



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 the 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
PLANNING DIVISION
HOURS OF OPERATION
Monday through Friday
7:30 a.m. to 5:00 p.m.
Phone: 520.432.9300
Fax: 520.432.9278**



Cochise County Planning Commission

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

**Regular Meeting
June 10, 2015
4:00 p.m.**

AGENDA

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

1. 4:00 P.M. – CALL TO ORDER.

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

3. APPROVAL OF PREVIOUS MONTH'S MINUTES

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

5. NEW BUSINESS

Item 1—(page 1)—PUBLIC HEARING Docket SU-15-08 (Long Horn Steakhouse). The Applicant is requesting a Special Use authorization to approve the replacement of an existing sign with an over-height digital sign on a GB-General Business zoned property per Section 1602.04 of the Zoning Regulations and Section 1907.02.B6 of the Sign regulations. The subject parcel, is located at 10248 N. Highway 191, Elfrida, AZ. The Applicant is Gary Bennett.

Item 2—(page 30)—PUBLIC HEARING Docket SU-15-09 (Olmstead Repair Services): The Applicant is requesting

a Special Use authorization per Section 607.31 of the Zoning Regulations, to approve a Small Engine Repair Service at an RU-4, Rural zoned property. The subject parcel is located at 7779 E. Ramsey Road in Sierra Vista, AZ. The Applicant is Kevin Olmstead.

Item 3—(page 52)—NOT A PUBLIC HEARING Docket S-12-01 (J-6 Tentative Plat): This request is for approval of a Conservation Subdivision J-6 Ranch, Lots 1-42, Block 1 and Common Areas A, B and C Subdivision (herein known as J-6 Ranch Lots 1-42) Tentative Plat. The developer is Easter Mountain Ranch LLC, represented by Mr. Stephen Lenihan. The proposed plat is located approximately three miles south of I-10 on J-6 Ranch Road.

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

1. On June 1, 2015, Mrs. Mary Gomez was appointed as Interim Planning Director. Ms. Gomez is also the Director of Cochise Health and Social Services and will serve in this new role until a permanent Director is brought on board.
2. July's agenda includes a 333-acre rezoning near Willcox, Special Uses for another 20-Megawatt solar plant and a contract construction facility, and a modification to a Special Use for an expansion of a residential care institution.
3. On May 19th, the Board of Supervisor's adopted the new Comprehensive Plan, and overturned your decision on the Medical Marijuana Special Use Authorization for the Crisantes Family.

CALL TO COMMISSIONERS ON RECENT MATTERS

6. ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
May 13, 2015
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 Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Chairman, Mr. Greene, 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 three Special Use Dockets and one Rezoning Docket on the agenda. Mr. Greene explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Patrick Greene, Liza Weissler, Tim Cervantes, Wayne Gregan, Nathan Watkins and Pat Edie) indicated their presence. Staff members present included; Beverly Wilson, Planning Director; Peter Gardner, Planner I; Jesse Drake, Planner II; and Janet Smith, Secretary II.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the April 8, 2015 meeting. **Action:** Approve

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

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

Yes: Mr. Martzke, Mr. Cervantes, Mr. Gregan, Mr. Watkins, and Ms. Edie

No: 0

Abstain: Mr. Greene and Ms. Weissler

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

NEW BUSINESS

Item 1 NOT A PUBLIC HEARING Docket S-08-02 (Red Hawk III, Unit IV

Subdivision). The Applicant is requesting a Tentative Plat extension for the Red Hawk III Subdivision located south of I-10 on J-6 Ranch Road. The Developer is Thunder Ranch Estates Unit IV, LLC, represented by Mr. Jim Vermilyea.

Chairman Greene called for the Planning Director's report. Planner II 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. She closed by listing factors in favor for and against approval and invited questions from the Commission. Mr. Greene noted that the Applicant was not present. Ms. Weissler expressed a preference that the Applicant be present.

Ms. Weissler made a motion to Table the Docket to a time uncertain, until the Applicant was able to be present. Mr. Gregan seconded the motion and Mr. Greene called for a vote. The motion passed 6-1, with Mr. Martzke abstaining.

Motion: Motioned to Table the Docket to a time uncertain. **Action:** Table to time uncertain.

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

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

Yes: Mr. Greene, Ms. Weissler, Mr. Gregan, Mr. Cervantes, Mr. Watkins, and Ms. Edie

No: Mr. Martzke

Abstain: 0

Item 2 PUBLIC HEARING Docket SU-15-07 (Swinerton Red Horse): The Applicant is requesting a Special Use authorization per Section 607.40 of the Zoning Regulations, to approve a wireless communications facility including a 90-foot tower located on State of Arizona land in Willcox, AZ.

