



Cochise County Planning Commission



Planning Commission

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

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

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

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

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

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

**Regular Meeting
June 8, 2016
4:00 p.m.**

AGENDA

- 1. 4:00 P.M. - CALL TO ORDER**
- 2. ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
- 3. APPROVAL OF PREVIOUS MONTH'S MINUTES**
- 4. CALL TO THE PUBLIC – CALL TO THE PUBLIC -** Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on *any issue within the Commission's jurisdiction*. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
- 5. NEW BUSINESS**
 - Item 1- (Page 1) – PUBLIC HEARING – Docket SU-16-10 (Wharton Clovis)** A request to approve a Special Use authorization for a facility for the cultivation and infusion of medical marijuana on 3.65 acres of a 305-acre RU-4, D-Rural zoned property. The Applicant is Wharton Properties LLC.

Item 2- (Page 2) – PUBLIC HEARING – Docket SU-16-11 (Wharton Hwy 181) A request to approve a Special Use authorization for a facility for the cultivation and infusion of medical marijuana on 3.65 acres of an 80-acre RU-4, D-Rural zoned property. The Applicant is Wharton Properties LLC.

Item 3 - (Page 3) – PUBLIC HEARING – Docket SU-16-09 (Kramme) A request for a Special Use authorization to approve a 4.96-acre crushed tire aggregate storage and recycling facility on a 643.63-acre RU-4, D-Rural zoned property located southeast of Willcox off of Highway 186 on a private roadway located between mile markers 336 and 337. The applicant is Lisa Kramme.

Item 4 - (Page 47) – PUBLIC HEARING – Docket Z-16-01 (Slaughter) A request for rezoning from R-36 (Residential; one dwelling per 36,000 ft) and RU-2 (Rural; one dwelling per 2 acres), to RU-4 (Rural; one dwelling per four acres) on a 24.29-acre parcel located on E. KC Williams Lane approximately 900 feet to the east of the intersection of E. KC Williams Lane and N. Zosimo Drive. The Applicant is John Slaughter.

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

**Upcoming Board of Supervisors
June 14, 2016**

- a. SUA-16-04 (Kriaris) Appeal of April 13, 2016 Commission approval of medical marijuana cultivation and infusion at 6950 S. Covered Wagon Rd. Willcox, AZ
- b. R-16-01 (Zoning Regs Update) Forwarded to Board with Commission recommendation of approval.

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

- a. SU-99-09 (Muhammad) revocation of SUP for airstrip in abandoned Foremost Amended Subdivision.
- b. SU-16-12 (Verizon St. David) stealth wireless communication tower located on the High School property in St. David.
- c. SU-16-13 (Williams) request for dog boarding in Sierra Vista.

Upcoming

- a. SU-16-14 (Graves) guest lodging in Texas Canyon north of Interstate 10
- b. Rezoning from RU-4 to RU-2 for 10 acres at Parker Lakeview Estates

7. CALL TO COMMISSIONERS ON RECENT MATTERS.

8. ADJOURNMENT

COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
May 11, 2016
REGULAR MEETING at 4:00 p.m.

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

ROLL CALL

Vice-Chairman Gregan noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; six Commissioners (Jim Martzke, Carmen Miller, Wayne Gregan, Gary Brauchla, Nathan Watkins and Pat Edie indicated their presence. Staff members present included; Paul Esparza, Planning Director; Jesse Drake, Planning Manager; Peter Gardner, Planner I; and Jim Henry, Planner I.

APPROVAL OF THE MINUTES

Motion: Approve minutes of the April 13, 2016 meeting Action: Approve

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

Vote: Motion passed (**Summary:** Yes = 4, No = 0, Abstain = 2)

Yes: Ms. Miller, Mr. Brauchla, , Mr. Watkins, and Ms. Edie

No: 0

Abstain: Mr. Martzke and Mr. Gregan

CALL TO THE PUBLIC:

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

NEW BUSINESS

Item 1 PUBLIC HEARING Docket SU-16-06 (Frazier)

A request for a Special Use authorization to approve a facility for the cultivation and infusion of medical marijuana on 9.78 acres of a 40-acre RU-4, D-Rural zoned property located at 11429 N. Moore Rd., Elfrida, AZ. The Applicant is Tim Frazier.

Vice-Chairman Gregan called for the Planning Director's report. Planning Manager Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request, including the requested Modifications. She noted the support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Vice-Chairman Gregan then opened the Public Hearing. Mr. Tim Frazier of Elfrida spoke. He explained how the facility will help the local economy and school district by improving teacher pay. Mr. Frazier explained the education efforts he has undertaken in the community, including the changes that are happening in the valley. He stated that this project would pay better than other local agricultural jobs, which would improve the local economic outlook. He emphasized the benefits to the local schools which would improve the area overall.

Mr. Michael Pahle of Elfrida spoke in support, representing NORML of Arizona. He expressed support for the request, noting that this was the first time that NORML has offered endorsement of a request in Cochise County. Mr. Pahle explained his personal experience with medical marijuana and urged the Commission to support the request.

There being no further speakers in support or opposition, Vice-Chairman Greene closed the Public Hearing and invited discussion. Mr. Brauchla stated that the Commission's approval would be for the land use only, not an endorsement of MMJ. Mr. Watkins noted that if the use did not involve MMJ, the request would be exempt.

There being no further discussion, Vice-Chairman Gregan asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Vice-Chairman Gregan called for a motion. Mr. Watkins made a motion to approve the docket with the Conditions recommended by Staff. Ms. Edie seconded the motion. There being no further discussion, Vice-Chairman Gregan called for a vote on the motion. The motion passed 6-0.

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

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

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

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

No: 0

Abstain: 0

Item 2 PUBLIC HEARING SU-16-08 (Reaves)

A request for an indoor recreation center for the purposes of hosting children parties and events on two R-18, Residential zoned properties, Comprehensive Plan B-Neighborhood Conservation, located at 2136 N. Coronado Frontage Rd. near Huachuca City, AZ. The Applicant is Carla Reaves.

Vice-Chairman Gregan called for the Planning Director's report. Planner I Jim Henry presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Henry also explained Staff's analysis of the request. He noted the support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission. correct.

Vice_Chairman Gregan then opened the Public Hearing. Ms. Carla Reaves of Huachuca City spoke, explaining the niche that the proposed business would fill, giving children something to do in the neighborhood. She explained that they had previously run a roofing business from the site for almost 12 years, and explained how she felt that the proposal would support the community and provide an economic benefit.

There being no speakers, Vice-Chairman Gregan then closed the Public Hearing and asked for Staff's recommendation. Mr. Henry recommended Conditional Approval with the requested Modifications. Vice-Chairman Gregan called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Watkins seconded the motion. There being no further discussion, Vice-Chairman Gregan called for a vote on the motion. The motion passed unanimously.

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

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

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

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Brauchla, Mr. Watkins, and Ms. Edie **No:** 0
Abstain: 0

Item 3 Initiation of text amendments to the Cochise County Zoning Regulations.

Item 4 PUBLIC HEARING R-16-01 (Update of the Zoning Regulations)

A request for recommendation to the Board of Supervisors to approve text amendments to the Cochise County Zoning Regulations to clarify and simplify the existing regulations, and to incorporate changes from the Arizona Department of Fire, Building and Life Safety. The last revision of the Cochise County Zoning Regulations were on December 2, 2014 by Zoning Ordinance 14-10.

Vice-Chairman Gregan called for the Planning Director's report. Zoning Administrator Dora Flores presented the Docket, explaining the background of the proposed changes. She explained each change recommended by Staff and the rationale for said changes.

Vice-Chairman Gregan then opened the Public Hearing. There being no speakers Vice-Chairman Gregan closed the Public Hearing and invited discussion. Ms. Miller asked about the change to moving Solar from SU to PPU in LI & HI. Staff explained that oversight would not change, as site development standards would still apply, but that the projects in Industrial Zoning Districts would not require a Special Use Authorization. Mr. Gregan asked about the removal of the SU setback doubling, and if the Commission would have authority to impose additional setbacks if deemed necessary to mitigate impacts. Staff explained the recommendation, and confirmed that the Commission could increase setbacks if it was deemed appropriate.

Vice-Chairman Gregan then asked for Staff's recommendation. Ms. Flores recommended forwarding the Docket to the Board of Supervisors with a recommendation of Approval. Vice-Chairman Gregan called for a motion. Mr. Martzke made a motion to forward the Docket to the Board of Supervisors with a recommendation of Approval. Ms. Miller seconded the motion. There being no further discussion, Vice-Chairman Gregan called for a vote on the motion. The motion passed unanimously.

Motion: Motioned to forward the Docket to the Board of Supervisors with a recommendation of Approval

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

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

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Brauchla, Mr. Watkins, and Ms. Edie
No: 0
Abstain: 0

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

**Next P&Z Commission meeting
June 8, 2016**

- a. SU-16-09 (Kramme) request for Tire Aggregate Storage near Willcox
- b. SU-99-09 (Muhammad) revocation of SUP for airstrip in abandoned Foremost subdivision
- c. SU-16-10 (Wharton Clovis) medical marijuana cultivation and infusion near Sunizona
- d. SU-16-11 (Wharton Hwy 181) marijuana cultivation and infusion near Sunizona

Upcoming

- a. Rezoning from RU-4 to RU-2 for 10 acres at Parker Lakeview Estates
- b. Special Use request for Dog Boarding near Siera Vista

Upcoming Board of Supervisors

- a. SUA-16-04 (Kriaris) Appeal of April 13, 2016 P&Z Commission approval medical marijuana cultivation and infusion at 6950 S. Covered Wagon Rd. Willcox, AZ

CALL TO COMMISSIONERS ON RECENT MATTERS:

Ms. Miller asked about the Medical Marijuana Facility at Eurofresh in Willcox. Ms. Drake stated that the permit was in process. Mr. Watkins asked if the Sunglow from the April meeting had been appealed. Ms. Drake answered in the negative. Ms. Miller asked about the ability to limit the number of items on the agenda. Staff reminded the Commission that the Chair has the authority to not hear any agenda items after 8:00 pm, and could reschedule any such items not heard to a special meeting without further legal advertisement.

ADJOURNMENT – Mr. Brauchla moved to adjourn, Ms. Edie seconded, and the meeting was adjourned at 5:04 pm.



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planning Manager JD
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket SU-16-10 (Wharton Clovis)
DATE: May 24, 2016 for the June 8, 2016 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve a facility for the cultivation and infusion of medical marijuana on 3.65 acres of a 305-acre RU-4, D-Rural zoned property. The proposed uses are considered Special Uses in RU-4 Rural Zoning Districts under Sections 607.53 and 607.56 of the Zoning Regulations.

The subject parcel, APN 401-27-001A, is located on the east side of S. Clovis Rd. one mile south of Highway 181, near Pearce, AZ. It is further described as being situated in Section 19 of Township 18 South, Range 28 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Wharton Properties LLC.

TABLING REQUEST

The Applicant has respectfully requested that this docket item be tabled to the December 14, 2016 Planning and Zoning Commission meeting, due to his desire to have time to have a neighborhood meeting with the residents and his need to attend to his summer farming production.

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planning Manager *JD*
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket SU-16-11 (Wharton Hwy 181)
DATE: May 24, 2016 for the June 8, 2016 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve a facility for the cultivation and infusion of medical marijuana on 3.65 acres of an 80-acre RU-4, D-Rural zoned property. The proposed uses are considered Special Uses in RU-4 Rural Zoning Districts under Sections 607.53 and 607.56 of the Zoning Regulations.

