept. records show (a common situation with unsubdivided residential parcel splits in the County). The easement itself does not appear to have been formally recorded by the property owners but does appear in real estate actions taken by parcel owners along this private roadway.

This memo is not intended to provide a title search or a finding on the validity of the S. Sundust Trail Record of Survey or easement. Parcel owners reliant on this easement (124-41-005G, H, J and F) may wish to follow up with the County assessor's office to formally record the easement currently under active use and/or consult with a Title Company or Real Estate attorney regarding this private road and survey of the S. Sundust Trail easement.

Commercial Apron Standards

The Highway Dept. Roadway Design and Construction Standards, adopted May 2003 and last Revised in October 2005, require commercial aprons to be in place for commercial uses taking access onto the County maintained surfaces. These standards and Paved Turnout Details are attached for the applicants review prior to pursuing a Commercial Permit for this proposed use.

The applicant, during the process of legitimizing this connection to the county-maintained roadway system, could request that the Highway Dept. County Engineer consider a commercial apron that meets the width (approximately 20 feet) of the existing private roadway, which matches the width of the County's typical cross-section for rural major and minor access low volume roads. Radii for this use may be modified to match with an alternate width, per MAG Detail 205, sufficient to protect the edge of pavement but yet large enough to accommodate the larger turning radii of the tanker and trucks associated with this proposed use. The final details of commercial aprons are typically completed in consultation with the Highway Dept. during the ROW/Encroachment Permit. It is the applicant responsibility to review the commercial standards and propose an appropriate design for the commercial apron at S. Sundust Trail.

It should also be noted that Cochise County is "open range" and a cattleguard may also be required to be put into place to prevent livestock or wildlife access to the county maintained roadway. Section C.3.K. may apply to this private roadway access. The subject parcel does have livestock on the site.

Recommendation and Proposed Conditions

We are not opposed to the general concept of this proposed use with the following advisory notes for the applicant regarding Highway Dept. conditions that would be required of them at the Commercial Permitting stage:

- The site plan is adequate to illustrate the concept for this Special Use authorization request. It will not be adequate at the Commercial Permit phase. The applicant is advised that a revised site plan that clearly shows dimensions as well as sight triangles (Roadway Design Standards D-300 & Zoning Regulation 1807.06) will be needed at the Commercial Permit stage. Property lines, right-of-way lines, set-backs, existing features should all be clearly identified and dimensions indicated.
- A ROW/Encroachment Permit for a commercial driveway onto the county-maintained Patton Rd. will be required concurrent with the Commercial Permit phase.

- A commercial apron, per Roadway Design & Construction Standards Section C.2.D. will be required at the Commercial Permit stage.
- A Private Maintenance Agreement for that portion of Sundust Trail from the applicant's driveway to Patton Rd. will be required at the Commercial Permit stage.

Given the low projected traffic volume of this proposed use no other off-site mitigation would be required. Should this use expand beyond that which was proposed there may be additional requirements regarding off-site improvements to S. Sundust Trail and Patton Rd.

cc: Docket SU-13-07, County Engineer, Highway Dept.

Commercial/Industrial Road/Driveway Minimum Standard Requirements

*Excerpted from County H&F Department Road Design & Construction Standards & Specifications for
Public Improvements (CCSS) October 11, 2005*

CCSS Figure D-111 dictates the following:

- 2" minimum asphaltic concrete surface treatment over 6" minimum aggregate base course over 6" minimum compacted native material.
- Actual depth of aggregate base course to be determined by soils test of existing subgrade.
- Vertical curb and gutter Type A per MAG standard detail 220, plus sidewalk per MAG standard detail 230, where required.

Excerpts from the design standards:

- Where there is possible access to more than one road, a commercial property may take access off the higher volume road if adequate geometric improvements are constructed to the higher volume road. Geometric improvements may consist of left and right turn lanes and/or deceleration/acceleration lanes.
- Commercial driveway widths:
 - 16' minimum, but may need to be wider to accommodate truck traffic
 - 24' minimum for two-way traffic
 - 40' maximum
- Minimum return radius of 35'
- Provide adequate sight distance. Sight triangles provide areas at the corners of intersections of roads and driveways where views of approaching traffic are not obstructed. Sight distance easements shall be identified and shown at all road intersections and noted on commercial site plans, see Detail D-300. These easements will remain free of all obstructions that will obstruct vision between a height of 2.5 feet and 10 feet to include but not be limited to structures, trees, shrubbery, and signs, except utility poles, fire hydrants, and traffic control signs. Intersection sight triangles are applied to approaching vehicles and departing vehicles. Obstructions in both the horizontal plane and the vertical plane must be reviewed when designing the intersections. The sight distance triangle shall also be shown on the construction plans.
- Meet or exceed the surface type of the adjacent County maintained road to which it provides access.
- Construction shall not alter the natural drainage. Provide information regarding proposed culvert placement if required. Minimum 24" diameter corrugated metal pipe (CMP) for roadway crossings and 18" for driveways. All culverts shall have flared end sections. Driveways on minor collectors and above roads shall have the finished grade lower than the edge of pavement of the adjacent travel lane. This is to prevent any overflow drainage impacting the thru travel lane.
- Meet minimum distance from intersecting roads and medians and adjacent parcels. Measure along the right-of-way line; measure from the nearest pavement edge of any entrance or exit driveway to the right-of-way line of the nearest intersecting road or adjacent parcel. (ADOT C-06.10)
 - 150' for driveways that provide access along arterial and major collectors
 - 100' for driveways near median openings, or center driveway with the center of the median opening
 - 50' for driveways that access onto local streets
 - 7.5' minimum offset from property line in urban developments; 35' in rural setting

Refer to the complete standards and specifications document for further information.

Referenced standard illustrations include the following:

CCSS Figure D-111, Typical X-Section Commercial/Industrial Road

CCSS Figure D-134, Driveway & Landscaping within Drainage Ditch

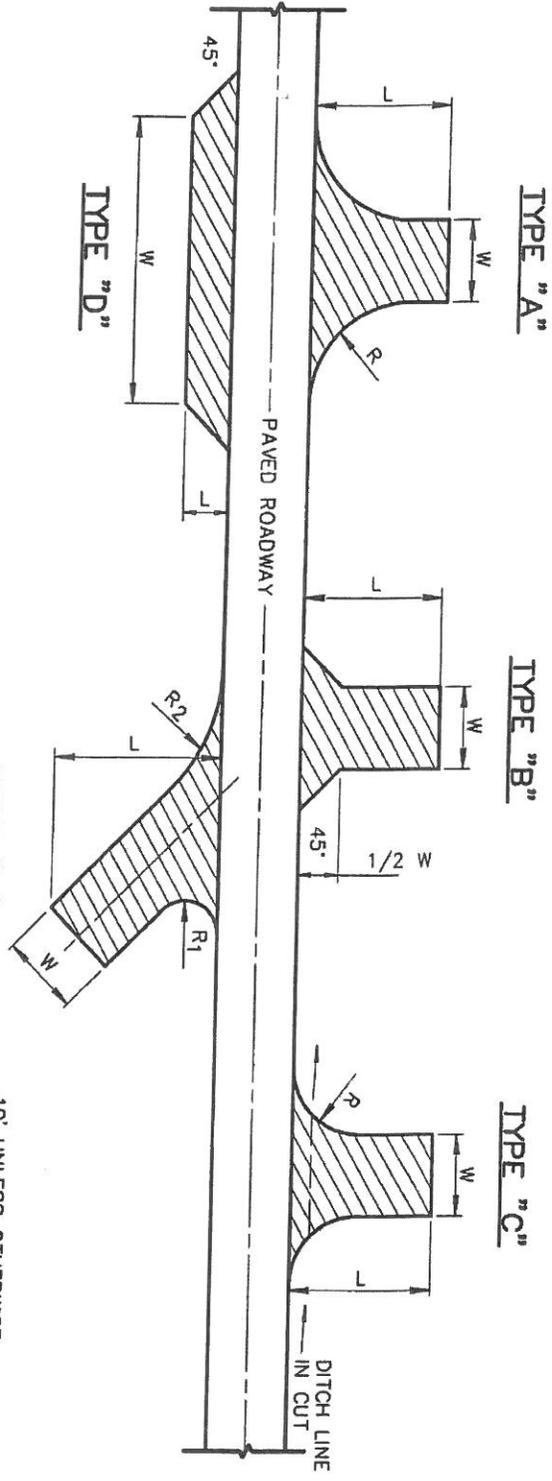
CCSS Figure D-300, Sight Distance Triangle