Chairman Greene called for the Planning Director's report. Planner II 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. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. Mr. Brian Hoopes of Elk Grove, California, as a representative of the Applicant explained the request, and offered to take questions. There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler asked why the State would not permit co-location on their equipment. Ms. Drake and the Applicant explained that the State did not permit commercial co-location on their towers. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Ms. Weissler seconded the motion. There being no further discussion, Mr. Greene called for a vote. The motion passed 7-0.

Motion: Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

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

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

Yes: Mr. Martzke, Mr. Greene, Ms. Weissler, Mr. Gregan, Mr. Cervantes, Mr. Watkins, and Ms. Edie

No: 0

Abstain: 0

Item 3 PUBLIC HEARING Docket SU-03-04B (Rule):

The Applicant is requesting a Special Use Modification to expand an existing the gymnastics studio (indoor recreation) at Desert Thunder Gymnastics, per Section 607.08 of the Zoning Regulations. The subject property is located at 7557 E. Thuma Road in Sierra Vista, AZ. The Applicant is Lonnie Rule.

Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staff's analysis of the request. He closed by listing factors in favor of and against approval and invited questions from the Commission. Mr. Gregan asked for clarification of the driveways, which Mr. Gardner provided.

Mr. Greene then opened the Public Hearing. The Applicant, Ms. Lonnie Rule of Hereford, spoke, explaining the background and rationale behind the request. Mr. Greene asked for speakers.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Mr. Greene asked if there were issues with plants adjacent to the building. Mr. Gardner stated that there were no zoning or building code issues with the plants. Mr. Gregan asked if Staff was changing the recommendation regarding the driveways. Mr. Gardner stated that the conditions stood as written. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene called for a vote. The motion Passed 7-0.

Motion: Motioned to Approve the Docket with Conditions recommended by Staff. **Action:** Conditional Approval.

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

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

Yes: Mr. Martzke, Mr. Greene, Ms. Weissler, Mr. Gregan, Mr. Cervantes, Mr. Watkins, and Ms. Edie

No: 0

Abstain: 0

Item 4 PUBLIC HEARING Docket SU-06-14B (Copper Queen Clinic Palominas).

The Applicant is requesting a Special Use Modification per Section 707.05 of the Zoning Regulations, to install a new sign at the Copper Queen Community Hospital-Palominas Hereford Clinic located at 10524 Highway 92 in Palominas, AZ. The Applicant is Copper Queen Community Hospital-Palominas Hereford Clinic.

Chairman Greene called for the Planning Director's report. Planner II 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. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant's representative, Mr. Guy Shoaf of Tucson, spoke, explaining the background and rationale behind the request. He offered rebuttal to Staff's concerns, and offered to reduce the size of the sign to make it compliant with the size limitation. Mr. Shoaf offered information from the State's driver's manual to demonstrate the need for visibility that the proposed sign would provide.

Ms. Virginia Martinez of Hereford spoke in favor of the request, noting support for the clinic. She stated that she felt the improved sign visibility was important.

Mr. Jim Dickson of Bisbee identified himself as the CEO of the hospital. Mr. Dickson disputed Staff's photographs and report. He stated that "we have been overregulated like crazy." He blamed the situation on the neighbor who planted trees that obscured the sign, and explained how that influenced their request.

Mr. Jack Cook of Bisbee expressed his concerns about the sign.

There being no further speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler stated that she passes the clinic often, and questioned whether the current sign is visible. She voiced support for the request, particularly if the sign size is reduced. Mr. Gregan stated he felt that there were a number of opportunities to comply with the regulations and permitting. He defended the regulations and encouraged the Applicant to work with Staff to find a compromise. Mr. Greene concurred with Mr. Gregan's comments and expressed concern that the sign company failed to make an effort to work with the Applicant and the County to correctly permit the sign. Mr. Greene stated that he felt the issue may not be ripe, and recommended more discussion between the Applicant and Staff. Mr. Gregan asked for clarification that if the request was rejected that the Applicant could reapply with a different proposal. Ms. Drake stated that was correct, and that the Applicant would also have the option of appealing the decision to the Board of Supervisors with the current proposal.