The subject parcel, APN 401-67-017C, is located at the southeast corner of S. Apodaca Road and Highway 181, near Pearce, AZ. It is further described as being situated in Section 15 of Township 18 South, Range 27 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Wharton Properties LLC.

TABLING REQUEST

The Applicant has respectfully requested that this docket item be tabled to the December 14, 2016 Planning and Zoning Commission meeting, due to his desire to have time to have a neighborhood meeting with the residents and his need to attend to his summer farming production.

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jim Henry, Planner I
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket SU-16-09 (Kramme)
DATE: May 26, 2016 for the June 8, 2016 Meeting

JEH

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve a 216,225 sq. ft. (4.96-acre) crushed tire aggregate recycling facility on a 643.63-acre RU-4, D-Rural zoned property near Willcox. The proposed use is considered a recycling / solid waste transfer facility, which requires a Special Use per Section 607.04 of the Zoning Regulations.

The subject parcel, APN 305-01-019, is located southeast of Willcox, south of Highway 186 between mile markers 336 and 337. It is further described as being situated in a portion of Sections 28 and 29 of Township 14 South, Range 26 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Lisa Kramme.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 643.63 acres
 Zoning: RU-4
 Growth Area: D
 Comprehensive Plan Designation: Rural
 Area Plan: None
 Existing Uses: Gravel Pit and Agriculture
 Proposed Uses: Recycled Tire Aggregate Storage Facility

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	Rural (RU-4)	Vacant / State Land
South	Rural (RU-4)	State Land
East	Rural (RU-4)	Vacant
West	Rural (RU-4)	Vacant

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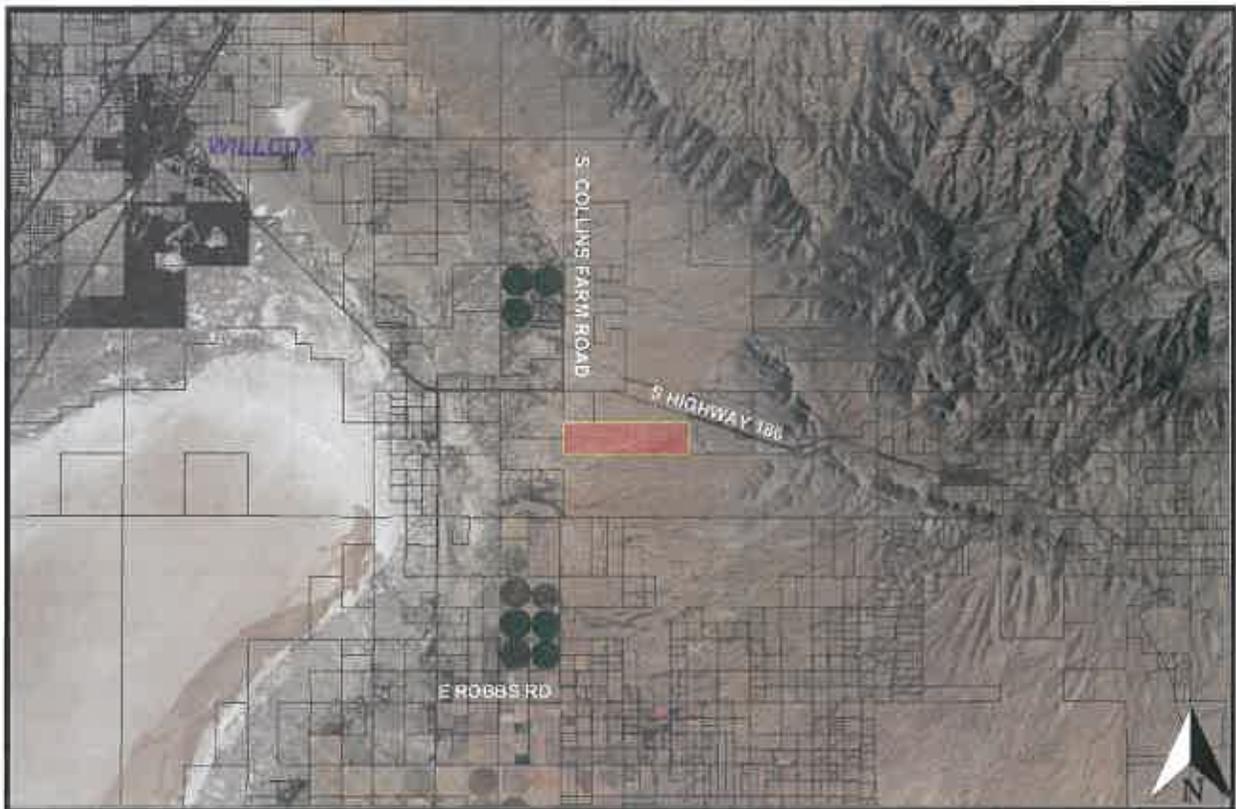
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II. PARCEL HISTORY

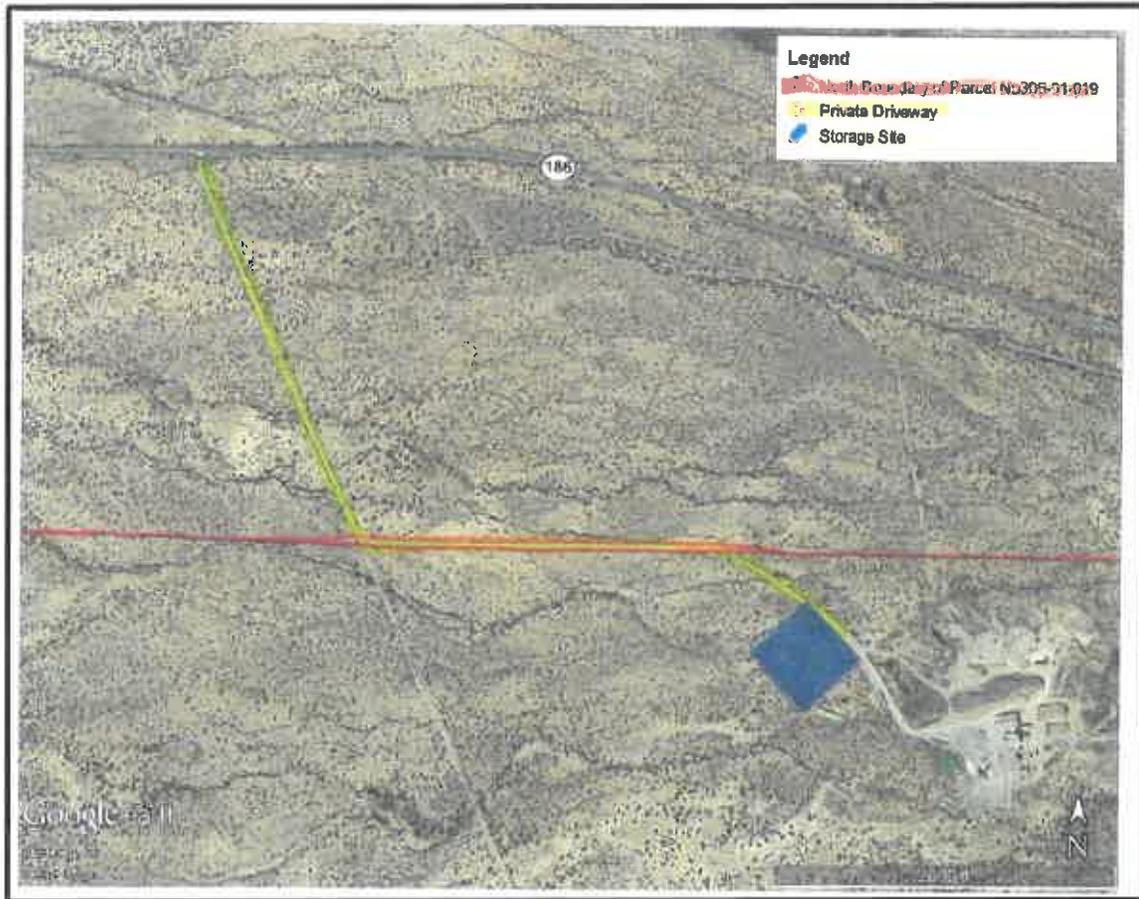
None

III. NATURE OF REQUEST

The Applicant proposes to lease a portion of a larger parcel to recycle and store "Tire Derived Aggregate" (TDA). The proposed use is considered a recycling facility. According to the Applicant, there are a variety of possible applications for TDA including lightweight and conventional fill material, retaining wall backfill, bridge abutment backfill, insulation from frost penetration, landfill drainage and cover layers, leach fields, and vibration mitigation for lightweight rails. The sizes of the TDA (tire shreds) for the purposes of this Special Use request are typically 3"-4" wide, 4"-12" long, and 1/2" - 3/4" thick. The Applicant owns a portable shredding machine and intends to do most of the shredding offsite, leaving the shredded aggregate on the property on which it was shredded. However, when that is not possible, the Applicant proposes to take possession of the aggregate and store it on the subject property for future sale.



Location Map



Site location on subject parcel



Proposed site view to the west



View to the South



View to the east



View to the north

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

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

Nine of the ten factors apply to this request. The project, as submitted, fully complies with seven of the nine applicable factors and with Conditions of approval will comply with all nine of the applicable factors.

A. Compliance with Duly Adopted Plans: Complies

The proposed project satisfies the criteria for Comprehensive Plan D-Rural areas since the proposal is in an outlying rural area with a low growth rate, and is in a very low-density area surrounded by agricultural, vacant, and State lands. An element of this particular designation calls for *“non-residential enterprises to generally serve the rural / agricultural community as well as visitors passing through, if located on a major arterial road”*.

The proposal also supports the following Comprehensive Plan Economic Development Element by supporting entrepreneurship and small business development.

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

B. Compliance with the Zoning District Purpose Statement: Complies

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

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

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

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

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

As stated there are a variety of applications for "Tire Derived Aggregate" including roadway re-surfacing, recycled rubber tiles, erosion or drainage fill material. These applications among others are uses that County residents and government agencies can benefit from.

This proposal would not be suitable in a more urbanized area in the County; the project's isolated location does make this site an appropriate location for this type of use. The project is located approximately six miles southeast of the incorporated limits of the City of Willcox, and is 1.25 miles southeast from the nearest residence (as the crow flies). In addition, the proposal is adjacent to an existing gravel pit operation located on the same parcel.

C. Development Along Major Streets: Complies

The property derives its primary access from US 186, which is a state highway via a privately maintained road.

D. Traffic Circulation Factors: Complies

The proposed use, tire shredding and storage of the shredded material, would not notably change traffic volumes or traffic circulation in the area. There is one residence located on the northwest corner of the access roadway that would be the most impacted by the minor increase in traffic on this roadway.

Access to the subject property is derived via US 186, which connects to a non-county maintained roadway that links the subject parcel to US 186. Due to the commercial nature of the proposed use, the Applicant will be required, to provide a Private Maintenance Agreement at the Commercial Permit stage in keeping with the requirements of Zoning Regulation 1807.02 A. This Agreement will require the Applicant to keep this segment of roadway in "passable" condition, which means in a condition on which the average vehicle can travel on the roadway. This Agreement does not require that the roadway be maintained to a County maintained standard or to an all-weather condition.