MAG Detail 205 – Paved Turnouts; MAG Detail 220 – Curb and Gutter

MAG Detail 250 – Concrete Driveway Entrances – 6" Class B 2500 psi

ADOT Drawing C-06.10 – Driveway & Turnout Layouts

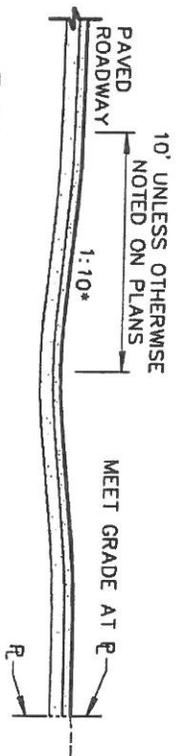
ADOT Drawing C-13.25 Pipe, Corrugated Metal End Section



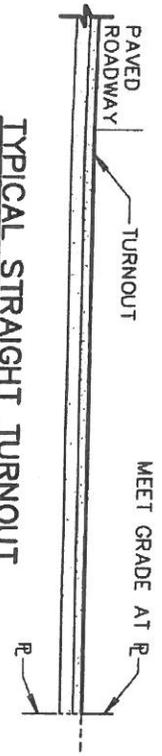
NOTES:

1. W - INDICATES WIDTH OF PAVED SURFACE OF TURNOUT.
L - INDICATES LENGTH OF PAVED SURFACE OF TURNOUT.
R - RADIUS.
2. SIZE AND TYPE OF TURNOUT SHALL BE NOTED ON PLANS AS FOLLOWS:
90° - NO RADIUS: WxL-SURFACE-TYPE: (12' x 30'-A.C.-TYPE "B" TURNOUT),
90° - WITH A RADIUS: WxLxR-SURFACE-TYPE: (12' x 20' x 15'-A.C.-TYPE "C",
TURNOUT); OTHER THAN 90° WITH 2 RADI - TYPE "S": WxLxR₁xR₂-SURFACE-TYPE:
(12' x 20' x 15'-A.C.-TYPE "S" TURNOUT).
OR IT MAY BE NOTED ON PLANS IN CONVENTIONAL TERMS.
3. TURNOUTS TO BE STRAIGHT TYPE UNLESS OTHERWISE NOTED ON PLANS.
4. A.C. AND BASE MATERIAL THICKNESS FOR TURNOUTS SHALL BE THE SAME AS SHOWN ON THE ROADWAY SECTION, UNLESS OTHERWISE NOTED.
5. ANY EXCAVATION OR EMBANKMENT FOR TURNOUTS IS INCLUDED IN THE ROADWAY QUANTITIES.
6. TURNOUTS ARE TO BE PLACED WHERE SHOWN ON PLANS, OR AS DIRECTED BY THE ENGINEER.

TYPE "S"



TYPICAL VALLEY GUTTER TURNOUT



TYPICAL STRAIGHT TURNOUT

* UNLESS OTHERWISE NOTED ON PLANS

DETAIL NO. **205**



MARICOPA ASSOCIATION of GOVERNMENTS

STANDARD DETAIL ENGLISH

REVISED

DETAIL NO. **205**

PAVED TURNOUTS

Dennis, Keith

From: Holden, Jack
Sent: Wednesday, April 24, 2013 8:31 AM
To: Dennis, Keith
Subject: RE: pump comments

Keith, we do have the delegated jurisdiction for septic systems from ADEQ. Although this is not a true septic system but rather a storage tank it uses the same materials used in septic systems. The applicant should use an approved type of septic tank. If the tank is in an area where there is vehicular traffic then it needs to be rated and installed for traffic use. A concrete type tank would need a heavy duty traffic lid. I also would want the same watertightness test report we receive for septic system tanks. The dump area must be installed to prevent any spillage from contaminating the soil around the dump and the piping should have a means to close off the opening to prevent, or at least limit, odors. jack

Jack Holden CBO
Cochise County Building Official
1415 Melody Lane Building E
Bisbee, AZ 85603
520-432-9268

From: Dennis, Keith
Sent: Tuesday, April 23, 2013 3:23 PM
To: Holden, Jack
Subject: pump comments

Jack, can you give me some comments about SU-13-07 based on our conversation today? Also, if you have a good contact for ADEQ, please let me know, so I can talk with them and update our records.

Thanks.

Keith Dennis - Planner II
Cochise County Planning Department
1415 Melody Lane
Bisbee, AZ 85603
520-432-9240

"Public Programs - Personal Service"
www.CochiseCounty.com

Dennis, Keith

From: Larry A. Bogdanski [Bogdanski.Larry@azdeq.gov]
Sent: Friday, April 26, 2013 1:33 PM
To: Dennis, Keith
Cc: David A. Burchard; Raymond D. Morgan; Turisk, Mike
Subject: RE: A-1 Portapots Business - ADEQ Comments

Yes, they'll need to obtain a Construction Authorization (CA) and Discharge Authorization (DA) for the tank. This will involve submittal of various forms and construction/as-built drawings prepared by a professional engineer certified in the state of Arizona. The link below to ADEQ's website provides further links to everything that would be needed.

<http://www.azdeq.gov/environ/water/engineering/oss.html>

From: Dennis, Keith [mailto:KDennis@cochise.az.gov]
Sent: Friday, April 26, 2013 11:02 AM
To: Larry A. Bogdanski
Cc: David A. Burchard; Raymond D. Morgan; Turisk, Mike
Subject: A-1 Portapots Business - ADEQ Comments

The Applicant is working through a Special Use process for this business, and per your comments we would recommend obtaining this "vault and haul" permit a condition of approval if the Commission approves it.

Can you tell me more about what this involves? I may have to speak with the Applicant about it myself.

My thanks to you and your team for turning this around for us.

From: Larry A. Bogdanski [mailto:Bogdanski.Larry@azdeq.gov]
Sent: Friday, April 26, 2013 10:57 AM
To: Dennis, Keith
Cc: David A. Burchard; Raymond D. Morgan
Subject: FW: Re:

Keith,
David Burchard responded to us in case there was any further need for discussion before a reply went back to you. Please see the message below. We agree with and defer to David's interpretation. The septage hauler will need to get a vault and haul permit from ADEQ.

Has the hauler submitted some county-required paperwork to you which alerted you to this situation, and to which you could possibly respond and advise the hauler of the need to obtain a permit? Otherwise, we'll need to notify them directly. Thanks.

Larry

From: David A. Burchard
Sent: Thursday, April 25, 2013 9:30 AM
To: Larry A. Bogdanski; Raymond Morgan
Cc: Jerry H. Smit
Subject: FW: Re:

Hi Larry/Ray"

In accordance with 49-104 (14) (see below) we are required to have rules in place to deal with sewage storage. Right or wrong the rule classifies a vault and haul as an on site waste water treatment facility. Per ARS 49-104 (13)(c) (see below) we are required to do a design review (per rule). As a result, I believe they would need to get a vault and haul permit per

AAC R18-9-E314. As 49-104 are power and duties of the department (that the department "shall" perform), I believe they would override and exemption listed 49-250.

Sincerely,
David

ARS 49-104

13. **Prescribe reasonable rules** regarding sewage collection, treatment, disposal and reclamation systems to prevent the transmission of sewage borne or insect borne diseases. The rules shall:

- (a) Prescribe minimum standards for the design of sewage collection systems and treatment, disposal and reclamation systems and for operating the systems.
- (b) Provide for inspecting the premises, systems and installations and for abating as a public nuisance any collection system, process, treatment plant, disposal system or reclamation system that does not comply with the minimum standards.
- (c) **Require that design documents for** all sewage collection systems, sewage collection system extensions, treatment plants, processes, devices, equipment, disposal systems, **on-site wastewater treatment facilities** and reclamation systems be submitted with a fee for review to the department and may require that the design documents anticipate and provide for future sewage treatment needs.
- (d) Require that construction, reconstruction, installation or initiation of any sewage collection system, sewage collection system extension, treatment plant, process, device, equipment, disposal system, on-site wastewater treatment facility or reclamation system conform with applicable requirements.