There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Denial. Greene called for a motion. Mr. Watkins moved to table the docket until the next meeting, and Mr. Martzke seconded. The Applicant stated that they felt that the two positions were intractable, and a one-month delay would not change the proposal. After discussion, Mr. Greene called for a vote. The vote failed 2-5, with Mr. Martzke and Mr. Greene supporting the motion. Mr. Gregan made a motion to Conditionally Approve the docket, with the Conditions recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene called for a vote. The motion failed 1-6, with Ms. Weissler voting in favor.

Motion: Motioned to Table the docket until the June meeting. **Action:** Table to time certain.

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

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

Yes: Mr. Martzke and Mr. Greene

No: Mr. Gregan, Ms. Weissler, Mr. Cervantes, Mr. Watkins, and Ms. Edie

Abstain: 0

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

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

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

Yes: Ms. Weissler

No: Mr. Martzke, Mr. Gregan, Mr. Greene, Mr. Cervantes, Mr. Watkins, and Ms. Edie.

Abstain: 0

Item 5 PUBLIC HEARING Docket CP-14-01 (Re-Adoption of the Cochise County Comprehensive Plan).

This docket is a review by the Commission of the changes made to the Cochise County Comprehensive Plan on March 24, 2015, by the Cochise County Board of Supervisors when they

adopted the Comprehensive Plan with the exception of language found in Element F: Federal Government Coordination Element, Goal 1 Policies a, and c; Goal 3; Goal 3 Policies a, d, and i; and Element I Rural Character Element, Goal 1, Policies b, c, d, e, and f.

Chairmen Greene called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the Board's changes and the legal basis for the hearing.

Mr. Greene discussed how to handle the request and expressed opposition to accepting the changes. Ms. Weissler asked if the Board rejects the Commission's recommendation does it come back to the Commission. Ms. Wilson explained that the Board's decision on this recommendation would be the final decision. Ms. Weissler stated she felt the Commission's work was good and should be approved, and any changes from the Board should fall on the Board without the Commission's "rubber stamp". Mr. Greene agreed and questioned the County's ability to require the Federal Government to consider County policy. Mr. Gregan explained his take on the Board's rationale and stated that Federal involvement was a major problem in the County. Ms. Weissler stated that she felt the language was unenforceable and suggested making a motion to reject the Board's changes.

Mr. Greene then opened the Public Hearing

Ms. Mary McCool of the Mescal/J-6 CDO spoke, asking the Commission to uphold their recommendations to the Board of Supervisors.

Mr. Jack Cook of Bisbee expressed his concerns.

There being no further speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Mr. Gregan expressed support for the Commission's work, and noted that it was likely that the Board would keep their own changes, and therefore not much time should be spent on the issue. Ms. Weissler and Mr. Martzke agreed. There being no further discussion, Mr. Greene called for a motion. Mr. Martzke made a motion to forward the docket to the Board of Supervisors as originally recommended by the Commission. Mr. Cervantes seconded the motion and Mr. Greene called for a vote. The motion passed 7-0.

Motion: Motioned to Forward the Docket with a recommendation of keeping the original language recommended by the Commission. **Action:** Forward with recommendation of rejection.

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

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

Yes: Mr. Martzke, Mr. Greene, Ms Weissler, Mr. Gregan, Mr. Cervantes, Mr. Watkins, and Ms. Edie

No: 0

Abstain: 0

PLANNING DIRECTOR'S REPORT:

1. The Board of Supervisors approved the rezoning docket that you sent to them last month.
2. June's dockets include a Special Use Authorization request for a digital sign in Elfrida and a special use for small engine repair near SV.

3. The Medical Marijuana docket has been appealed to the Board, and will be heard on May 19th at their regular meeting.
4. Ms. Wilson announced her retirement from the County, effective June 5.

CALL TO COMMISSIONERS ON RECENT MATTERS: The Commission voted unanimously to recognize Ms. Wilson's service to the County and the Commission.

ADJOURNMENT – Ms. Edie moved to adjourn, Mr. Martzke seconded, and the meeting was adjourned at 5:58 pm.

From: Dist3c [Dist3c@cochise.az.gov]
Sent: 5/13/2015 11:39:09 AM
To: jvmartzke@powerc.net [jvmartzke@powerc.net]
Subject: Comprehensive Plan strikes
Attachments: [May 13 P&ZComp strikes.pdf](#) (1213.12 Kb)

Hi Jim,

The attached pages (3) were sent to me. I will not be able to go to the meeting this afternoon and appreciate that you can share this information with the other Commissioners.