E. Adequate Services and Infrastructure: Complies

The Special Use request is to store tire aggregate in outdoor piles on a mostly vacant parcel. There are no structures or utilities on the site. Onsite sales will be by appointment only. No new buildings are proposed and there will be no permanent onsite employees, except to load and unload trucks. Fire extinguishers will be installed every 50 feet, on average, around each storage pile and the Applicant plans to have a water truck onsite for fire suppression. The parcel has fire protection from the Chiricahua Trails Volunteer Fire Department. The Department Fire Chief has assured the Applicant that the subject parcel is within the fire district's boundary.

F. Significant Site Development Standards: Complies

The Applicant is not requesting any waivers from the County's site development standards.

G. Public Input: Complies

The Applicant sent or delivered letters to all property owners within 1,500-feet of the subject parcel to notify them of this application and to address any neighbor concerns. This letter did not generate a response from neighboring property owners.

H. Hazardous Materials: Complies with Conditions

The application states that no hazardous materials will be used and tires by themselves are not hazardous (unless they are ingested). However, there is potential for hazardous gases to be emitted during the event of a fire and contaminated scrap tires to be inadvertently shredded. Therefore, staff recommends several conditions to safeguard neighboring property owners from these possibilities. Moreover, before a commercial permit can be issued, the facility will have to meet or exceed all building and fire code requirements as adopted by the County.

I. Off-Site Impacts: Complies with Conditions

This type of use is akin to an industrial storage site. A small number of employees are anticipated, materials will be hauled in and out in bulk, sales are likely to be brokered with larger companies and not with individual buyers, and sales would not occur on site. Potential offsite impacts include dust, aggregate scatter, fire and water contamination. While most of these impacts will be addressed at the commercial permit phase of the project, Staff is recommending conditions related to the proper storage and disposal of certain wastes, and vector prevention.

J. Water Conservation: Not Applicable

This factor does not apply since there will be no plumbing or landscaping installed.

V. PUBLIC COMMENT

Planning Department staff mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the notice on the County website on May 12, 2016, published a legal notice in the *Bisbee Observer* on May 19, 2016 and posted the property on May 17, 2016. To date, Staff has received one letter in opposition. Though it should be noted, that due to the size of the parcels surrounding the proposed use, the 1500 ft. buffer only generated six property owner notification letters. In the opposition letter concerns were expressed about the potential for fire and the noxious gases emitted from a tire fire, and concern about the possibility of groundwater contamination, should water and or foam be used to extinguish the fire.

VI. SUMMARY AND CONCLUSION

The Applicant is requesting a Special Use authorization to approve a 216,225 sq. ft. (4.96-acre) crushed tire aggregate recycling facility on a 643.63 acre RU-4 D-Rural zoned property near Willcox, AZ on APN 305-01-019. The Applicant is not requesting any waivers from the County's site development standards. However, due to the potential offsite impacts, staff is recommending several conditions to mitigate any risk to the health, safety, and welfare of nearby properties. Additional conditions may be applied at the Commercial Permit phase of the project to satisfy all building safety and fire codes. With the Conditions of Approval Staff believes that the project will be completed safely and that the subject parcel is an appropriate location for the proposed use.

Factors in Favor of Approving the Special Use

1. The proposal complies with the Comprehensive Plan's Economic Development element;
2. The proposal complies with the Comprehensive Plan's D-Rural criteria;
3. The proposal complies with the zoning purpose statement;
4. The proposal will have a minimal traffic impact on nearby transportation infrastructure;
5. The proposal fully complies with seven of the nine applicable factors Staff uses to evaluate these requests, and complies with Conditions to the two remaining factors.

Factors Against Allowing the Special Use

1. One letter in opposition has been received.

VII. RECOMMENDATION

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require a modification of the Special Use authorization and review and approval by the Planning and Zoning Commission;
4. This Special Use authorization is limited to recycling and storage of Tire Derived Aggregate (TDA) (tire shreds) and the waste products from the tire processing; any other type of recycling at this location, including the storage of intact tires, may require a modification of the Special Use authorization and review and approval by the Planning and Zoning Commission;
5. All Derived Aggregate TDA must stay within the confines of the site at all times, should aggregate drifting off-site, appropriate measures shall be taken to mitigate against off-site impacts;
6. Each Tire Derived Aggregate storage pile shall be limited to a maximum area of 50' x 120' and a maximum height of ten feet;
7. Access routes between and around aggregate material piles shall be maintained in conformance with the fire code regulations;
8. The Applicant shall operate and maintain the storage and processing facility in such a manner as to prevent the ponding of water, accumulation of litter and the harboring, feeding or breeding of vectors;
9. The Applicant shall ensure that any contaminated material, including contaminated shredded tires, are sorted, separated and temporarily stored in a container until such waste is transported off-site to a permitted solid waste facility;
10. The applicant will be required to submit a Private Maintenance Agreement per Zoning Regulation 1807.02 A with their Commercial Use Permit application.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-16-09, with the Conditions recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

VIII. ATTACHMENTS

- A. *Special Use application*
- B. *Site plan*
- C. *Tire Derived Aggregate (TDA) information provided by the Applicant*
- D. *Agency comments*
- E. *Public Comment*



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Community Development
Planning, Zoning and Building Safety Division
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Special Use Project Application

Applicant's Certification & Acknowledgement

By signing below, I certify that:

1. I am the Owner or authorized Agent of the Owner of the property being developed.
2. I am applying for the meetings/ review(s) indicated below.
3. I have read and understand the information provided in this Application Guide.
4. This application is complete and accurate to the best of my knowledge. Submission of false information may constitute fraud, and may be punishable by fine, imprisonment, or both pursuant to A.R.S. §13-2310.
5. I hereby request all inspections necessary to process this application, and if the permit is issued I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit.

By signing below, I acknowledge that:

6. Incomplete or inaccurate submittals by the Owner, Applicant or any other representative may result in delays, return of submittals, or denial of this application.
7. The submittal is subject to an administrative review of 10-business days (5-business days initial review, 5-business days resubmittal review) at which time I will receive written or electronic notice if the application is complete or, in the case of an incomplete application, a list of deficiencies that need to be corrected. An application will not pass the review for administrative completeness until all deficiencies have been corrected.
8. If the County does not issue a written or electronic notice of administrative completeness within the 10-business days, the application will be deemed administratively complete and the substantive review process begins.
9. The overall review time is 130-business days.
10. The substantive review process is 120-business days.

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

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

By signing below, I acknowledge that:

11. A complete response to any correspondence will be submitted to Cochise County for any subsequent reviews.

12. The Applicant or Agent will be sent written or electronic notice of a license approval or denial within the substantive review period.

13. All required permits must be obtained prior to any construction and that failure to obtain permits may result in fines or other penalties.

14. The Applicant or Agent is responsible for all changes and additional time required to correct plans and/or development as a result of differences between the proposed use and what is permitted in the zoning district in which the property lies.

15. The project review process and timeframe is suspended when a project triggers the requirement for an application for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

By signing below, I acknowledge that:

16. An appeal protesting any denial of an application may be made to Cochise County Community Development Department, Planning Division Deputy Director, Beverly Wilson, 1415 Melody Lane, Bldg. E. Bisbee, Arizona 85603. The appeal shall set forth all relevant facts pertaining to the denial, and must be in writing. It must be filed within ten-days from the date of the denial letter.

17. If the County does not issue to the Applicant the written or electronic notice granting or denying a license within the **overall** time frame or within the mutually agreed upon time frame extension, the county SHALL refund the Applicant all fees charged for reviewing the applications and SHALL excuse any fees not yet paid. The refund SHALL be made within 30-working days after the expiration of the agreed upon time frame pursuant A.R.S. § 11-1605(J).

L. Kramme 3/21/14
Signature Date
Lisa Kramme/TandA Solutions LLC
Print Name/Firm Owner Agent



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Community Development
 Planning, Zoning and Building Safety Division
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**COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
 (TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER 305-01-019
 APPLICANT TandA Solutions LLC
 ADDRESS P.O. Box 847, Willcox AZ 85644
 CONTACT TELEPHONE NUMBER (520) 954-5472
 EMAIL ADDRESS: tnasolutions@outlook.com
 PROPERTY OWNER (IF OTHER THAN APPLICANT) Stephen Klump
 ADDRESS PO Box 896
Willcox AZ 85645
 DATE SUBMITTED 3/22/16

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

PART ONE - REQUIRED SUBMITTALS

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

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

Highway and Floodplain
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 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

COCHISE COUNTY
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 PLANNING

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? RU-4

2. What is the proposed use or improvement? Storage of
Tire derived aggregate.

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?

Storage of tire derived aggregate - no significant impact on neighboring properties.

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

tire derived aggregate (shredded tire pieces)
will be stored.

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)

no buildings will be constructed

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):

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

B. Number of employees: Initially: Future:
Number per shift Seasonal changes no employees on site unless loading or unloading

C. Total average daily traffic generated: unknown

(1) How many vehicles will be entering and leaving the site.
cannot estimate at this time

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

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
northwest to 186 then south

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

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

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

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

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

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

n/a

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

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

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

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

Attached NA

H. Identify how the following services will be provided:

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

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Storage of tire derived aggregate

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.

no measures will be taken to screen because of the distance.

3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No X 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 X 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 X 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 X If yes, what measures will be taken to prevent a nuisance on neighboring properties?

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

8. Do signs presently exist on the property? Yes 0 No X 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 X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

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

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

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

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

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

crushed 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 X If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

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

n/a

2. How many acres will be cleared? 500.

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.)

None

SECTION D - Hazardous or Polluting Materials

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

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

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

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

SECTION E - Applicant's Statement

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

Applicant's Signature Lisa Kramme

Print Applicant's Name Lisa Kramme

Date signed 3/21/16



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Planning, Zoning and Building Safety Division**

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Hazardous Materials Attachment

Firm's current name: Tand A Solutions LLC

Current location: N/A

Fire district: Chiricahua

Nearest main intersection with street names: Highway 186 + Kansas Settlement Rd

Distance: 3.5 miles Direction: WEST

Firm's previous location(s)

Previous name(s) of firm/operation: n/a

Previous location(s): n/a Date(s): _____

Previous compliance/accident history: n/a

Date(s): _____

1. List hazardous and polluting materials (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

Material <u>N/A</u>	Quantity
Material	Quantity
Material	Quantity
Material	Quantity

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

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floodplain@cochise.az.gov

Aggregate will be stored in piles in accordance with A.R.S. 44-1304.01.

3. What methods will ensure proper containment during use or ventilation? (Waste and by-products as well as substances have specific needs to control damage from those products.)

N/A

4. Is any welding being performed and where? (Flammables must be kept away from sources of ignition such as electricity, arcs, sparks, hot metal or open flame. Gas cylinders must be secured.)

No

5. How will waste/ excess substances be disposed of? (Commercial operators may not use the County transfer stations' hazardous waste program. They handle only household materials.)

N/A

6. What evacuation, treatment and notification will be made if there are any releases to groundwater or air? (Notification may be required to the Sheriff's Department, adjacent neighborhoods, State Fire Marshal, local fire district, ADEQ, and/ or EPA.)

The only potential release is by fire. There will be a water truck on site, as well as fire extinguishers every 75ft around TDA piles. We will notify Cochise County Sheriff Dept. and Chiricahua fire district.

Signature Kramme

Date 4/13/14

Notification Letter

Mickey and Lisa Kramme
T & A Solutions
PO Box 847
Willcox, AZ 85643

Dear Neighbor,

This letter is inform you that our company, T & A Solutions, is applying for a Special Use Permit with Cochise County. The property is located in NE ¼ SW ¼ Sec 28-T14S-R26E. This parcel of land neighbors your property.