14. **Prescribe reasonably necessary rules regarding excreta storage**, handling, treatment, transportation and disposal. The rules shall:

- (a) Prescribe minimum standards for human excreta storage, handling, treatment, transportation and disposal and shall provide for inspection of premises, processes and vehicles and for abating as public nuisances any premises, processes or vehicles that do not comply with the minimum standards.

From: Dennis, Keith [<mailto:KDennis@cochise.az.gov>]
Sent: Thursday, April 25, 2013 8:17 AM
To: Dennis, Keith; Larry A. Bogdanski; David A. Burchard
Cc: David A. Burchard; Raymond D. Morgan
Subject: RE: Re:

By the way, attached is a picture if that helps.

From: Dennis, Keith
Sent: Wednesday, April 24, 2013 2:03 PM
To: 'Larry A. Bogdanski'; 'db2@azdeq.gov'
Cc: David A. Burchard; Raymond D. Morgan
Subject: RE: Re:

Well, David? What do you say?

From: Larry A. Bogdanski [<mailto:Bogdanski.Larry@azdeq.gov>]
Sent: Wednesday, April 24, 2013 2:00 PM
To: Dennis, Keith
Cc: David A. Burchard; Raymond D. Morgan
Subject: FW: Re:

Keith,

To briefly reiterate, you've asked about the appropriate APP permitting procedure/enforcement action for an underground septage storage tank in St. David. The tank (which happens to be a 1000 gallon septic tank) was constructed without an APP permit and is located as shown on the attached map. It is being used by a septage hauler only to briefly (overnight) store residential septage gathered by its trucks from other locations. The following day, the septage is pumped back out of the tank into one of the trucks and then transported to a wastewater treatment facility in Sierra Vista or Tucson for final treatment.

I've discussed this here with Ray Morgan, the P.E. in our office with final approval authority for onsite systems constructed within our southern region. We believe that the tank you've described would be exempt under APP regulations, and that no further action is necessary.

By cc on this message I'm transmitting this information to David Burchard, Supervisor of ADEQ's Wastewater and Subdivision Review Unit in Phoenix. Ray has recommended that you also contact David directly by email db2@azdeq.gov or at (602) 771-4298 to obtain his concurrence with this interpretation.

I hope this helps. Please let me know if you have further questions.
Larry

From: Dennis, Keith [<mailto:KDennis@cochise.az.gov>]
Sent: Wednesday, April 24, 2013 8:17 AM
To: Larry A. Bogdanski
Subject: FW: Re:

From: Tom and Ashley Van Wart [<mailto:a1portapots@gmail.com>]
Sent: Tuesday, April 23, 2013 5:00 PM
To: Dennis, Keith
Subject: Re:

Keith

Please see attached. I don't know how well I put it together but the measurements should be right.

On Tue, Apr 23, 2013 at 3:59 PM, Dennis, Keith <KDennis@cochise.az.gov> wrote:

Keith Dennis - Planner II

Cochise County Planning Department

Dennis, Keith

From: Dennis, Keith
Sent: Thursday, May 02, 2013 11:00 AM
To: 'Tom and Ashley Van Wart'
Subject: RE: Hello Tom & Ashley! Special Use Permit

Thanks, Tom.

From: Tom and Ashley Van Wart [<mailto:a1portapots@gmail.com>]
Sent: Wednesday, May 01, 2013 9:11 AM
To: Dennis, Keith
Subject: Re: Hello Tom & Ashley! Special Use Permit

Hi Keith

As per our conversation regarding the required setbacks for building construction, I would like to request consideration regarding the location of my barn/parking structure. At this time, I have a covered parking structure or barn that is unfortunately only 25 feet from our property line and should be 40. Given the financial commitment involved in building this structure, I would like to appeal to the appropriate authorities to allow us to keep the structure in its current location.

Thank you

Tom Van Wart

March 20, 2013

Tom and Ashley Van Wart
P.O. Box 1758
Benson AZ 85602

Dear Near By Neighbors,

You are being invited and encouraged to submit any comments regarding the use of our property at 144 S. Sundust Trail.

For the past 6 years our family has been making a living by offering services to the local community. We pump out, repair and provide septic inspections for homes that are sold in the area. We also have portable restrooms that we rent out for events, parties, construction projects.

In order to operate our business we have been storing our two trucks along with any portable restrooms that aren't currently rented (this can range from 5 to 25 units).

On March 27th we will be meeting with the Cochise County to submit your comments as well as apply for a permit for using our property in the same capacity we have been the last two years. Your input is very important to us and we look forward to hearing from you.

Best Regards,

Tom and Ashley Van Wart

Alportapots@gmail.com | 520.405.4060 | P.O. Box 1758 Benson AZ 85602

Dennis, Keith

From: a1portapots@gmail.com
Sent: Wednesday, May 01, 2013 7:17 AM
To: Dennis, Keith
Subject: Fwd: Hello Tom & Ashley! Special Use Permit

Sent from my iPad

Begin forwarded message:

From: "Kathy & Bill Martinez" <kbm2@cox.net>
Date: March 27, 2013, 4:00:25 PM MST
To: <a1portapots@gmail.com>
Subject: Re: Hello Tom & Ashley! Special Use Permit

Thank you for your feedback and we will discuss this information and get back to you.
Kathy

----- Original Message -----

From: a1portapots@gmail.com
To: Kathy and Bill Martinez
Sent: Tuesday, March 26, 2013 8:44 PM
Subject: Re: Hello Tom & Ashley! Special Use Permit

Hello Joe, Kathy, and Bill

We appreciate your response although it is unclear to us what you mean by this zoning change not being compatible. We aren't planning to upgrade or revamp our property to allow customers access to the property. We simply house 20-30 (sometimes less) clean, empty portable restrooms.

To clarify the process:

1. The portable restrooms are first pumped out completely.
2. They are then sprayed out with a mixture of fresh water and Clorox
3. Finally, the units are pumped out again to remove any sort of residual waste water leaving them dry, empty, and clean.
4. We then load the unit on our truck and bring it to the house and situate it next to the barn.

I make sure that the units are arranged neatly however; they can create an eye sore which I would gladly conceal with a wall or fence.

The issue with our letter may be that it is misleading. We aren't requesting a special permit to do anything other than to store a very modest number of portable restrooms. We are doing this because someone contacted planning and zoning to inquire about starting a portable restroom business and gave our address. They did this to avoid filing a formal complaint whereby they would have to disclose a name that we could by law, retrieve.

I guess the point is, we just want to earn a living offering a service (septic pumping, repair, replace) that is essential in a rural area with no municipal sewer service. I feel bad if we have disgruntled anyone or lowered the quality of living of our neighbors because we sure didn't mean to. We will do whatever is needed to make this work for everyone.

At the end of the day if we have to move the units somewhere else we will but I think it is important that we clarify:

1. The details of what is actually going on relative to what is being stored on our property and,
2. Our willingness to work with our neighbors to create a clean, presentable display that everyone can live with.

We do appreciate all the input.

Tom Van Wart

Sent from my iPad

On Mar 26, 2013, at 9:38 PM, "Kathy and Bill Martinez" <kbm2@cox.net> wrote:

Thank you for your letter informing us of your negotiations with Cochise County Planning & Zoning concerning the property at 144 S. Sundust Trail, St.David, Az 85630.

We, Joe White and Bill & Kathy Martinez, own 40 acres west of you, bordering S. Sundust Trail. We also own 24 acres bordering S Campanero Rd. to the east of your property.

At present, we do not feel this special use permit & zoning change would be compatible with the St. David Area Plan.

Please don't hesitate to contact us by email, if you have additional information regarding this concern.