My sentiment is that we all labored in good faith to refine and incorporate the desires of the citizen input we received. The various groups also labored to have their contributions considered. To simply remove the language without further discussion is an affront to both efforts. I do not feel that is a good position for public servants.

I wish that staff had been more forthcoming on their worries so that in the work sessions we could have chosen words more acceptable to their perspective yet still incorporate the expressed desires of the citizen input. But that is OK, we know now and can hit the Thesaurus for alternate verbiage. That said I think it will require one more work session to incorporate all the perspectives. The other plus is now we have a system for looking at everything together which will allow us to move it along quickly to the BOS again.

I reiterate the strikes as presented by staff are not acceptable. We can accomplish both objectives efficiently.

The following is a synopsis of the strikes and the affect as relayed to me by one of the citizen groups and several individuals:

1) Staff Memo to the BOS: 1) Removes 4 policies

2) Copy of posting of tracked changes: 1) Commission Agenda removes 5 (It appears G is really supposed to be F)

2) G which should read F is the only place where a clear summation of what Rural Character includes in the Comprehensive Plan is expressed. It addresses Open space, Buffers, Watersheds, Scenic byways, Viewshed considerations

as well as assures citizens the County intends to work with citizens as readily as they intend to work with various government agencies.

3) PNZ power point slide to BOS: The statement that regulatory language, issues outside county authority is incongruous with the comprehensive plan as the plan is a mandate as a guide for county policy and growth & it is utilized in other county's Comp. Plans.

Thank you so very much for your efforts.

Carmen

P.S. You can feel free to use your own words to express this communication. Your expression will probably clarify the concerns best!

Staff agrees with the majority of the language added or amended by the Commission. However, there is concern with the additional language added to the new Element I. Rural Character. Staff attempted to avoid regulatory language such as the word 'shall', language that is vague and unclear, and any language that could be perceived as unfriendly to development or new business ventures in the County. The new language is in the form of policies, added to Goal 1, and is shown below:

- b. *Industrial uses are discouraged along scenic corridors or at community gateways. Site design of commercial uses shall enhance and protect the aesthetic quality of community gateways and scenic corridors.*
- c. *Future commercial uses shall be located in existing communities and population centers.*
- d. *Wireless Communication Towers ^{should} shall be sited in a manner that is in harmony with neighborhood character, scenic resources, wildlife and their habitat, and the surrounding environment. Page 21*
- e. *Encourage installation of utilities in a manner compatible with the community character, scenic resources, and ecological conditions.*
- g. *The County will work with landowners and agencies to protect open lands for the purposes of preserving scenic viewsheds, preventing the fragmentation of open lands, preserving important wildlife habitat, protecting watersheds, providing buffers between developed areas, and protecting environmentally sensitive lands.*

In addition, the Arizona Corporation Commission and the Federal Communication Commission have established rules and regulations for utilities and wireless communication towers that supersede the County's authority to regulate. The current Zoning Regulations address the issues the County can regulate with regard to these two items that are spelled out in the new language.

VI. ARIZONA REVISED STATUTES

The following Arizona Revised Statutes regulate the re-adoption of this Plan.

11-805H. After the commission recommends the comprehensive plan or any section of the plan, the plan shall be submitted to the board of supervisors for its consideration and official action.

I. Before the adoption, amendment or extension of the plan, the board shall hold at least one public hearing on the plan. After the board considers the commission's recommendation and any recommendations from the review required under subsection F of this section, the board shall hold at least one public hearing at which residents of the county shall be heard concerning the matters contained in the plan. At least fifteen days' notice of the hearing shall be given by one publication in a newspaper of general circulation in the county seat. The board shall consider protests and objections to the plan and may change or alter any portion of the comprehensive plan. However, before any change is made, that portion of the plan proposed to be changed shall be re-referred to the commission for its recommendation, which may be accepted or rejected by the board.

J. The board of supervisors may adopt the county comprehensive plan as a whole or by successive actions adopt separate parts of the plan. The adoption or readoption of the

Policies

a. With property rights considered, protect rural character from the intrusion of urban uses and recognize that resources, such as agricultural lands, open space, and scenic view sheds, provide economic, social, and environmental benefits.

b. Industrial uses are discouraged along scenic corridors or at community gateways. Site design of commercial uses shall enhance and protect the aesthetic quality of community gateways and scenic corridors.