T & A Solutions is in the process of developing a tire shredding business. We are building a mobile tire shredding machine. The machine itself will not be shredding tires at this location. We do however plan to store the final product, Tire Derived Aggregate (TDA). Currently there are no regulations in the state of Arizona as to TDA storage. We do find regulations that apply to whole waste tires. We intend to be compliant with those regulations as well as recommendations we can find as to TDA storage.

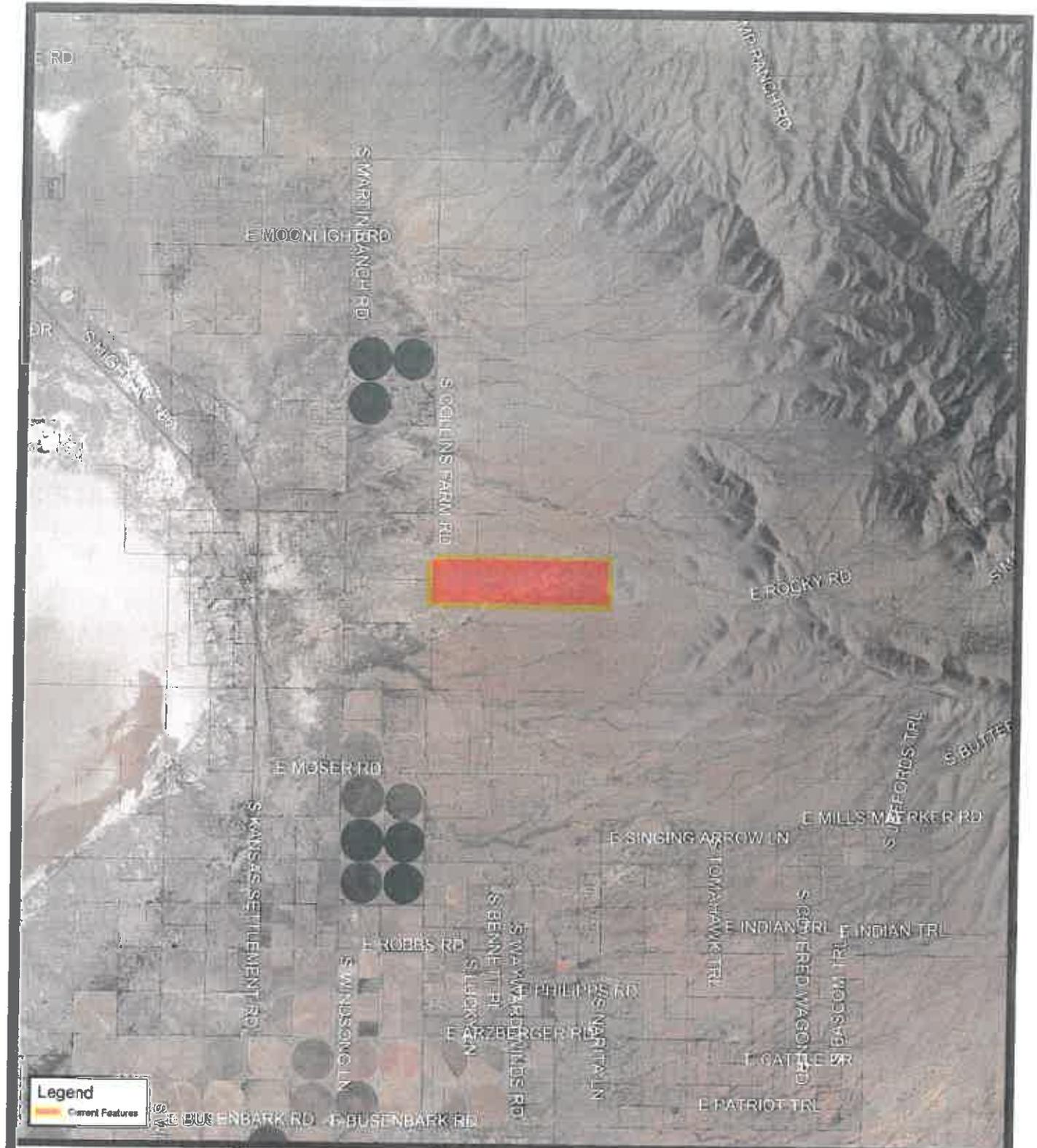
Our site plan includes a 465 FT by 465 FT perimeter. Inside this perimeter will be a 45 FT vegetation free zone. In the case that there would be a fire, this is to prevent the fire from spreading. We will also be putting a barbed wire fence around the area to keep livestock out. State regulations recommend that fire extinguishers be placed every 70 FT around each pile of whole tires. We plan to follow these regulations with storing of TDA. Our site plan estimates 890 cubic yards per pile and our plan allows for 8 piles. Each pile will not exceed 10 FT in height. In between each pile will be a 20 FT- 45 FT roadway to also prevent a fire from spreading.

We plan on submitting our application and our supporting documentation by January 29, 2016, in order to be on the March 9, 2016 planning and zoning commission meeting. We are submitting all of our information to Planning Manager, Jesse Drake. If you should have any questions please feel free to contact her at:

Jesse Drake
Planning Manager
Cochise County Community Development
Planning, Zoning, and Building Safety Division
1415 Melody Lane, Building E
Bisbee, AZ 85603
520-432-9300
520-432-9278 fax

Sincerely,

Mickey and Lisa Kramme

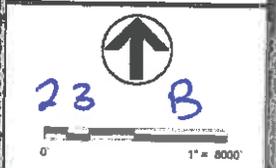


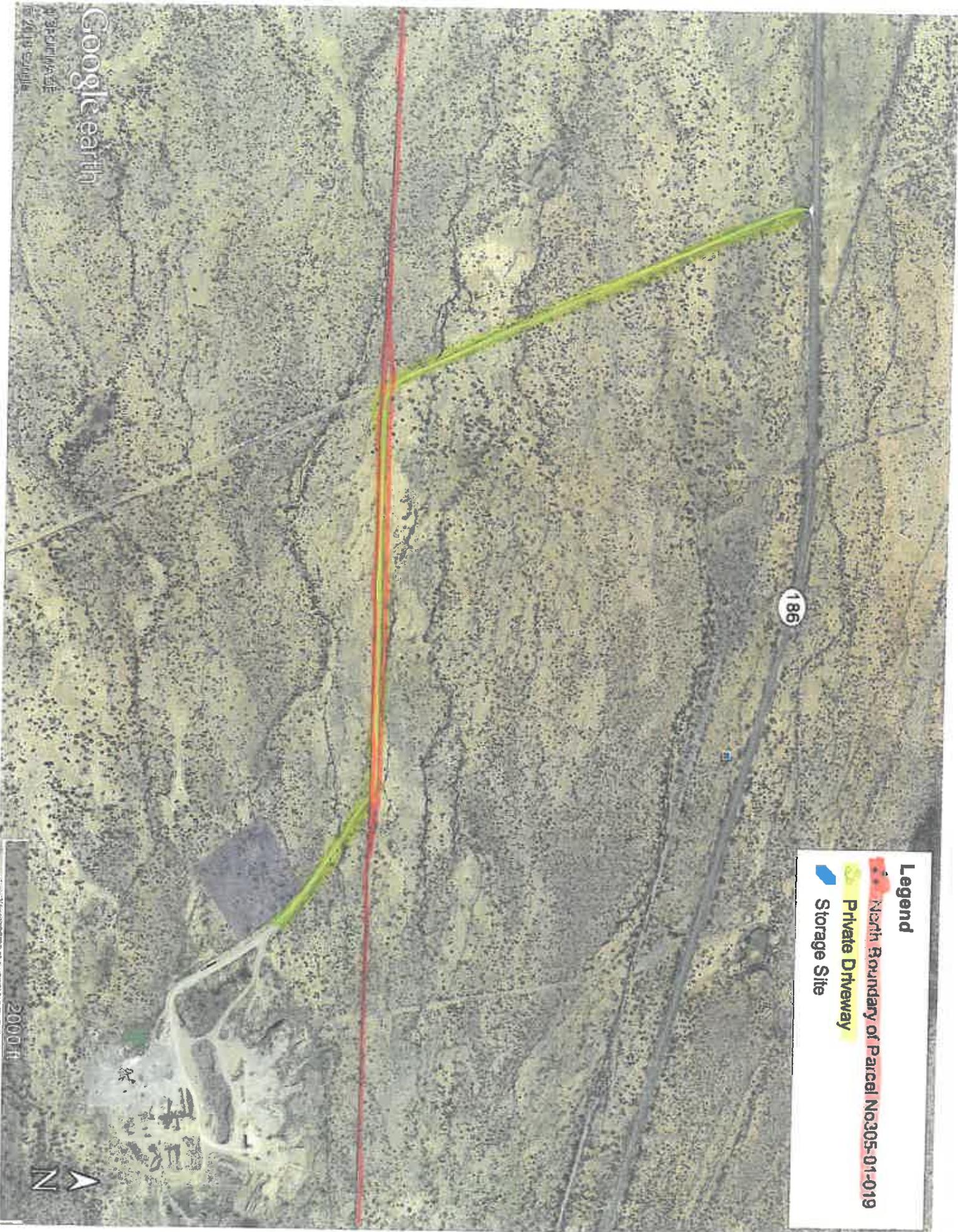
Legend
 Current Features



SU-16-09 (Kramme)

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





Legend

 North Boundary of Parcel No.305-01-019

 Private Driveway

 Storage Site

Google earth

31.3621145 N
101.741195 W

186

2000ft

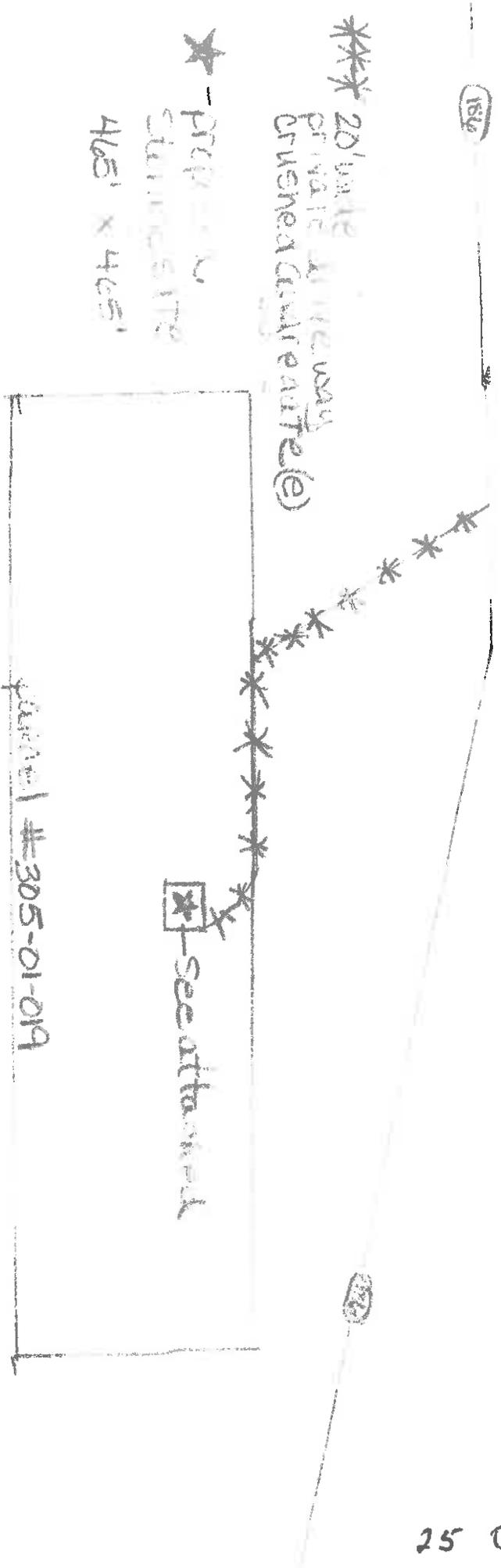


Tand H Solutions, LLC



1" = 100'