Sincerely Your Neighbors,

Joe, Kathy & Bill

Dennis, Keith

From: a1portapots@gmail.com
Sent: Wednesday, May 01, 2013 7:16 AM
To: Dennis, Keith
Subject: Fwd: Special Use Permit

Sent from my iPad

Begin forwarded message:

From: Marion Hayes <jhayes8718@earthlink.net>
Date: March 29, 2013, 5:09:15 PM MST
To: a1portapots@gmail.com
Subject: Fw: Special Use Permit
Reply-To: Marion Hayes <jhayes8718@earthlink.net>

Ashley:

Below is the email I sent to you on Wednesday March 27th.

Thanks,
Marion Hayes

-----Forwarded Message-----

From: Marion Hayes <jhayes8718@earthlink.net>
Sent: Mar 27, 2013 6:22 AM
To: Alportapots@gmail.com
Subject: Special Use Permit

Ashley and Tom Van Wart:

As we discussed last Sunday regarding the use of your property to store portable restrooms.

As the owners of the property at 1891 W. Patton Street, we have no issue with the storing of these items on your property.

Your current process for disposing of waste and sanitization of the portalets off site for the most part appears to be adequate in maintaining a clean environment.

Sincerely,

Dennis, Keith

From: a1portapots@gmail.com
Sent: Wednesday, May 01, 2013 7:17 AM
To: Dennis, Keith
Subject: Fwd: Comments on your planned application for a Special Use Permit to operate your A-1 Porta-A-Pot and Septic business

Sent from my iPad

Begin forwarded message:

From: Stuart D Kershner <stuardkershner@alumni.utexas.net>
Date: March 27, 2013, 4:57:35 PM MST
To: a1portapots@gmail.com
Cc: pgardner@cochise.az.gov, mturisk@cochise.az.gov
Subject: **Comments on your planned application for a Special Use Permit to operate your A-1 Porta-A-Pot and Septic business**

Dear Mr and Mrs Van Wart:

1. Thank you for your letter dated March 20, 2013, advising your neighbors of your intent to seek a Special Use Permit from the Cochise County Planning Department for conducting your **A-1 Porta-A-Pot and Septic** business from your RU-4 zoned, rural residential property at 144 S. Sundust Trail.

2. After reviewing the current zoning regulations and the Saint David Plan and map, discussing your business on the telephone with Mr Van Wart, and then separately with Mr. Peter Gardner of the Cochise County Planning Department, and discussing your letter with a few of our neighbors, we make the following observations:

a. Some neighbors and ourselves are concerned about:

1) the potential negative visual effects of being able to observe from neighboring roads or property parcels port-a pots stored on your property. An example of this is an instance where a prospective buyer is considering the purchase of a nearby property and is negatively influenced by the view of the stored port-a-pots, and therefore reduces the price he is willing to offer for property he has been considering to purchase.

2) the potential of unsanitary conditions created by the unintended or inadvertent spillage of effluent or effluent contaminated wash or rinse water from port-a-pots, septic system service trucks, and/or other related equipment.

b. We believe that these concerns could be substantially mitigated by:

1) storing all of your on-site port-a-pots within a not-to-exceed, 5000 square foot storage area which is enclosed on its perimeter by a permanent opaque fence, with opaque gates, high enough to prevent observation of your stored port-a-pots from any location along the boundary of your property.

2) performing all on-site cleaning, washing, and/or rinsing of any apparatus, some of whose surfaces have contacted effluent, on a concrete wash pad which has a integral collecting central drain that drains into a approved septic system.

3. Should the Planning Department recommend approval of your anticipated Special Use Permit application to the Planning and Zoning Commissioners, we expect that they would include in their recommendations, requirements to mitigate the aforementioned concerns of some of your neighbors.

4. By copy of this message to Messrs Gardner and Turisk of the Planning Department, we are requesting from the Planning Department, via email attachment, a .pdf formatted copy of their report and recommendation as soon as it becomes publicly available.
Thanks in advance.

Best regards,

Stuart D Kershner and Cheryl L Johnston
1776 West Patton Street
Saint David, AZ 85630
520-720-9543
stuartdkershner@alumni.utexas.net



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

April 15, 2013

Re: Docket SU-13-07 (Van Wart)

Dear Property Owner:

COCHISE COUNTY

MAY 01 2013

PLANNING

The Cochise County Planning and Zoning Commission hereby gives notice a public hearing will be held at or after 4:00 p.m., on Wednesday, May 15, 2013, at the Cochise County Board of Supervisors Hearing Room, at 1415 Melody Lane, Building G, in Bisbee, Arizona, to consider the following:

Docket SU-13-07 (Van Wart): The Applicants request Special Use authorization for an equipment rental land use in a Rural District, per Section 607.22 (Retail sales, rentals, or accessory storage of materials, merchandise, supplies and equipment) of the Zoning Regulations. The Applicants seek to legitimize an existing portable restroom and septic service business on their property. Up to 25 units are stored on site and delivered to customers for use. The Applicants also store up to three pump trucks on the property.

The subject parcel (124-41-005H) is located at 144 S. Sundust Trail in St. David, AZ. The Applicants are Tom and Ashley Van Wart of the same address.

If the Commission approves the Docket, the Applicant must then obtain a commercial permit to establish the land use on the property. The commercial permit application will be subject to review by County Departments such as Building Safety, Zoning, Environmental Health, Highway and Floodplain, as well as outside agencies such as ADOT, the local fire district, the State Fire Marshall, and other interested agencies.

Any person aggrieved by a decision of the Planning Commission concerning a Special Use request may appeal within fifteen (15) days following the date of the decision. The appeal would be heard by the Cochise County Board of Supervisors and a subsequent public hearing at the same location. The appeal form may be obtained at the Planning and Zoning Department or from our website.

You are hereby advised of this public hearing as an owner of property within 1,500 feet of the site where the Special Use is requested. If you should have any written comments pertaining to this matter, you may submit ~~written comments on the attached form~~, by email, fax or mail by the due date noted, and they will be given to the Commission members. Whether or not you choose to provide written comments, you are encouraged to attend this public hearing to let your feelings be known concerning this docket. If you do not attend the public hearing but wish to know the Commission's action, please contact the Planning Department at the number referenced below.

If you have any questions regarding this matter, please do not hesitate to contact this department at (520) 432-9240. (Note occasionally, dockets are removed from the agenda just prior to a meeting. It is recommended that you contact the Planning Department to find out if this docket is still scheduled).

Sincerely,


Keith Dennis, Planner II

Email: kdennis@cochise.az.gov

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Special Use: Docket SU-13-07 (Van Wart)

 YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

See Attachment "A"

(Attach additional sheets, if necessary)

PRINT NAME(S): William Martinez Joseph X. White

SIGNATURE(S):  

YOUR TAX PARCEL NUMBER: 12441003 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, May 3, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

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May 1, 2013

To: Cochise County and Zoning Community Development

Re: Docket SU-13-07 (Van Wart)

From: Joe White, Bill & Kathy Martinez (property owners)

Attachment A:

No, we do not support this request!

We started buying property in our neighborhood in 1975. Since then we have acquired a total of four parcels, 110 acres. We have the most to lose, if this special use permit is granted.

We have submitted four forms, one for each piece of property, because in the past the Planning Department recognized us as being a single owner, instead of owning four parcels.

When the Van Warts emailed us a month ago, they claimed that they intended to store a few porta-pottys on their property and their business was run elsewhere. They are now saying that they want to "legitimize" their business on their property, which we take as running the whole operation out of there.

We are very disturbed by someone running honey wagon trucks and processing sewage (transferring effluent from one truck to another) next door to our piece of paradise and right in the middle of a neighborhood. When we invested in our property, this is not what we imagined living in nature, in a rural neighborhood, would be like. We are doubtful that porta-pottys and the like will help with ambiance or property values.

"B"

Kathy Martinez

From: <a1portapots@gmail.com>
To: "Kathy and Bill Martinez" <kbm2@cox.net>
Sent: Tuesday, March 26, 2013 8:44 PM
Subject: Re: Hello Tom & Ashley! Special Use Permit
 Hello Joe, Kathy, and Bill

We appreciate your response although it is unclear to us what you mean by this zoning change not being compatible. We aren't planning to upgrade or revamp our property to allow customers access to the property. We simply house 20-30 (sometimes less) clean, empty portable restrooms.