~~f. Future commercial uses shall be limited in existing communities and population centers.~~

~~1. Wireless Communication Towers shall be sited in a manner that is in harmony with neighborhood character, scenic resources, wildlife and their habitat, and the surrounding environment.~~

~~g. Encourage installation of utilities in a manner compatible with the community character, scenic resources, and ecological conditions.~~

~~g. The County will work with landowners and agencies to protect open lands for the purposes of preserving scenic viewsheds, preventing the fragmentation of open lands, preserving important wildlife habitat, protecting watersheds, providing buffers between developed areas, and protecting environmentally sensitive lands.~~

c.k. Maintain and enhance a reasonable and diverse overall level of rural development that balances the need for rural growth against impacts on rural character. Leave as is

d.l. Encourage conservation design practices and other land use strategies, such as conservation subdivisions and cluster development for new residential and commercial projects.

e.j. Encourage protection of Cochise County's scenic resources and recognize these resources are a vital part of the county rural character by discouraging development which has the potential to seriously compromise viewshed integrity.

f.h. Recognize the importance of rural, native-surfaced roads for the purpose of protecting rural character and ensure that these roads help to maintain this character when considering new road improvement standards.

g.i. Support the establishment of voluntary County transfer of development rights (TDR) programs with landowners who adopt conservation easements to preserve habitat.

h.m. Develop a recognition program to encourage habitat protection and enhancement, to recognize efforts by individuals, communities, and developers.

VII. SUMMARY AND CONCLUSION

Arizona Revised Statutes Article 11-805 directs the Board of Supervisors to hold a public hearing, and allows them to make changes or alter the Comprehensive Plan. However, prior to adopting those changes, the Statutes require "...that portion of the Comprehensive Plan proposed to be changed to be re-referred to the Commission for its recommendation, which may be accepted or rejected by the Board." The Board will hear your recommendations on Tuesday, May 19, 2015.



Changes

◆ **The Commission has added language to the Rural Character Element:**

- **Five policies were added to Goal 1**
 - **Regulatory language**
 - **Issues are outside the County's authority**
 - **Questionable Business Friendly tone**

?



DATE: May 13, 2015
TO: Planning and Zoning Commissioners
RE: Item 5, Public Hearing Docket CP-14-01

Planning and Zoning Commissioners:

The J-6/Mescal Board of Directors and Comp Plan Study group are most appreciative of your efforts in reviewing the Comprehensive Plan Revision so that it becomes a more meaningful guidance document. Our study group looked at many County Comp Plans and felt that our previous suggestions submitted were within the scope and governance of such a Plan.

We are confused as to what has come down after your submittal to the BOS:

1. Why didn't staff present the Commissioners with the same concerns/opposition to the Rural Policy additions that were in a staff memo to the BOS. – See Attachment 1, Attachment 2

Letting the Commissioners know that staff was opposed to these policies during a work session would have allowed regulatory language to be tweaked, perhaps more friendlier terms could have been found to guide businesses. Commissioners would then also have the knowledge as to what issues addressed by their submitted policies were outside the County Authority. We do not understand what Statutes are different for Cochise County than Coconino, etc.

2. In your packet, track changes show that only 4 of the 5 policies are being removed. However, there is a discrepancy with the wording of Agenda Item 5 that indicates all 5 policies added (b,c,d,e,f (labeled g in the Plan) are being removed. See Attachment 3.
3. Rural Character is one of the least defined Elements in the Plan. The original language did not give a sense of what is being protected. Guiding the location of Industry is a significant component that can be addressed by a Comprehensive Plan, as well as minimizing impacts by Wireless Cell Tower Communication, and if f/g is struck, a critical summary of attributes for rural character is removed along with the assurance that the County will work with landowners and agencies to retain Rural Character...the focus gets diverted to the County and the Federal Government.

f/g The County will work with landowners and agencies to protect open lands for the purpose of

- preserving scenic viewsheds,
- preventing fragmentation of open lands,
- preserving important wildlife habitat,
- protecting watersheds,
- providing buffers between developed areas,
- and environmentally sensitive lands.

AT A MINIMUM, PLEASE RETAIN POLICIES B, D, AND G.