25 B



*** 2D'ute private driveway crusher/gravel area (e)

*** prep work stumps etc 465' x 465'

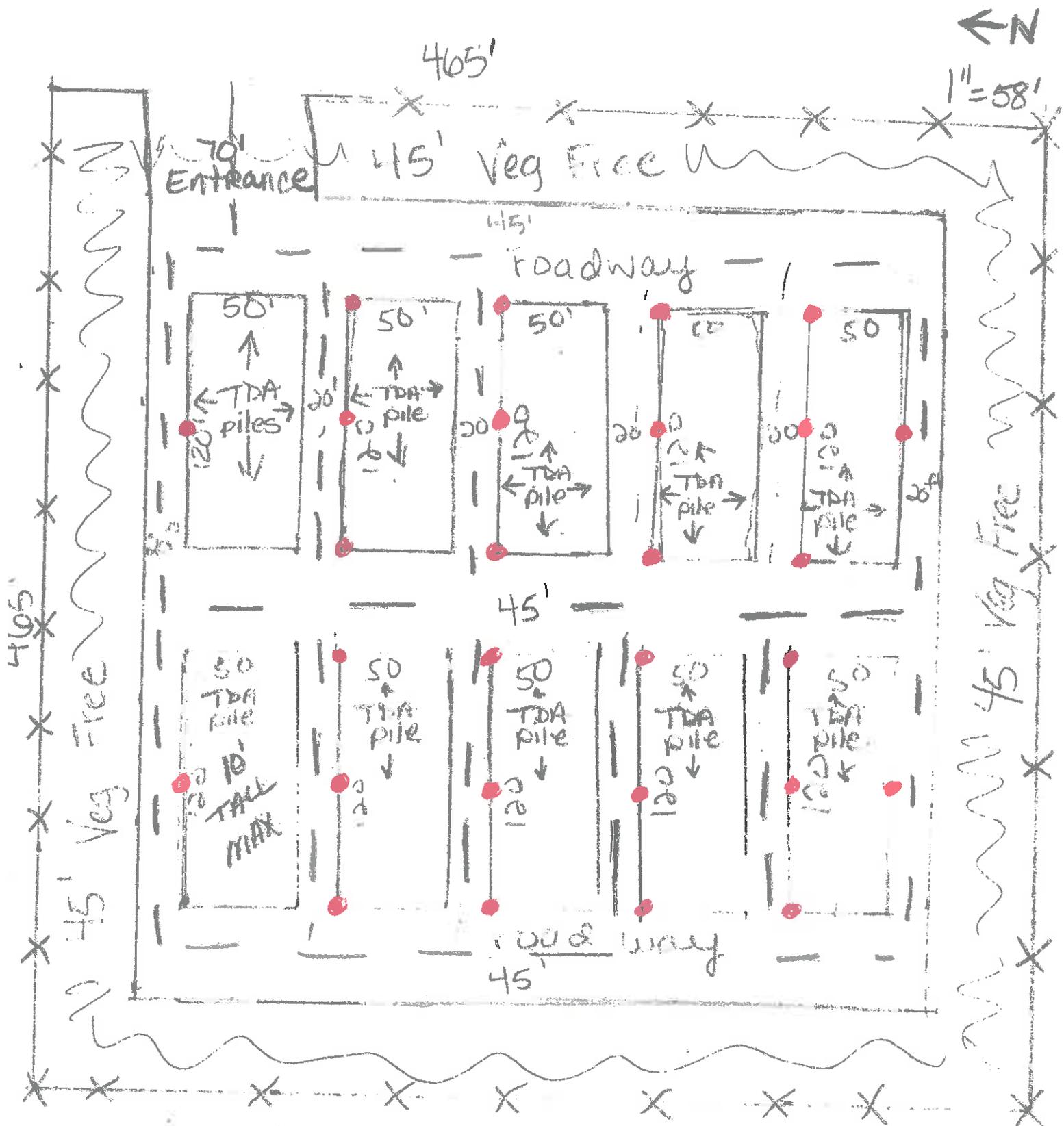
See attached

Parcel # 305-01-019

15th

22nd

★ - proposed Storage Site PN 305-01-019



● - Fire extinguisher (P)

✱ - 4' 3 strand barbed wire fence (P)



T & A SOLUTIONS LLC

Owned and Operated

By

Mickey & Lisa Kramme

Introduction

Over the past several years Lisa and I have developed specialized equipment and techniques to achieve cost saving solutions for farmers and contractors in and around the Willcox area.

Recently we were asked to quote a price to dispose of a large quantity of tires. We began our research on various methods of tire recycling and disposal. This is when we discovered Tire Derived Aggregate and it's many uses. With a large part of our background being involved with heavy highway, railroad and civil engineering projects we were very excited to find there are MANY approved applications for TDA (tire derived aggregate).

What is Tire Derived Aggregate?

What is Tire Derived Aggregate?

1. Tire derived aggregate is the product of a whole waste tire after it has been shredded. These shreds range in size from 2 in to 12 in pieces.
2. This aggregate is made from a mixture of steel and glass belted tires
3. Steel belts are exposed at the cut edges of the tire shreds

How Can Tire Derived Aggregate be used in Civil Engineering Applications?

- | | |
|------------------------------------|---|
| 1. Lightweight Fill | 6. Drainage Layers in Landfills |
| 2. Conventional Fil | 7. Daily Cover in Landfills |
| 3. Retaining Wall Backfill | 8. Leach Fields |
| 4. Bridge Abutment Backfill | 9. Vibration Mitigation for Lightweight Rails |
| 5. Insulation to Frost Penetration | |

Lightweight Fill

Tire shreds have a low unit weight of 40-60 pounds per cubic feet; the lower end of the range is for a thin layer of tire shred with no soil cover; the higher end range is for thick tire shred fill with thick soil cover.

There are two reasons to use tire shreds as lightweight fill for embankments:

- **Landslide problems and/or Slope stability**
These problems can occur due to weak foundation walls made from weak bedrock or clays.
- **Settlement caused by weight of Embankment**
This often happens because of a layer of thick soft clay.



Examples of Lightweight Fills

Embankment (Portland, Maine)

Designed by: HNTB, Haley & Aldrich, and Dr. Humphrey

Tire shreds were used as lightweight fill for construction of two 32-ft high highway embankments in Portland, Maine (Humphrey, et al., 1998). These embankments were the approach fills to a new bridge over the Maine Turnpike. The bridge is part of a new interchange that will provide better access to the Portland Jetport and Congress Street. This site was underlain by about 40 ft of weak marine clay. The designers for the project (the Maine offices of HNTB, Inc. and Haley and Aldrich, Inc. and the University of Maine) found that embankments built of conventional soil were too heavy resulting in an unacceptably low factor of safety against slope instability. They looked at several ways to strengthen the foundation soils but these were too costly. What they really needed was to make the embankment lighter. They considered several types of lightweight fill including tire shreds, expanded polystyrene insulation boards, and expanded shale. Tire shreds were chosen because they were \$300,000 cheaper than the other alternatives. Moreover, the project would put some 1.2 million tires to a beneficial end use.

Slope Stabilization (Roseburg OR)

This case history is located near Roseburg, OR on US Route 42. During a project to improve the highway's alignment, an embankment was raised and widened, because of this an old slide reactivated. The head of the slide was stabilized by using 5800 tons of tire derived aggregate. They used this material as a lightweight fill to reduce the driving force, placing a counterbalancing fill at the toe of slide to increase the resisting force, and adding a drainage blanket to remove access water. The earthwork was done in 1990 and final paving was completed in 1991.

Retaining Wall Bridge Abutment

For conventional walls, tire shreds have two benefits: reduce pressure on the wall and reduce settlement if the wall is founded on compressible soil.



- Reduced pressures mean cheaper wall
- Reducing settlements means less cracking of wall; found wall on spread footing rather than pile foundation.

Case History Of Bridge Abutment and Retaining Wall

Bridge Abutment (Topsham ME)

This case history is located at the Merrymeeting Bridge in Topsham, ME. The bridge is underlain by 50ft of soft marine clay; factor of safety of existing slope against a deep seated slope failure through the marine clay was near one-the lowest cost solution was to excavate a portion of the existing slope and replace it by 14ft of tire shreds covered by 6ft of soil.

Retaining Wall (Riverside, CA)

Tire shreds were used as backfill behind a cantilever wall in Riverside, CA. The retaining wall was needed to allow for widening of Route 91 without encroaching on adjacent property. The project was constructed in summer and fall, 2003. The structural design of the wall was in accordance with Caltrans standard specifications. The wall height was approximately 12ft. Tire shred layer was 9.8ft thick. The tire shreds were completely enclosed in a geotextile to prevent intrusions of soil into the tire shreds. The tire shred section was 262ft long. It required approximately 1130yd of Type B tire shred fill.

Insulation Against Frost Penetration

- Frost Penetration beneath roads causes frost heave which creates a bumpy road surface and can crack the pavement
- Loss of strength when subgrade soils thaw is the most critical time of year for a road
- Tire shreds are about 8 times better than gravel for reducing frost penetration- If subgrade soils don't freeze during winter, there will be no frost heaves and there will be no loss of stringing during the spring thaw.

Insulation Against Frost Penetration Case History

Richmond, Maine

This example comes from Richmond, Maine. This road serves 29 residences and two farms; traffic is cars, light trucks, and school buses. One day per month 10-40 fully loaded double and triple axle dump trucks haul sewage sludge to the two farms. During spring thaw the road becomes severely rutted even though existing road was surfaced with more than 18 in of clean sandy gravel and gravelly sand; subgrade soils ranged from gray silty clay to gray-brown silty gravelly sand. At the end of this project they found that the frost heave was reduced by up to 25%. Comparing temperature above and below the tire shred layer also shows the effectiveness of tire shreds.

NETC Test Road

This Road was constructed to investigate use of tire shreds to reduce frost penetration. Soil cover varied from 13 in to 19 in. Used tire chips with 3 in maximum size. A control section was built using 25 in of subbase aggregate over the subgrade soils. An underdrain was incorporated along one shoulder of the road. In the sections with 100% tire shreds the frost penetration remained in the tire shred layer or only penetrated a short depth into the subgrade soil.

Vibration Mitigation



Case History- Vasona Light Rail Project San Jose, CA

Vibration Mitigation was needed on several sections of the corridor because of the close proximity of residences and businesses. The purpose of the tire shred layer is to reduce ground bourn vibrations. The cross section consisted of 12 in Type A tire shreds, 12 in of subballast, and 12 in of ballast. The tire shreds were wrapped in geotextile. The tire shreds resulted in significant reductions in vibrations.