To clarify the process:

1. The portable restrooms are first pumped out completely.
2. They are then sprayed out with a mixture of fresh water and Clorox
3. Finally, the units are pumped out again to remove any sort of residual waste water leaving them dry, empty, and clean.
4. We then load the unit on our truck and bring it to the house and situate it next to the barn.

I make sure that the units are arranged neatly however; they can create an eye sore which I would gladly conceal with a wall or fence.

The issue with our letter may be that it is misleading. We aren't requesting a special permit to do anything other than to store a very modest number of portable restrooms. We are doing this because someone contacted planning and zoning to inquire about starting a portable restroom business and gave our address. They did this to avoid filing a formal complaint whereby they would have to disclose a name that we could by law, retrieve.

I guess the point is, we just want to earn a living offering a service (septic pumping, repair, replace) that is essential in a rural area with no municipal sewer service. I feel bad if we have disgruntled anyone or lowered the quality of living of our neighbors because we sure didn't mean to. We will do whatever is needed to make this work for everyone.

At the end of the day if we have to move the units somewhere else we will but I think it is important that we clarify:

1. The details of what is actually going on relative to what is being stored on our property and,
2. Our willingness to work with our neighbors to create a clean, presentable display that everyone can live with.

We do appreciate all the input.

Tom Van Wart

Sent from my iPad

On Mar 26, 2013, at 9:38 PM, "Kathy and Bill Martinez" <kbm2@cox.net> wrote:

63

Thank you for your letter informing us of your negotiations with Cochise County Planning & Zoning concerning the property at 144 S. Sundust Trail, St. David, Az 85630.

We, Joe White and Bill & Kathy Martinez, own 40 acres west of you, bordering S. Sundust Trail. We also own 24 acres bordering S Campanero Rd. to the east of your property.

At present, we do not feel this special use permit & zoning change would be compatible with the St. David Area Plan.

Please don't hesitate to contact us by email, if you have additional information regarding this concern.

Sincerely Your Neighbors,

Joe, Kathy & Bill

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5/1/2013

Special Use: Docket SU-13-07 (Van Wart)

APR 13 2013

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I have no objections to a person trying to make a living

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): James R & Betty Goodman REVOCABLE TRUST

SIGNATURE(S): Betty Goodman

YOUR TAX PARCEL NUMBER: 124-25-004C8 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Friday, May 3, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

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

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Special Use: Docket SU-13-07 (Van Wart)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

McEWEN, WANDA E.

SIGNATURE(S):

Wanda E. McEwen
DE

YOUR TAX PARCEL NUMBER:

124-41-0058-8

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

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, May 3, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

COCHISE COUNTY

MAY 01 2013

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PLANNING

Special Use: Docket SU-13-07 (Van Wart)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

- 1) The property is zoned R-4 (residential).
- 2) The St. David plan is not zoned for business - The St. David plan was created by the residents, who did not want commercial ventures in the R-4 areas.
- 3) Other applicants requests for special use permits have been denied because of the R-4.
- 4) There will be increased truck traffic on the local roads.
- 5) The owners should have verified the zoning before starting a business on said property.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Susan and Peter Moran

SIGNATURE(S):

Susan & Peter Moran
Peter Moran

YOUR TAX PARCEL NUMBER: 12430009 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, May 3, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

COCHISE COUNTY

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

APR 22 2013

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PLANNING

Special Use: Docket SU-13-07 (Van Wart)

_____ YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): McEWEN, MILTON E, & WANDA E,

SIGNATURE(S): Milton E. McEwen
Wanda E. McEwen

YOUR TAX PARCEL NUMBER: 124-41-0050 - 6 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, May 3, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

COCHISE COUNTY

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

MAY 01 2013 68
PLANNING

Special Use: Docket SU-13-07 (Van Wart)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Their past use of property has not been an issue with us. As long as they don't expand upon what they are doing presently, I don't foresee a problem for us.

Paulette A. McLain

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Rodney W. McLain

Paulette A. McLain

SIGNATURE(S):

Rodney W. McLain
Paulette A. McLain

YOUR TAX PARCEL NUMBER: 124 240 18C (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, May 3, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

COCHISE COUNTY

APR 22 2013

PLANNING

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Special Use: Docket SU-13-07 (Van Wart)

PLANNING

APR 29 2013

COCHISE COUNTY

YES, I SUPPORT THIS REQUEST
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

This is residential agriculture area. Having bright blues white porta potties is not what I had in mind when we built our house here. ~~for~~ There is also the problem of the dust on Sabin St which they use. I am sure there is proper storage available for their business in St. David or Benson. I would like to see this area remain and retain its quiet desert setting. /

(Attach additional sheets, if necessary)

PRINT NAME(S): Colleen Clement

SIGNATURE(S): Colleen Clement

YOUR TAX PARCEL NUMBER: 124-24-004E 3 (the eight-digit identification number found on the tax statement from the Assessor's Office) 0064 991

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, May 3, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

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COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner II *KS* *WV*
FOR: Beverly J. Wilson, Deputy Director Planning Division
SUBJECT: Docket SU-13-05 (Workman)
DATE: May 1, 2013, for the May 15, 2013 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant seeks Special Use authorization from the Planning and Zoning Commission for an Off-Site Advertising Sign, per Section 607.23 of the Zoning Regulations. The Applicant intends to place the sign at the west entrance to the Kings Ranch Subdivision. The sign is to be approximately 24-square-feet, and 9-feet, 8-inches in height.

The subject parcel (104-24-607) is located at 10280 S. Wilderness Rd. at the west entrance to the Kings Ranch Subdivision, at Milepost 334 on State Route 92, in Hereford, AZ. The Applicant is R.L. Workman of Workman Homes, represented by Michael Cerepanya.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

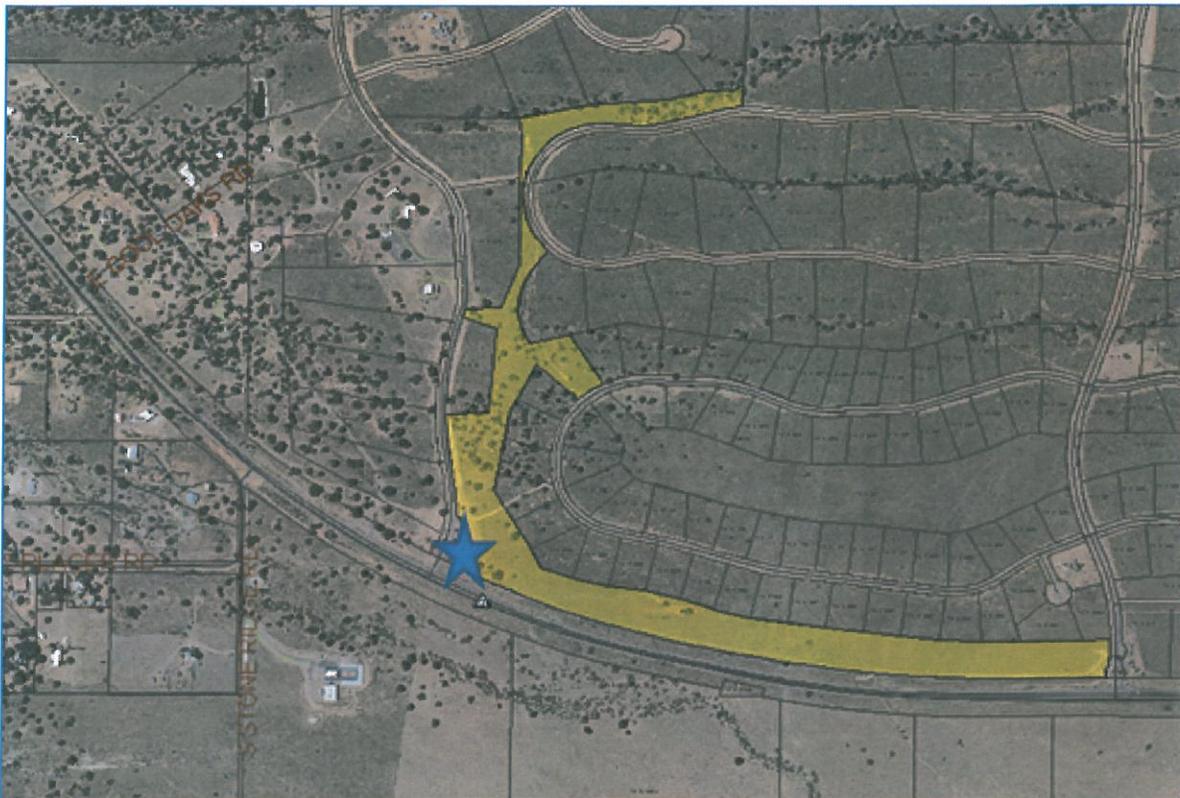
Parcel Size: 26.79 Acres
 Zoning: Rural (RU-4)
 Growth Area: Category D (Rural)
 Plan Designation: Rural-Density Residential
 Area Plan: Southern San Pedro Valley Area Plan; Sierra Vista Sub-Watershed
 Existing Uses: Open Space-designated parcel in the Kings Ranch Subdivision