Sincerely,
Mary McCool, Chair
For the J-6/Mescal CDO Board and Community Comp. Study Group

3111 CLARK ROAD
BENSON, ARIZONA 85602

PH: (520) 609-2738
FAX : (520) 575-1020

info@cdonewsletter.com

Staff agrees with the majority of the language added or amended by the Commission. However, there is concern with the additional language added to the new Element I. *Rural Character*. Staff attempted to avoid regulatory language such as the word 'shall', language that is vague and unclear, and any language that could be perceived as unfriendly to development or new business ventures in the County. The new language is in the form of policies, added to Goal 1, and is shown below:

- b. Industrial uses are discouraged along scenic corridors or at community gateways. Site design of commercial uses shall enhance and protect the aesthetic quality of community gateways and scenic corridors.*
- c. Future commercial uses shall be located in existing communities and population centers.*
- d. Wireless Communication Towers shall be sited in a manner that is in harmony with neighborhood character, scenic resources, wildlife and their habitat, and the surrounding environment. Page 21*
- e. Encourage installation of utilities in a manner compatible with the community character, scenic resources, and ecological conditions.*
- g. The County will work with landowners and agencies to protect open lands for the purposes of preserving scenic viewsheds, preventing the fragmentation of open lands, preserving important wildlife habitat, protecting watersheds, providing buffers between developed areas, and protecting environmentally sensitive lands.*

In addition, the Arizona Corporation Commission and the Federal Communication Commission have established rules and regulations for utilities and wireless communication towers that supersede the County's authority to regulate. The current Zoning Regulations address the issues the County can regulate with regard to these two items that are spelled out in the new language.

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J. The board of supervisors may adopt the county comprehensive plan as a whole or by successive actions adopt separate parts of the plan. The adoption or readoption of the



Changes

- ◆ **The Commission has added language to the Rural Character Element:**
 - **Five policies were added to Goal 1**
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Policies

a. With property rights considered, protect rural character from the intrusion of urban uses and recognize that resources, such as agricultural lands, open space, and scenic view sheds, provide economic, social, and environmental benefits.



b. Industrial uses are discouraged along scenic corridors or at community gateways. Site design of commercial uses shall enhance and protect the aesthetic quality of community gateways and scenic corridors.

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~~c. Future commercial uses shall be located in existing communities and population centers.~~

~~d. Wireless Communication Towers shall be sited in a manner that is in harmony with neighborhood character, scenic resources, wildlife and their habitat, and the surrounding environment.~~

~~e. Encourage installation of utilities in a manner compatible with the community character, scenic resources, and ecological conditions.~~

~~f. The County will work with landowners and agencies to protect open lands for the purposes of preserving scenic viewsheds, preventing the fragmentation of open lands, preserving important wildlife habitat, protecting watersheds, providing buffers between developed areas, and protecting environmentally sensitive lands.~~

c.h. Maintain and enhance a reasonable and diverse overall level of rural development that balances the need for rural growth against impacts on rural character. Leave as is

d.i. Encourage conservation design practices and other land use strategies, such as conservation subdivisions and cluster development for new residential and commercial projects.

e.j. Encourage protection of Cochise County's scenic resources and recognize these resources are a vital part of the county rural character by discouraging development which has the potential to seriously compromise viewshed integrity.

f.k. Recognize the importance of rural, native-surfaced roads for the purpose of protecting rural character and ensure that these roads help to maintain this character when considering new road improvement standards.

g.l. Support the establishment of voluntary County transfer of development rights (TDR) programs with landowners who adopt conservation easements to preserve habitat.

h.m. Develop a recognition program to encourage habitat protection and enhancement, to recognize efforts by individuals, communities, and developers.

VII. SUMMARY AND CONCLUSION

Arizona Revised Statutes Article 11-805 directs the Board of Supervisors to hold a public hearing, and allows them to make changes or alter the Comprehensive Plan. However, prior to adopting those changes, the Statutes require "...that portion of the Comprehensive Plan proposed to be changed to be re-referred to the Commission for its recommendation, which may be accepted or rejected by the Board." The Board will hear your recommendations on Tuesday, May 19, 2015.



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, Planner II *JD*
FOR: Beverly Wilson, Planning Director *BW*
SUBJECT: Docket SU-15-08 (Longhorn Steakhouse)
DATE: May 28, 2015 for the June 10, 2015 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve the replacement of an existing sign with an over-height digital sign on a GB-General Business zoned property. The sign is located on the adjacent parcel to the south, APN 403-32-032B, that is a part of the restaurant site and is also owned by the applicant. The proposed use is considered a Special Use in Section 1602.04 of the Zoning Regulations and Section 1907.02.B6 of the Sign regulations. The subject parcel, APN 403-32-032C is located at 10248 N. Highway 191, Elfrida, AZ. It is further described as being situated in Section 21 of Township 20 South, Range 26 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Gary Bennett.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 0.42 acres
 Zoning: GB, General Business.
 Growth Area: Category C
 Comprehensive Plan Designation: Developing
 Area Plan: Elfrida, Enterprise Zone
 Existing Uses: Longhorn Steakhouse Restaurant
 Proposed Uses: Same with new sign

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	GB-General Business	Commercial
South	GB-General Business	Part of Restaurant
East	GB-General Business	Mixed vacant and parking
West	R-9	N Van Meter/N Aspen/W Spruce intersection then residential

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

II. PARCEL HISTORY

- 1976 - Restaurant/bar constructed.
- July 1993 – First Liquor license granted.
- July 1999 – Permit for construction of enclosed patio.
- October 2008 – Permit for construction of a covered patio.
- July 2003 – Commercial construction permit final.