Landfill Applications

Due to beneficial engineering properties such as high hydraulic conductivity, high internal friction angles, and excellent heat insulation. TDA has become a viable alternative to many traditional landfill system components. It's been approved and being used in the following states; California, Florida, Maine, Mississippi, New York, Ohio, and Texas. TDA is being used in Landfills as follows:

- **LFG Collection Layers**
- **Drainage Layer in Leachate Collection Systems**
- **Drainage Layers in Landfill Covers**
- **Leachate Flow Trenches**
- **Landfill Protective Layers**
- **Daily and Intermediate Covers**

ASTM ~~ASTM~~ EPA SPECS

- ASTM D 6270-98 “Standard Practice for Use of Scrap Tires in Civil Engineering Applications” was approved in 1998. We find that most states use these specifications for civil engineering projects.
- Currently tire shreds are approved by the EPA. You can find this information on their website.

References

<http://harmonicenergyinc.com/wp-content/uploads/tire-stock-pile-landfill-waste-tyres-dump-tires-illegal-scrap-mountian.jpg>

<http://www.calrecycle.ca.gov/tires/products/Types/images/TDA.jpg>

<https://www.trb.org>

<http://www.shercomindustries.com/plugins/userData/hiltonhead.pdf>

Guidance Manual for Engineering Uses of Scrap Tires (Maryland Department of Environment's Scrap Tire Program)(Geosyntec Constultants)

Civil Engineering Applications Using Tire Derived Aggregate (Dr Dana Humphrey PHD PE Professor of Civil Engineering University of Maine)

Scrap Tires: Handbook on Recycling Applications and Management for Us and Mexico (EPA) (EPA 530-R-10-010)

Scrap Tire Cleanup Guidebook (EPA-605-B-06-001)



Cochise County
Community Development
Highway and Floodplain Division

Public Programs...Personal Service
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MEMORANDUM

Date: May 23, 2016
To: Jim Henry, Planner I
From: Karen L. Lamberton, AICP County Transportation Planner
Subject: Kramme-Tanda Solutions LLC/SU-16-09/Parcel # 305-01-019

The applicant, Lisa Kramme for Tanda Solutions LLC, is requesting a Special Use authorization to use a portion of the subject parcel for storage of crushed tire aggregate. The property is zoned RU-4, Rural, and the proposed growing and infusion processes are considered a Special Use in that zone under Sections 607.53 and 607.56 of the Zoning Regulations.

Special Use Authorization Conditions

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

1. The applicant will be required to submit a Private Maintenance Agreement per Zoning Regulation 1807.02 A with their Commercial Use Permit application.

Background

The applicant is proposing to store tire derived aggregate on a 643.63 acre site located southeast of Willcox off of Highway 186 on a private roadway located between mile markers 336 and 337. The site is owned by Mr. Klump and will be leased by the applicant for this use. Although the presenting use is storage of pre-shredded material the land use category identified by staff is a recycling facility encompassing the overarching purpose of taking one material (tires) and re-purposing them into shredded material that might be used in a number of other types of uses e.g. roadway re-surfacing materials, recycled rubber tiles, erosion or drainage fill material.

Parcel Access

The applicant's access is off of a non-county maintained roadway that connects to Highway 186. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

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520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

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

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

The private access roadway is currently not named. It also appears to intersect with a corner of an Arizona State Land Dept. parcel. A roadway easement would be required to use this section of State Lands unless historic rights (prior to Feb. 1881) exist. The applicant is cautioned that their current site plan appears to show segment of the access to the desired site along the undisturbed boundary of the State Lands and the subject parcel. This extension of the access driveway would need to be setback a minimum of 10 feet from the property line well within the subject parcel or an easement obtained from State Lands for this purpose.

Traffic Analysis

This type of use is akin to an industrial storage site. A small number of employees are anticipated; materials will be hauled in and out in bulk; sales are likely to be brokered with larger companies and not with individual buyers; sales would not occur on site.

The best match in the ITE Manual, 8th edition is light industrial (Land Use 110) with some aspects of Manufacturing (Land Use 140) and Warehousing (Land Use 150). These tend to be large scaled activities with fairly low trip generation rates per employee. The applicants are looking to use about 5 acres of the 643 acre parcel at this time; the applicants were unable to identify number of employees for this potential use but owner/operators/drivers and other staff to serve a typical unmanned industrial storage site of this size are typically under 10. An estimated trip generation for a 5 acre site with an estimated 10 employees would range between 15.3 to 44.8 vehicle trips per day. In other words, potentially between 7 and 22 vehicles or trucks per day. If only owner/operators delivered to this site the range would be on lower than this range but if the site also offered tire drop off and/or small scaled owner pick-up of materials the higher end of this range is more likely.

The proposed use, ranging from simple storage to active tire collection or shredding, would not notably change traffic volumes or traffic circulation in the area. There is one residential unit located on the northeast corner of the access roadway that would be the most impacted by the minor increase in traffic on this roadway. That property appears to be owned by a relative of the owner of the subject parcel.

Although unlikely to build out as a full residential use in this area in the foreseeable future it may be worth noting that if this parcel was planned for residential use it could place 160 homes, at existing zoning, generating an estimated 1,531 vehicle trips per day.

Advisory Notes for the Applicant

The conceptual plan is adequate for this Special Use application but may not be adequate at the Commercial Permitting stage. At the commercial permit stage additional details, including a sight distance triangle, per Zoning Regulation 1807.06 and/or Roadway Design Standards D-300, will be needed on the site plan or as a separate illustration. Clear dimensions showing the locations of the access roadway, driveway and connections to both the parcel and the storage

site will need to be shown. The applicant should provide information about how dust control will be managed on the site and use the information in this memo to more completely fill out their application for their Commercial Permit. It is understood at the conceptual stage that not all information may be fully known but once the use is approved these required details should be conveyed (e.g. Water Conservation measures are required to be described for site large than one acre and dust control measures must be described and undertaken during clearing). **Failure to provide required details on the site plan at the Commercial Permit stage may result in the application being found deficient and returned for revisions.** Checklists and examples available from the Planning and Zoning Dept. office.

Given the type of soil on the subject parcel and the severe dust-storms that can develop in northeast Cochise County it is suggested that the applicant provide gravel or some other dust control palliative on their driveways and staging areas. They are encouraged to support measures of dust control on the access roadway to their parcel as well as on-site. Dust control in this area is highly desired and the applicant is advised that failure to maintain materials on-site or control fugitive dust generated by activities on site may result in inspections and additional requirements imposed by the Arizona Department of Air Quality.

If this proposal succeeds and expansion desired in the future the applicant is advised that if they choose to obtain a more direct access route from Highway 186 they would need to obtain appropriate public or private easements across their western neighbors property and/or from the Arizona's State Land Dept. and then contact ADOT's Southeast District to obtain a ROW/Encroachment Permit. An appropriate commercial driveway apron would be required from ADOT for a new access: the applicant is advised that the existing access apron for their proposed site is the responsibility of the multiple users of that access to Highway 186 to maintain to an appropriate standard.



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Highway and Floodplain Division

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INTEROFFICE MEMO

Date: April 21, 2016
To: Jim Henry, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: SU-16-09(Kramme)

Background: The applicant is requesting a Special Use Authorization to approve a 216,225 sq ft crushed tire aggregate recycling facility on a 643.63 acres Rural (RU-4) zoned property. The proposed use is considered a recycling/solid waste transfer facility and requires a Special Use Authorization per Section 607.04 of the zoning regulations. The subject parcel, APN 305-01-019, is situated roughly a mile southeast of SR 186 on an unnamed dirt road that is located approximately ½ mile past mile marker 336 heading east bound on SR 186 and approximately 1/ mile past mile marker 337 heading west bound on SR186 on the south side of the road SE of Willcox, AZ. If is further described as being situated in a portion of Sections 28 and 29. Township 14 South, Range 26 East of the Gila and Salt River Meridian, in Cochise County, Arizona. The Applicant is Lisa Kramme. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is one mile southeast of SR 186 on an unnamed dirt road located between mile markers 336 ad 337, 5 miles southeast of Willcox, AZ
- Said unnamed dirt road has not been dedicated nor is it a county maintained road

Recommendation:

- No need for right-of-way dedication is required for the unmanned road located between mile markers 336 and 336 on SR 186 at this time.

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Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

REVIEW

To: Jim Henry-Planner I-Cochise County Community Development

From: Ruth Bigelow-Right of Way Agent

Date: April 26, 2016

Re: SU-16-09 (Kramme) Tire Recycle 305-01-019

- SSVEC has no issues with this Special Use Permit

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

Special Use Docket SU-16-09 (Kramme)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Environmental hazards and fire hazards are numerous and frightening. I have attached substantiating papers to support my concerns. Please do not allow such a facility at this site. There is a severe lack of proper fire protection here or anywhere in Cochise County. (See Attachment A)

(Attach additional sheets, if necessary)

PRINT NAME(S):

CAROL J. BRUNNER

SIGNATURE(S):

Carol J. Brunner

YOUR TAX PARCEL NUMBER: 305-08-0012 (the eight-digit identification number found on the tax statement from the Assessor's Office) 305-07-001-0

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **5 PM on Friday, May 27, 2016** to be included in the staff report to the Commission, in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Jim Henry at jhenry@cochise.az.gov that must be received by **June 7, 2016** to have your support or non-support noted verbally at the meeting. You may also personally make a statement at the **public hearing on June 8, 2016**.

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

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

COCHISE COUNTY

MAY 19 2016

PLANNING

45 E

Attachment A In reference to SU-16-09 (Kramme)

I did an Internet search, by simply typing in "tire fires in the US." and brought up numerous sites with some alarming results (see * ** which I have referenced.)

Since 1971, the U.S. Environmental Protection Agency (EPA) has estimated that at least 176 tire fires have occurred in the United States.

The EPA estimates there are at least 32 toxic gases produced by tire fires.

Using water to extinguish a tire fire is often a futile effort, because an adequate water supply is usually unavailable. Also, water sprayed on burning tires cools them down, producing an oily run-off which can contaminate nearby surface and groundwater.

Using fire-retarding foams is another possible method to extinguish a tire fire. Concentrated foams are mixed with water and sprayed through a hose. But foams can contribute to the run-off problem and are generally expensive to use due to the large amount needed to put out a tire fire.

If allowed to burn, the heat from tire fires causes some of the rubber to break down into an oily material. Prolonged burning increases the likelihood of surface and groundwater pollution by the oily material.

Along with their potential as fire hazards, tire stockpiles also provide an ideal breeding ground for mosquitoes.

In order for any chance of such a fire to be suppressed, response time must be within minutes. The local Willcox Fire Department is over 10 miles away.

The 3-strand barbwire fence, proposed for this site, would provide absolutely no protection from fire or from the toxic gases produced by the fire.

* U.S. Fire Administration (USFA) United States Fire Administration's (USFA) Technical Report Series # 093, published in December 1998. The USFA examined seven case studies from Garfield County, Washington; Washington, Pennsylvania; Cearfoss, Maryland; Chautaugua County, New York; Frankfort, Kentucky; District of Columbia; and Gila River Indian Reservation, Arizona. Each case study reviewed fires involving bulk storage of tires. This entire article may be viewed at: * <http://carolinafirejournal.com/articles/article-detail/articleid/2481/the-round-rubber-hazmat-8212-tire-fires.aspx>

**An excerpt from California tire storage regulations: Individual altered tire materials piles shall be kept sheltered from precipitation A.32.5.1.4 Altered tire material piles have been known to spontaneously combust after a heavy precipitation

Attachment A

Carol J. Brunner 46 E



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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *(Signature)*
FOR: Paul Esparza AICP, Planning Director
SUBJECT: Docket Z-16-01 (Slaughter)
DATE: May 23, 2016 for the June 8, 2016 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 ft) and RU-2 (Rural; one dwelling per 2 acres) to RU-4 (Rural; one dwelling per four acres). The subject parcel is 24.29 acres and was rezoned in 2005 from RU-4 to the current R-36 and RU-2, with the condition that any development occur under a subdivision plat. The requested rezoning will return the zoning to the original RU-4, and would permit development without a subdivision plat.