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Subdivision Lots
South	RU-4	State Route 92
East	RU-4	Subdivision Lots
West	RU-4	Subdivision Lots

II. PARCEL HISTORY

- The subject parcel is a designated open space common area tract within the platted Kings Ranch at Coronado subdivision in lower Hereford.
- In 2011, the County issued a permit for a 5,371-linear foot split rail steel fence.
- In the summer of 2012, the homebuilder for the subdivision, R.L. Workman Homes, moved their headquarters into the sales center at the Kings Ranch at Coronado subdivision. The Applicant obtained a Special Use Permit for Contract Construction Services at this location in January of 2013 (Docket SU-13-01).



Location map

III. NATURE OF REQUEST

R.L. Workman homes recently relocated their headquarters from Sierra Vista to the Kings Ranch at Coronado sales center, due in part to the fact that much of their current business consists of building homes in the subdivision.

The sign is not located on the same parcel as the Workman Homes headquarters, and is thus considered an Off-site Advertising Sign, allowed by Special Use only in the Rural Zoning Districts.

As can be seen from the photograph below, the sign is already installed.



North view of the west entryway for Kings Ranch at Coronado. The sign can be seen at right.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10 factors used to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. The nature of the request is such that six of the factors do not apply; of the four that do bear upon this project, the request complies with three as submitted, and complies with the remaining factor subject to a Condition of Approval.

A. Compliance with Duly Adopted Plans: Complies

This parcel is subject to the policies of the *Southern San Pedro Valley Area Plan*, which suggests that signs “be unobtrusive and harmonious with the overall design and colors of the principal structures.” Staff considers the sign to comply with this design standard, as it is subordinate in size and purpose to the Kings Ranch at Coronado subdivision entry features at this entrance.

B. Compliance with the Zoning District Purpose Statement: Not Applicable

C. Development Along Major Streets: Not Applicable

D. Traffic Circulation Factors: Not Applicable

E. Adequate Services and Infrastructure: Not Applicable

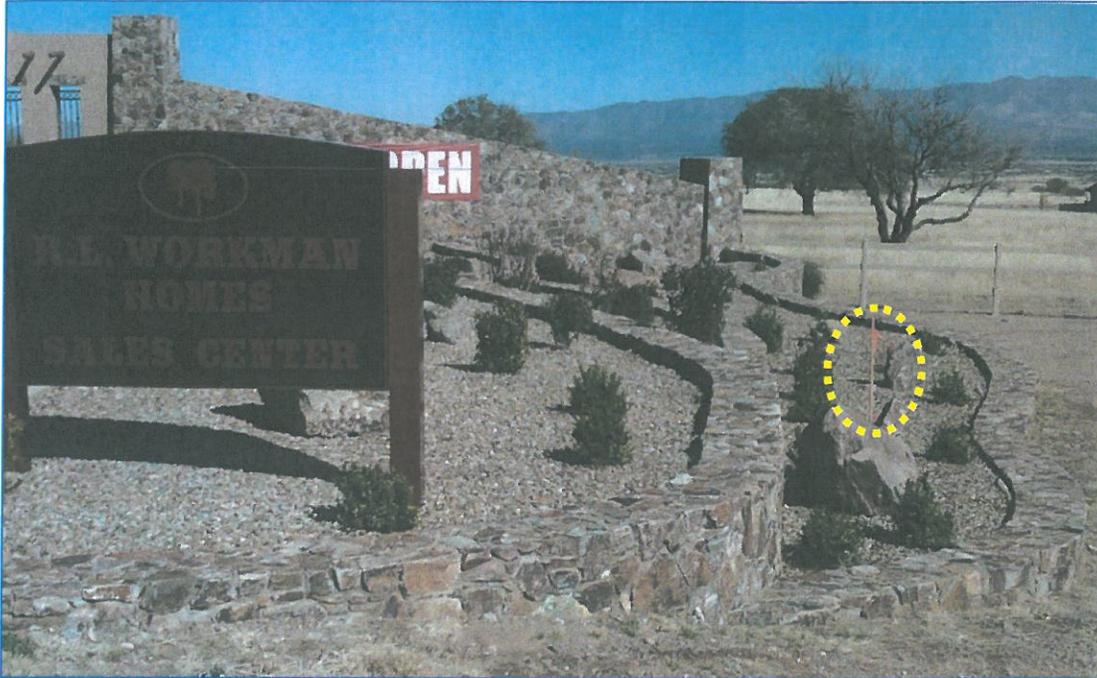
F. Significant Site Development Standards: Complies (Subject to Condition #2)

The sign is already installed on the property. However, it is inside the future Wilderness Road right-of-way. Condition #2 would require that the Applicant relocate the sign to a location at least 10-feet from the Wilderness Road and Highway 92 rights-of-way.

G. Public Input: Complies

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

H. Hazardous Materials: Not Applicable



The stake seen here is the proposed new location for the sign, which would be at least 10-feet from any right-of-way (see Condition #2).

I. Off-Site Impacts: Complies

The sign is intended to be seen from the highway; some visual off-site impact is the reason for the sign’s placement. However, it is less than 10-feet tall, would not be illuminated, and is within the same basic scale of the Kings Ranch at Coronado entry features at Wilderness Road.

J. Water Conservation: Not Applicable

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 22, 2013, and published a legal notice in the *Bisbee Observer* on April 18, 2013. To date, the Department has received one statement of support from a neighboring property owner.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Special Use

1. The sign would generate no serious off-site impacts; and

2. One neighboring property owner has expressed support for the request in writing.

Factors Against Allowing the Special Use

1. The sign was installed without a permit, and sits within the clear zone of Highway 92, within the future Wilderness Road right-of-way, and must be moved, per Condition #2.

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 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. Prior to permit issuance, the sign shall be moved to a location outside the clear zone for the SR 92 right-of-way, and a minimum of 10-feet from the Wilderness Road right-of-way;
3. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-13-05, 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. Location Map
- C. Concept Plan
- E. Citizen Review and Public Comment



**COCHISE COUNTY
COMMUNITY DEVELOPMENT**

"Public Programs...Personal Service"

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

TAX PARCEL NUMBER 104-24-607

APPLICANT MGC Consulting, L.L.C. (Michael Cerepanya)

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

CONTACT TELEPHONE NUMBER 520-909-4707

EMAIL ADDRESS: mgcercpanya@hotmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) K Ranch, L.L.C.

ADDRESS 10280 S. Wilderness Rd.
Hereford, AZ 85615

DATE SUBMITTED _____

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

Check # 387 \$ 300.00
Rec'd 3/21/2013 \$ 300.00
(KD)

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? Common area to subdivision used as entry way monument and landscaping
2. What is the proposed use or improvement? Real Estates sign.
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? After sign is placed no additional activity or impacts on neighboring properties are anticipated.
4. Describe all intermediate and final products/services that will be produced/offered/sold. Real estate services provide for site sales.