III. NATURE OF REQUEST



Aerial of restaurant showing sign location



Digital sign with scrolling text above illuminated unmoving chevron design



Digital sign adjacent to parking area

The Applicant is requesting a Special Use to authorize the replacement of a non-digital sign with an over-height partially-digital sign that was installed without a permit, located adjacent to the parking lot at the Longhorn Steakhouse, a GB-General Business zoned property on Highway 191 in Elfrida, Arizona. The restaurant building is located on more than one parcel in the Enterprise Zone of the Elfrida Area Plan.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

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

Seven of the ten factors apply to this request. The project, as submitted, complies with four of those seven factors, complies with one factor if waivers are granted and does not comply with one factor. The five remaining factors do not pertain to this application.

A. Compliance with Duly Adopted Plans: Complies

The commercial sign for the Longhorn Steakhouse is located in the Enterprise District of the December 2, 2003 adopted ELFRIDA AREA PLAN.

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

The proposed sign does not change the land use of the restaurant.

C. Development Along Major Streets: Complies

The site takes access directly onto Highway 191 and the addition of the proposed sign will not

change the existing access, no new access points are proposed.

D. Traffic Circulation Factors: Not Applicable

There digital sign does not create any new traffic patterns or congestion on the existing streets.

E. Adequate Services and Infrastructure: Not Applicable

No new services are proposed for the sign modification.

F. Significant Site Development Standards: Complies with waivers.

The County Transportation Department reports that there is no sight visibility obstruction or setback encroachment from the sign placement.

Section 1907.02.B.1: the sign conforms to ground sign requirement.

Section 1907.02.B.2.b: the sign conforms to the red letters on black background required for a digital sign.

However the sign, already installed, does not conform to three of the County sign regulations in Article 19 of the Zoning regulation and the applicant is requesting a waiver of these three items:

Section 1907.02.B.3 of the Zoning regulations limits signs in the GB zoned district to 60-inches in height. The installed sign is 85-inches high, exceeding the maximum height limitation by 25-inches.

The applicant is requesting a waiver of the height limitation to allow the sign to remain at 85-inches high.

Section 1907.02.B6 of the Zoning regulations requires that scrolling messages remain in place for five minutes before the messages changes. The scrolling message on the installed sign changes its message every three seconds.

The applicant is requesting a waiver of the scrolling message board timing to allow the message to change every three seconds.

Section 1907.02.B7 of the Zoning regulations permits only on-site advertising on a digital message board. The digital message board on the installed sign displays advertising for off-site events and activities.

The applicant is requesting a waiver of the on-site advertising requirement to allow the digital display of off-site messages including information about community events.

G. Public Input: Complies

The Applicant sent letters to all property owners within 300-feet of the parcel to notify them of his application and to address any neighbor concerns. This notification produced nine letters in support of this sign authorization request.

H. Hazardous Materials: Not Applicable

I. Off-Site Impacts: Does not comply

Section 1907.02.B.2: sign conforms *seasonally* to illumination from sunrise to sunset requirement as the sign is illuminated from 9 AM to 9 PM.

Section 1907.02.B.2.a: as installed the digital sign exceeds the 200 nits' maximum allowed in Table 16.1 of Article 16. The sign is illuminated at 1.92 lumens per pixel with 2500 pixels in the

total digital sign area, equaling a total maximum illumination count for the digital portion of the sign of 4800-5000 nits (see Attachment B).

J. Water Conservation: Not Applicable

The sign does not require water.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The applicant is requesting a waiver of Section 1907.02.B.3 the height limitation to allow the sign to remain at 85-inches high.

The applicant is requesting a waiver of Section 1907.02.B6 the scrolling message board timing to allow the message to change every three seconds.

The applicant is requesting a waiver of Section 1907.02.B7 the on-site advertising requirement to allow the digital display of off-site messages including information about community events.

Staff supports these waiver requests.