The subject parcel, APN 106-15-015C is located on E. KC Williams Lane approximately 900 feet to the east of the intersection of E. KC Williams Lane and N. Zosimo Drive. The Applicant is John Slaughter.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 24.29 acres
 Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet) & RU-2 (Rural; one dwelling per 2 acres)
 Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)
 Growth Area: B – Community Growth Area
 Plan Designation: Low Density Residential
 Area Plan: Babocomari Area Plan
 Existing Uses: Vacant
 Proposed Uses: Residential

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36 & RU-2	Vacant
South	R-36 & RU-2	Vacant
East	RU-2	Vacant
West	RU-4	Single Family Residential

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

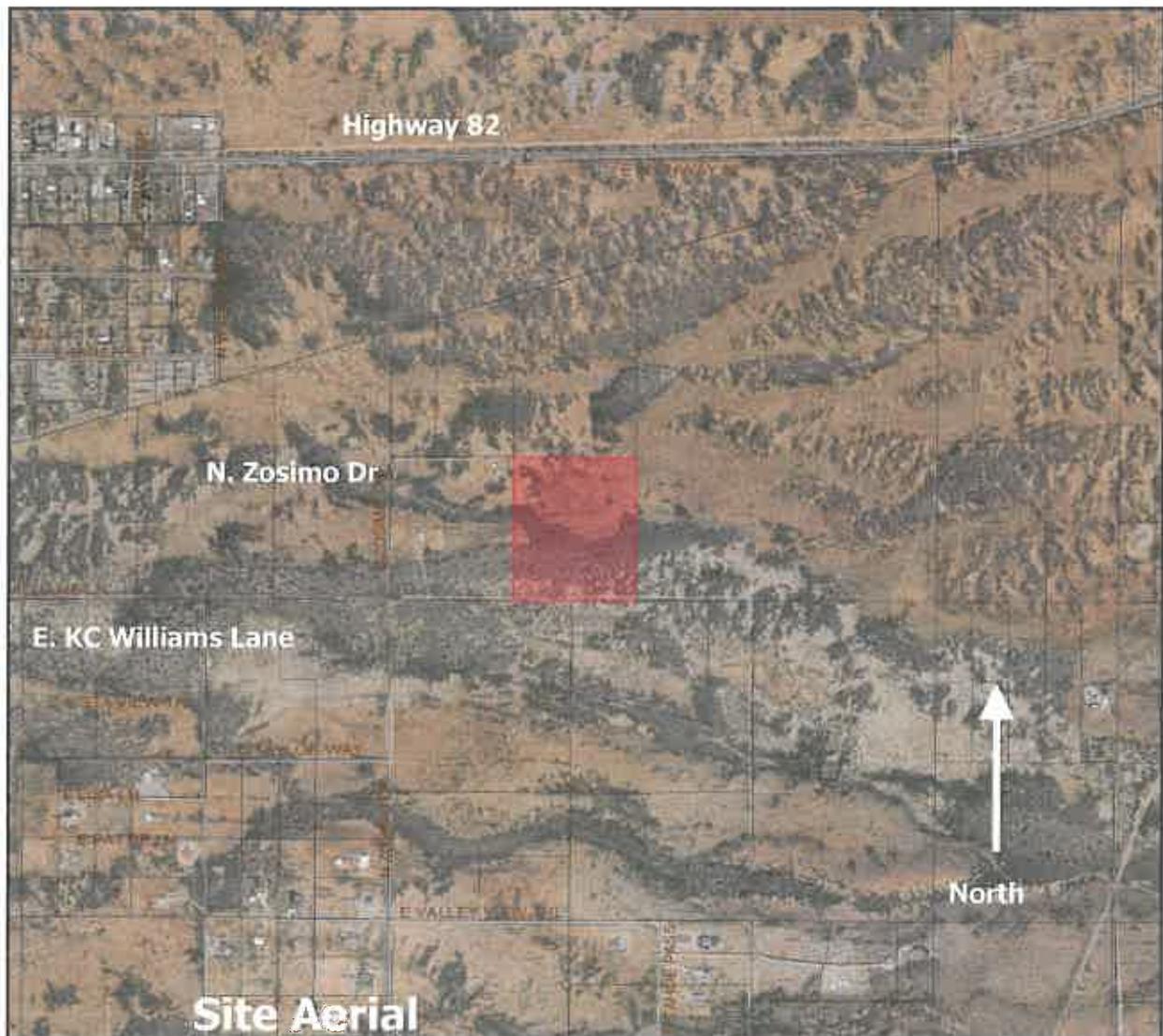
II. PARCEL HISTORY

In 2005, the Applicant applied for a rezoning from RU-4 to R-36 and RU-2, and was granted Conditional Approval (Docket Z-05-30). Approximately nine acres were granted R-36 zoning, and approximately 15 acres were granted RU-2 zoning.

III. NATURE OF REQUEST

One of the Conditions of Approval of Docket Z-05-30, as prescribed by the adopted Babocomari Area Plan, requires that any residential development at a higher density than RU-4 must proceed under the County's subdivision process. To date, no developer has initiated a subdivision process for the subject parcel. The Applicant, Mr. John Slaughter, is attempting to sell the parcel and wishes to have the zoning reverted to the original RU-4 so that the buyer may build a residence.

Under the current conditional R-36 and RU-2 zonings, the parcel could be split into as many as 16 lots per another condition of Z-05-30. If the zoning is reverted to the original RU-4, than the parcel could not be legally split into more than six lots, and if split into six, would require a subdivision plat under State Law. Therefore, the effective density is being decreased by at least 63% if the rezoning back to RU-4 is approved.

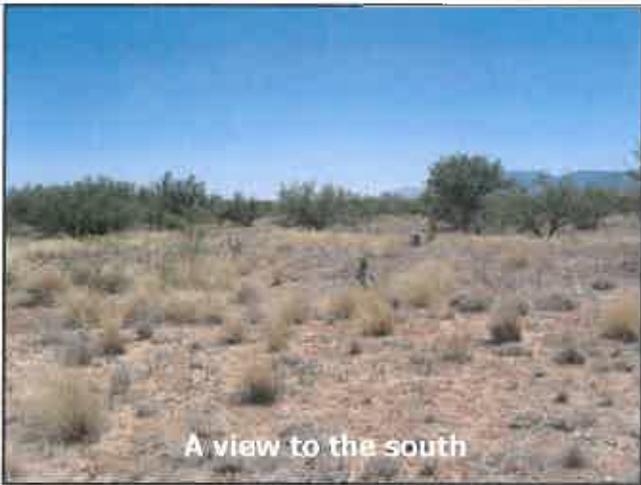




A view to the north



A view to the west



A view to the south



A view to the east



A view of the home located to the east

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "B" Community Growth Area and is considered a "Low-Density Residential" area per the Babocomari Area Plan. RU-4 zoning is permitted in the Category "B," "Low-Density Residential" areas, so this request to rezone to RU-4 complies with the Babocomari Area Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Nine of the criteria are applicable to this request, and all of the nine applicable factors are met.

1. Provides an Adequate Land Use/Concept Plan: Not Applicable

The Applicant intends to sell the parcel "as is." The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations.

2. Compliance with Applicable Site Development Standards: Complies

As noted above, the 24.29-acre site is undeveloped. Downzoning to RU-4 would not negatively impact the ability of the parcel to be developed. Any new development proposal would be subject to Rural District development standards.

3. Adjacent Districts Remain Capable of Development: Complies

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

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

There is precedent for RU-4 zoning and Rural Residential development in the immediate area; there is currently RU-4 zoning and Rural Residential development adjacent to the parcel.

6. Rezoning to More Intense Districts: Not Applicable

As indicated, this request is for a downzoning, which in this case would reduce the permitted density by approximately 63%.

7. Adequate Services and Infrastructure: Complies

The parcel and the existing road network all support the necessary infrastructure to develop the parcel under the guidelines for the RU-4 zoning designation. Power currently exists along the parcel, and area is served by private wells.

8. Traffic Circulation Criteria: Complies

This rezoning request will not alter the layout or function of the existing roadway network and will not require right-of-way dedication or off-site improvements. Rezoning from TR-36 and RU-2 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic.

9. Development Along Major Streets: Not Applicable

This parcel does not take access off a Major roadway and is not served by roads within the County Maintenance system.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

11. Unique Topographic Features: Not Applicable

As this request is for a downzoning, this factor does not apply.

12. Water Conservation: Complies

As this proposed downzoning would reduce permitted maximum density, potential water usage could decrease.

13. Public Input: Complies

As a downzoning, the Applicant was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 1,500 ft. of the subject property on May 16, 2016. Staff posted the property on May 20, 2016 and published a legal notice in the *Bisbee Observer* on May 19, 2016. No responses were received.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Complies

The subject property lies within a Category "B"– Community Growth Area and is considered a "Low-Density Residential" area per the Babocomari Area Plan. This designation is intended to create neighborhoods with lots of one-acre or more. This request would comply by creating a minimum lot size of four-acres per dwelling.

V. PUBLIC COMMENT

In response to County mailings, the Planning Department has received no response.

VI. SUMMARY AND CONCLUSION

The rezoning request is for a rezoning, from R-36 (Residential; one dwelling per 36,000 ft) and RU-2 (Rural; one dwelling per 2 acres), to RU-4 (Rural; one dwelling per four acres) on a 24.29-acre parcel located on E. KC Williams Lane approximately 900 feet to the east of the intersection of E. KC Williams Lane and N. Zosimo Drive in the Babocomari Area Plan. This request would eliminate a conditional rezoning that was approved eleven years ago requiring any residential development to occur under a Subdivision Plat. At this time, no developer had proceeded with the subdivision process, and the area is characterized by open expanses, with all current development occurring on parcels zoned RU-4. The Babocomari Area Plan designates the site for Low Density Residential. This designation constitutes a recommendation on the part of the Area Plan for a rezoning to a lower-density zoning district, providing a major Factor in Favor of Approval. A rezoning to the RU-4 district would therefore reflect the policies of the Plan, and would better reflect the existing character of the surrounding neighborhood.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Babocomari Area Plan and Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. The request would remove the conditional zoning and allow the owner to develop the property.

Factors Against Approval

None

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from R-36 (Residential; one dwelling per 36,000 ft) and RU-2 (Rural; one dwelling per 2 acres), to RU-4 (Rural; one dwelling per four acres) on a 24.29-acre parcel located on E. KC Williams Lane approximately 900 feet to the east of the intersection of E. KC Williams Lane and N. Zosimo Drive in the Babocomari Area Plan to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

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

VIII. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos
- D. AYAA Letter Z-05-30



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY REZONING APPLICATION

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

1. Applicant's Name: JOHN K. SLAUGHTER

2. Mailing Address: 275 E. OLD CHURCH RD.

Huachuca City, AZ. 85616
City State Zip Code

3. Telephone Number of Applicant: () 520-678-5896

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

5. Email Address: SLAUGHTERJ123@GMAIL.COM (all lowercase)
jsindouksvac@hotmai.com

6. Assessor's Tax Parcel Number: 106 - 15 - 015C9 (Can be obtained from your County property tax statement)

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

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

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

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

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

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

- Yes _____ No X

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

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

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

13. Indicate existing Zoning District for Property: R ? R0-2/R-36

14. Indicate proposed Zoning District for Property: R U4

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

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

16. Comprehensive Plan Designation or Community Plan: ? Low Density Residential (A County planner can provide this information.)