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)

The sign and sign posts will be built of aluminum material (painted).

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

7. Provide the following information (when applicable): *N/A*

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

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

C. Total average daily traffic generated:

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

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

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

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

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

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

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

Will you use a septic system? Yes ___ No ___ If yes, is the septic tank system existing?

Yes ___ No ___ Show the septic tank, leach field and 100% expansion area on the site plan.

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

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

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

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Bella Vista Water dba Liberty Utilities	
Sewer/Septic	N/A	
Electricity	N/A	
Natural Gas	N/A	
Telephone	N/A	
Fire Protection	Palominas Fire Dept.	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

N/A

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

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

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

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

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

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

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

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

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

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

Yes ___ No

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

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

Yes ___ No ___

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

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

_____ *N/A* _____

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.) *N/A*

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? N/A
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

SECTION D - Hazardous or Polluting Materials

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

Does the proposed use have any activities involving such materials?

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

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

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

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

SECTION E - Applicant's Statement

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

Applicant's Signature Michael G. Caspany

Print Applicant's Name Michael G. Caspany

Date signed 3-18-13

K RANCH L.L.C.
1601 Paseo San Luis, Suite 202
Sierra Vista, Arizona 85635
Telephone: 520-457-9594

March 13, 2013

SPECIAL USE PERMIT APPLICATION NOTIFICATION LETTER

Re: Kings Ranch at Coronado, Tax Parcel No: 104-24-020
Real Estate Sign

Dear Neighbor:

In November of last year many of you received a SPECIAL USE PERMIT APPLICATION NOTIFICATION LETTER from me for the Kings Ranch Discovery Center to be approved for the R.L. Workman office. The permit was approved by the Planning & Zoning Commission by an 8-0 vote. Included in that submittal was the real estates sign (see attached photo) located at the entrance to the project on Wilderness Drive. It was determined by County Staff that the sign could not be included in Workman Office SUP since it was on a different parcel than the office was and the sign as it currently sits is in the Wilderness Road and SR 92 right-of-ways and must be relocated. As a result of that decision the owners of the Kings Ranch at Coronado are applying for a Special Use Permit for the above referenced property per the Cochise County zoning codes. This letter is to inform you, as well as our neighbors that were not included in the original Special Use Permit notification letter of that decision. The proposed use is as Off-site Advertising Sign under Section 607.23 under Article 6 in the Cochise County Subdivision Regulations.

The current sign will be relocated to the NE (right) of the flagged lath shown in photo just to the right of the sign in the lower planter. The proposed sign will be the same with the change being the height of the posts to the sign (see attached sign detail). To hold the same elevation as the current sign, the posts will need to be taller as the terrain drops off going east. The sign itself will be as the attached detail shows, six (6) foot wide by four (4) foot tall.

If you have any questions, please do not hesitate to call us or write us.

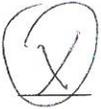
Sincerely,

K RANCH LLC

A handwritten signature in black ink, appearing to read 'Karol E. George', with a long horizontal flourish extending to the right.

Karol E. George
Manager

Special Use: Docket SU-13-05 (Workman)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

I HAVE NO PROBLEM WITH A SIGN.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

(Attach additional sheets, if necessary)

PRINT NAME(S):

DANIEL L. BAHR

SIGNATURE(S):

Daniel L. Bahr

YOUR TAX PARCEL NUMBER:

10424319

(the eight-digit identification number found on the tax statement

from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, May 3, 2013 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.**

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

COCHISE COUNTY

APR 22 2013

PLANNING

87

18201819 Water Conservation Measures

182019.01 County-Wide Water Conservation Measures

The following measures will be applied to residential and non-residential uses:

- A. New pools will be required to have a cover. The permit application shall note the type of pool cover proposed, and the permit shall be conditioned to ensure that the pool shall be covered when not in use.
- B. ~~For all~~ If a non-residential project is installing urinals during new construction, they shall be waterless, pursuant to Arizona State Plumbing Code (currently Appendix C of the 1994 Uniform Plumbing Code), or County Health Department requirements, the required urinals shall be waterless urinals. This regulation is applicable to new construction only. Single and multiple-household dwellings are exempt. (STAFF COMMENT: The AZ State plumbing code is no longer in force, and urinals are not required – they are a substitution for a water closet (a toilet). Staff is saying that IF you chose a urinal, it will be waterless.)
- C. For all non-residential projects either requiring landscaping pursuant to Article 1806, or where landscaping is not required but is proposed, the landscaping shall be composed of drought-tolerant plants and materials and shall comply with the following:
 1. Permit applicants shall include a detailed landscaping plan showing the location, species, and container size of all plants on site, an irrigation plan, and planting method.
 2. Only plants included in the County's approved list of drought-tolerant plant species, or similar plants that have been specifically approved by the County Zoning Inspector, shall be planted and maintained on any such site.
 3. The County Zoning Inspector, in consultation with Water Wise and other similar programs, shall maintain a list of drought tolerant plants suitable for this area. Any plant species proposed in a landscaping plan, and not included in the County's list of approved drought tolerant species, shall be accompanied with documentation sufficient to demonstrate that it would be appropriate to add the species to the County's list of drought tolerant species.
 4. Grass types listed in the plant list shall be used for the purposes of erosion control and seeding detention basins.
 5. Substitution of plant species for those that have been approved in a landscaping plan is prohibited.
 6. The use of turf in non-residential projects is allowed only for golf courses per the requirements of Section 18187 and multi-family developments. The use of turf in multi-family developments is restricted to common use areas. Larger play areas are encouraged to use a non-living material.
- D. Rainwater harvesting systems are encouraged for all residential and non-residential uses. (STAFF COMMENT: This language was initiated by Staff.)

1820-19.02 Water Conservation Measures – Sierra Vista Sub-Watershed Overlay Zone

The following measures will be applied to residential and non-residential uses in the Sierra Vista Sub-Watershed Overlay Zone Only. (STAFF COMMENT: The following language is taken from Sierra Vista's adopted Water Use Regulations)

A. New Construction – Residential: All interior plumbing in new construction shall meet the following requirements:

1. All toilets and hot water fixtures shall be WaterSense labeled. Urinals, if used, shall be waterless.
2. Hot water pipe insulation with a minimum thermal resistance (R-value) of R-4 shall be applied to the following:
 - a. Piping larger than 3/8-inch nominal diameter.
 - b. Piping located outside the conditioned space.
 - c. Piping located under a floor slab.
 - d. Buried piping.
 - e. Supply and return piping in recirculation systems including branches to each fixture.

2-3. The following shall apply to all hot water distribution systems:

- a. Plan sets shall clearly demonstrate that the water usage limit specified herein is met for all hot-water fixtures except bathtubs.
- b. Nominal 1/2 inch line is required for all faucet and lavatory fixtures. (STAFF COMMENT: Staff is recommending 1/2" instead of the 3/8" in SV Code.)

a-c. One of the following systems is required:

i. Whole-house Manifold.

- (a) The system shall be designed such that less than 0.38 gallons (6 cups) of water are in the piping between the manifold and any hot water fixture.

ii. Demand-Controlled (On-Demand) Hot Water Recirculating systems.

- (a) The system shall be designed such that less than 0.13-gallons (2-cups) of water are in the piping between the hot water circulation loop after being primed, and any hot water fixture.
- (b) Pump activation switches shall be permanently mounted on walls in all bathrooms and the kitchen. Remote switches may be used in addition to the permanent switches.
- (c) A dedicated return line shall be used with a minimal line size of nominal 1/2 inch diameter.
- (d) All systems shall require instructions for use to be displayed on the hot water heater unit. (STAFF COMMENT: Staff has initiated this language.)

iii. Alternative systems may be considered and approved by the County Zoning Inspector and permitted in lieu of the use of a manifold or demand-controlled (on-demand) system. These systems may include, but are not limited to:

- a. Point-of-use water heaters. Must be located at all bathrooms and at the kitchen. Back-to-back systems sharing one heater shall be considered.
- b. Core Plumbing Systems that minimize pipe volume between the hot water source and any hot water fixture to 0.38 gallons (6 cups) or less.
- c. Systems that utilize a single-trunk recirculation system with a single length of nominal ½ inch piping running from the top of the water heater to each fixture in turn and back to the bottom of the water heater. Such systems shall use an on-demand pump meeting the requirements of item ii. above.
- d. New technology that improves upon any of the above, as determined by the County Zoning Inspector.