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

17. Describe all structures already existing on the property: None

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

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

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

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

ZOSIMO ST,

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

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

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	WELL	
Sewer/Septic	owner	
Electricity	SSVEC	
Natural Gas	owner	
Telephone	?	
Fire Protection	?	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). going back to R44

to get a building permit,

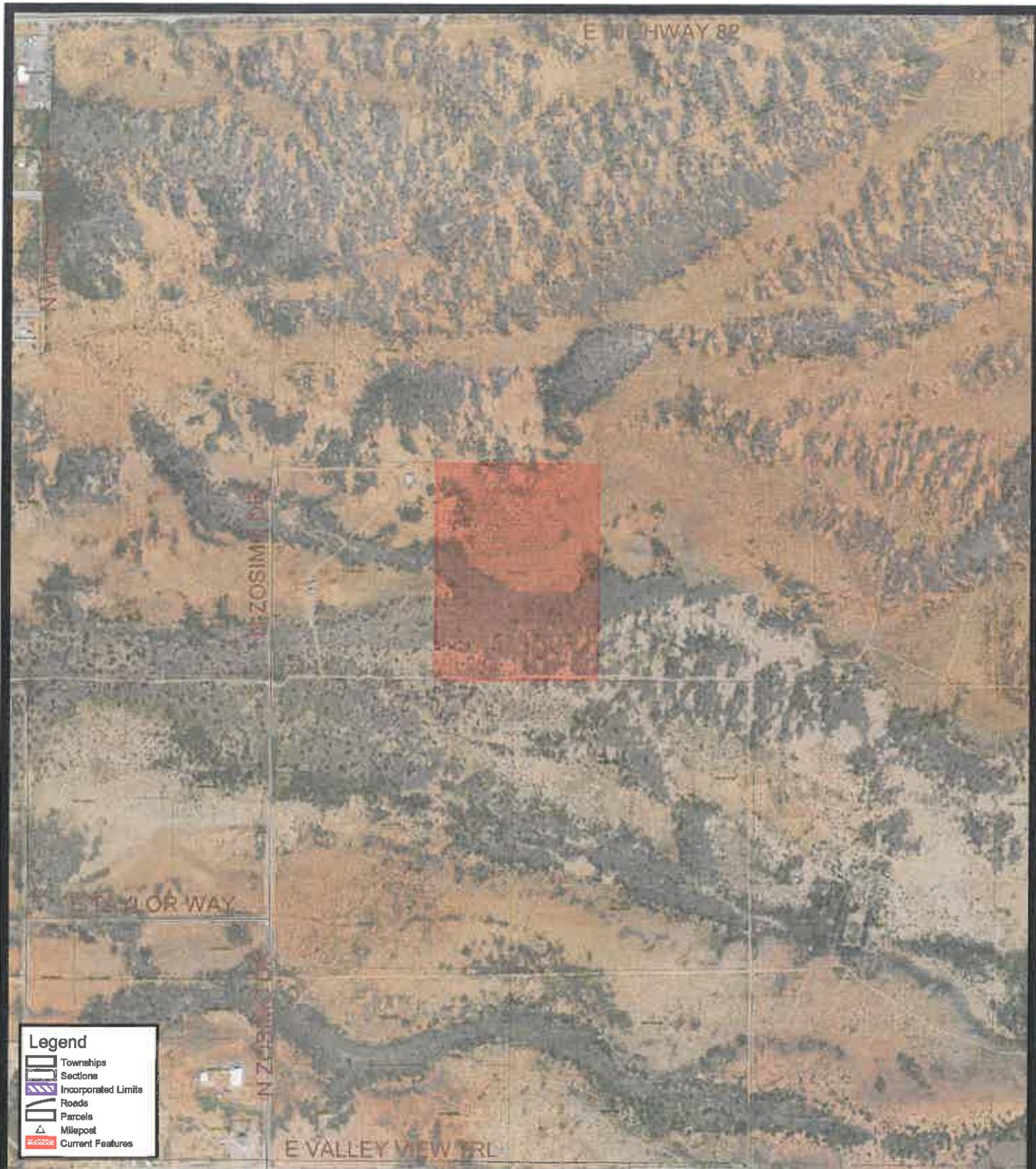
25. AFFIDAVIT

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

Applicant's Signature: John Phelan

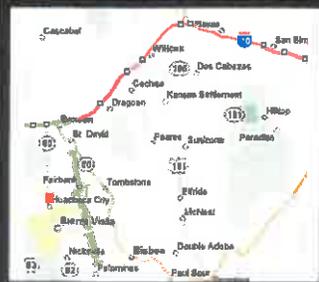
Date: 3-25-2016

56 A



Legend

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



106-15-015C

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

B

57




0 1" = 75'



**Cochise County
Community Development**

Highway and Floodplain Division

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

INTEROFFICE MEMO

Date: May 10, 2016
To: Peter Gardner, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: Z-16-01 (Slaughter)

Background: The applicant is requesting a rezoning from Conditional R-36 (Residential; one dwelling per 36,000 ft) and RU-2 (Rural; one dwelling per 2 acres) to RU-4 (Rural; one dwelling per four acres). The subject parcel is 24.29 acres in size and was zoned in 2005 from RU-4 to the current R-36 and RU-2, with the condition that any development occur under a subdivision plat. The requested rezoning will return the zoning to the original RU-4, and would permit development without a subdivision plat.

The subject parcel, APN 106-15-015C, is located on East KC Williams Lane approximately 900 feet to the east of the intersection of East KC Williams Lane and North Zosimo Drive. It is further described as being situated in Section 00 of Township 20 South, Range 20 East of the Gila and Salt River Base & Meridian, in Cochise County, Arizona. The Applicant is John Slaughter. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is Ronald Reagan Parkway to Zosimo Drive
- KC Williams Lane is not a County maintained road.
- A 60' foot easement for Zosimo Drive and a 30' easement for access from the Northwest of the subject parcel as shown of record in Book 39 of Surveys, page 17.
- Records indicate that the right-of-way for KC Williams Lane, as it adjoins the subject parcel, has not been perfected.

Recommendation:

- No need for right-of-way dedication is required for KC Williams Lane at this time.

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**Cochise County
Community Development**

Highway and Floodplain Division

Public Programs...Personal Service
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MEMORANDUM

Date: May 19, 2016
To: Peter Gardner, Planner 1
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Slaughter Re-Zoning/Z-16-01/Parcel #106-15-015C

This re-zoning proposes modifying the land designation from R-36 and RU-2 to RU-4 on this 24.29 acre parcel. Although the applicant owns a large parcel, it currently has two different zonings on it that were created as part of a much larger development scheme for the Babocomari area. As part of the conditional re-zoning in 2005, a subdivision plat was required for any development to occur. In order to place any kind of single family residential unit here for the current owner the re-zoning either needs to be reversed or a subdivision plat finalized. The applicant indicates a desire to place a mobile home on this parcel without going through a subdivision plat process.

Traffic Analysis

Access is stated by the applicant to come off of Zosimo Drive in the re-zoning application; however, that access is located east of the subject parcel and fronts onto an adjacent parcel not under the applicant's control. Access is more likely to come off of E. KC Williams Lane. None of the roads serving this area are county-maintained; during the 2005 re-zoning conditions roadway improvements were to be designed under a Road Improvement District and built during the subdivision and commercial construction phases.

The proposed use as a parcel for a mobile home would not likely change the existing traffic circulation or create any new traffic impacts. A single family residential unit, either on existing zoning or as re-zoned as RU-4, would likely generate an estimated 9.52 trips per day, per the ITE Manual, 9th edition. No special driveway requirements apply to a residential use on a non-county maintained roadway.

If the entire parcel was built out, with one residential unit per 4 acres, the average trip generation is estimated to be 57.42 vehicle trips per day. The current zoning would allow an estimated 114.84 to 262.2 vehicle trips per day. Clearly this re-zoning would reduce the potential traffic impacts on the roadway network. However, all vehicle trips that would be generated (for just one home or for six) would be entirely reliant on a privately maintained network contributing to a growing impact of this area without a plan for future improvements, maintenance or connection to the state or county maintained roadway network.

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59 C

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning is not likely to change the general nature of this land use, as it currently exists, nor is one additional single residential unit likely to adversely impact traffic circulation or trip generation in the area. However, it does continue a pattern of breaking up previously planned roadway improvements, through a subdivision process, into "wildcat" development occurring without any mechanism in place (such as the subdivision process) to improve the roadway network in this area.

Advisory Notes for the Applicant

The applicant should be advised that this re-zoning, while removing the condition to build under a subdivision plat, does not remove the condition to contribute to the existing Road Improvement District. Also, the applicant is advised that splitting the 24.29 acre into four acre parcels, as might be permitted under a RU-4 zoning, could potentially create 6 lots, exceeding the number of splits allowed by a single owner and could trigger a requirement to go through the subdivision plat process under state law even without the 2005 re-zoning condition. In addition, the applicant is advised that there are no plans at this time to bring KC Williams into the county maintained road network and roadway maintenance would be the responsibility of the property owners in the area.



COCHISE COUNTY PLANNING DEPARTMENT

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Judy Anderson, Director

February 7, 2006

Jim Huff
Shade Tree Consulting
PMB 200, 2160 E. Fry Blvd.
Sierra Vista, Arizona 85635

John Slaughter
3412 Casper Dr.
Sierra Vista, AZ 85650

RE: Docket Z-05-30, Tax Parcels 106-15-015C

Dear Mr. Huff and Mr. Slaughter:

As you are aware, at their regular meeting of February 7 2006, the Board of Supervisors voted unanimously (3-0) to approve your rezoning of approximately 9 acres from RU-4 to TR-36 and approximately 15 acres from RU-4 to RU-2 for the subject parcel located in the Babocomari Plan Area with the following conditions:

1. No building permits shall be issued for development that has not been approved through a subdivision process. All development shall be in substantial conformance with the rezoning application. Minor revisions to lot layouts and circulation shall be permitted, but the maximum number of residential units shall be no more than **16**.
2. Prior to any subdivision plat approval, the applicants shall participate in the Traffic Impact Analysis (TIA), including a traffic signal needs study required of the developers in dockets Z-05-21, which shall be submitted and approved by ADOT and the County. The developers shall participate in the cost of any outside reviews of the TIA required by the County.
3. Prior to any subdivision plat approval, a development agreement or other acceptable mechanism, shall be in place that specifies the funding, timing and responsibility for improvements identified in the approval of the Traffic Impact Analysis.
4. Prior to any subdivision plat approval, the applicants shall participate in the comprehensive hydrology report required of the developers in dockets Z-05-21, which shall be submitted and substantially approved by the County. This report, at a minimum, shall address drainage and floodplain issues associated with the subject property and adjacent lands.

Per Arizona State Law, please be aware that the new zoning does not go into effect until 30 days after the Board action (March 7, 2006). In that time, anyone can appeal the Board action to Superior Court.

Sincerely:

Mark B. Apel
Planning Division Manager

xc: Richard Searle, Supervisor District Three
Docket File

Parcel File
Debra Meyers, Zoning Log Book

61 D