4. Should the homebuilder install a clothes washer, the clothes washer must be Energy Star qualified and be rated as having less than or equal to the lowest current Energy Star Water factor.
- 3-5. New single-family construction shall not offer evaporative coolers as the only source of cooling. Maximum rate of unit cannot exceed 3.5-gallons of water per ton-hour of cooling.
- 4-6. Water softeners, if installed, must meet NSF/ANSI 44, including the voluntary efficiency standards in Section 7, therein.
7. Drinking water treatment systems, if installed, shall meet NSF/ANSI standards. Such systems shall yield at least 85-gallons of treated water per 100-gallons processed.

B. New Construction -- Commercial, Industrial, Multi-Family, and Public Development.

1. Existing public, commercial, multi-family residential common-use, and industrial building restroom remodels or retrofits shall convert existing urinals to waterless urinals.
2. All new commercial car wash facilities, including those accessory to automobile dealerships, shall use water recycling systems which recycle a minimum of 75-percent of water used. This requirement does not apply to small operation auto detailers or similar uses.
3. Automatic toilet flushing fixtures without sensors shall not be permitted in new or retrofit construction.
4. Kitchens in which dishwashers are installed must use Energy Star rated dishwashers.
5. All facilities installing clothes washers are required to install Energy Star qualified commercial clothes washers rated equal to or below the lowest current Energy Star Water factor.
- 4-6. The use of air cooling misters is prohibited in commercial and industrial developments.

7. All new multi-family development exceeding four units shall provide independent-unit metering (water meter for each dwelling unit), with the following exceptions:

- a. Multi-family complexes providing 80-percent or more low- to moderate-income housing units, as defined by the federal office of Housing and Urban Development, may provide alternative water-saving design methods in lieu of the use of independent-unit metering. The burden of proof is on the applicant to show that an equivalent, or greater, water savings will be achieved.
- b. Alternative water-saving methods to include, but not be limited to the following, may be considered by the Zoning Inspector and permitted in lieu of the use of independent-unit metering:
 - i. Point-of-use water heaters. Must be located at all bathrooms and at the kitchen. Back-to-back systems sharing one heater shall be considered. (STAFF COMMENT: Staff initiated this language, to allow flexibility.)
 - ii. Super insulation.
 - iii. Short hot-water line run distances (core plumbing systems).
 - iv. Ratio Utility Billing Systems (R.U.B.S. – as allowed under applicable state law).

C. Existing Buildings.

In existing buildings or premises in which plumbing installations are to be replaced, such replacement shall comply with all code requirements for water-saving devices.

D. Outdoor Areas

1. Outdoor Recreation uses, parks, and subdivision common areas shall use medium- and low-water use plants as per the requirements in Section 1806 or as allowed by the County Zoning Inspector. High-water-use turf or other restricted plants shall be allowed only in those areas with heavy usage, such as athletic fields and playgrounds. (STAFF COMMENT: This is a compilation of existing language and language from Sierra Vista.)

2. Artificial Water Features: New artificial water features such as ponds, lakes, water courses, and other types of decorative water features are prohibited in any new commercial construction or in common user areas of multi-family housing unless their sole source is harvested rainwater. This provision does not pertain to required storm water detention/retention facilities or permitted swimming pools and spas. (STAFF COMMENT: This is existing language.)

3. Flowing water used in fountains, waterfalls, and similar features shall be recirculated. (STAFF COMMENT: This is language from Sierra Vista Code.)

4. Agricultural irrigation shall be required is encouraged to follow Best Management Practices as defined by the Arizona Department of Water Resources. (STAFF COMMENT: This is Staff initiated language.)

5. Gray Water Applications. (STAFF COMMENT: Staff has added this language from the City of Tucson gray water standards.)

- a. All new single-family households shall include either a separate multiple-pipe outlet or a diverter valve, and an outside "stub-out" installation on clothes washing machine hookups, to allow separate discharge of gray water for direct irrigation. Stub-outs shall be clearly labeled as such to encourage use by occupants.
- b. All new single family residential dwelling units shall include a building drain or drains for lavatories, showers, and bathtubs, segregated from all drains for all other plumbing fixtures, and connected a minimum of 3-feet from the limits of the foundation, to allow for future installation of a distributed gray water system. Stub-outs shall be clearly labeled as such to encourage use by occupants.
- c. All gray water systems shall be designed and operated according to the best management practices as provided by the Arizona Department of Environmental Quality (ADEQ), and subject to the provisions of the Arizona Administrative Code, where applicable.

6. Turf Restrictions. (STAFF COMMENT: Staff added this language – some from the Sub-Watershed Policy language.)

- a. Turf in new single-family residential development shall be limited to rear yard areas only.
- a.b. Turf in commercial uses, subdivision common areas, or medians along subdivision - streets shall be prohibited.
- c. The use of artificial turf is encouraged.

7. Rainwater Harvesting. All permits for new principa non-residential development buildings and uses shall include a rainwater harvesting plan. The rainwater harvesting plan shall include a landscape water budget and an implementation plan. (STAFF ADDED THIS LANGUAGE FROM THE CITY OF TUCSON.) (TO APPLY TO NON-RESIDENTIAL (COMMERCIAL) ONLY)

- a. The landscape water budget shall calculate the estimated volume of water required yearly for all site landscaping detailed in the development and/or landscape plan.
- b. The implementation plan shall show how any combination of capture, conveyance, storage, and distribution will be utilized on-site to harvest rainwater. Implementation plans shall comply with applicable development standards for water harvesting applications.
- c. The implementation plan shall also provide for water metering of all onsite landscape water through either:
 - i. A separate water meter connected to the main water supply; or
 - ii. An irrigation sub-meter.
 - iii. The rainwater harvesting plan shall be submitted concurrently with the site plan and landscape plan.

iv. The County Zoning Inspector may authorize alternative compliance with development standards when conditions of topography, site soils, or ratio of landscape area to total site area would make strict adherence to standard provisions unreasonable and the alternative compliance advances the spirit of this Article.

v. All permits for new principal non-residential buildings and uses shall include a rainwater harvesting system constructed according to an approved rainwater harvesting plan.

vi. No later than three 3-years from the date of issuance of a final certificate of occupancy, and for every year thereafter, fifty percent of the estimated yearly landscape water budget shall be provided by rainwater harvested on-site by a rainwater harvesting system constructed pursuant to an approved rainwater harvesting plan. The fifty percent landscape budget provision shall not apply in any calendar year in which the annual precipitation has fallen below the amount determined in the applicable development standards.

vii. Within three 3-years from the date of issuance of a final certificate of occupancy, the applicant, or a successor in interest, may request to revise the rainwater harvesting plan. The request shall be submitted to the County Zoning Inspector. The request shall be granted only if one of the following is true:

1. A mathematical or engineering error was made in the calculation of water required for on-site landscaping.

2. A variance related to landscape requirements, and which impacts the landscape water budget, is obtained subsequent to the approval of a submitted rainwater harvesting plan.

viii. Additional data on site conditions or performance relevant to the subject.

ix. Site has been obtained, and results indicated a needed change in water budget calculations in the rainwater harvesting plan.

8. Outdoor Sprinkler Systems: Any new installation or replacement of an automatic outdoor sprinkler system shall also include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time. Where there are multiple areas with a sprinkler system watered from one controller, the sensor must be installed at the largest area. (STAFF COMMENT: This is existing language.)

9. Landscaping: Any new landscaping proposing irrigation installation or re-installation in a median or similar strip of permeable surface less than fifteen feet in any horizontal dimension, adjacent to a roadway, sidewalk, parking area or other paved or impermeable area, shall be irrigated by a subsurface (drip), non-sprinkling irrigation system. (STAFF COMMENT: This is existing language.)