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 300-feet of the subject property. Staff posted the property, and published a legal notice in the Bisbee Observer on May 21, 2015. The Applicant provided nine letters in support; however in response to the County mailings, the Planning Department received no letters.

VII. SUMMARY AND CONCLUSION

The applicant installed this digital sign without a permit and the request to authorize the replacement of a non-digital sign with an over-height partially-digital sign in Elfrida, Arizona comes after-the-fact and is out of conformance with several factors in the analysis of impacts. However there is strong community support for this application and the sign is compatible with the current surrounding commercial development in the rural community.

The applicant is requesting three waivers:

1. For the height.

Staff supports the requested waivers for the height limitation due to the sign location adjacent to the parking lot, as the digital display would be easily blocked by vehicles in the parking lot if the sign was installed at a lower level.

2. For the message scrolling timing that changes every three seconds instead of every five minutes as identified in Section of 1907.02.B6 of the sign regulations.

Staff supports this request since the United States Sign Council defines flashing signs as those with messages that change every four seconds or less and digital signs are defined in Section 1603 of the County Light Pollution code, in part, as "flashing".

3. For the message display since the zoning regulations do not authorize off-site sign displays.

Staff supports this request since at this time the digital sign is providing a community service by displaying notices of local events such as school meetings

The sign illumination is overly bright, and although the sign is turned off after 9PM and there have been no complaints to date, this illumination is in direct conflict with the County's recently adopted Comprehensive Plan goal of dark night skies. Staff recommends that the sign

illumination be brought into conformance with the sign regulations maximum 200-nit illumination limit for a digital sign in order to further the Comprehensive Plan goal of maintaining dark night skies. (See Condition 3)

It must be noted that the Special Use authorization is a permanent permit that runs with the land and any authorizations would not be able to be rescinded should the community character change over time. It is also important to note that the County provides enforcement based on complaints, so non-compliance with any portions of the authorization would be enforced in future complaint actions.

Factors in Favor of Approving the Special Use

1. With the recommended waivers and Conditions of Approval, the proposed use would comply with five of the seven factors, used by staff to analyze this request;
2. The Applicant submitted nine letters favorable to this request; and
3. Staff has received no letters in opposition have been received.

Factors Against Allowing the Special Use

1. The request does not comply with the sign illumination requirements in the County sign regulations.

VIII. RECOMMENDATION

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant; and
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
3. The applicant shall modify the sign illumination to be in conformance with the digital sign illumination standards permitted in the County sign regulations.

Staff further recommends that the following Waiver of development standards be applied to the use:

1. A waiver of the 60-inch sign height limitation of in Section 1907.02.B.3 of the Zoning regulations, to allow the sign to be 85-inches high.
2. A waiver of Section 1907.02.B6 to allow the scrolling message board on the digital sign to change every three seconds.
3. A waiver of Section 1907.02.B7 of the sign code to allow off-site messages on the digital sign.

VIII. RECOMMENDATION

Based on the factors against approval, Staff recommends **Conditional Approval** of the Special Use request.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-15-08, based on the recommendations by staff; the Factors In Favor of Approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Application
- B. Sign illumination information
- C. Waiver request letter
- D. Agency comments
- E. Public comments



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SU-15-08
 (LONGHORN STEAKHOUSE)

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

TAX PARCEL NUMBER 2103-32-032C

APPLICANT Gary Bennett

ADDRESS PO Box 574 Elfrida 10348 N HWY 191

CONTACT TELEPHONE NUMBER 520-508-0500

EMAIL ADDRESS: OUTWEST2000@yahoo.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

ADDRESS _____

DATE SUBMITTED 4-21-15

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
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A

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? Restaurant

2. What is the proposed use or improvement? Replace Sign

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties?

Advertising Restaurants. Some Community activity activities.

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

NA

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal) N/A

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

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 11:00 AM to 6:00 PM)

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

C. Total average daily traffic generated:

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

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

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

(4) If more than one direction, estimate the percentage that travel in each direction 50%/50%

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

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 _____ per year _____

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

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

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

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

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

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

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

Attached NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	ElBrida Water Co.	
Sewer/Septic	Septic	
Electricity	CSUEC	
Natural Gas	SWG.	
Telephone	Valley	
Fire Protection	ElBrida Fire.	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Parking

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

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

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

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

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

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

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

A. 4x6 B. _____ C. _____ D. _____

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

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

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

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

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

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

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

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

SECTION C - Water Conservation and Land Clearing

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

N/A

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

SECTION D - Hazardous or Polluting Materials

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

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

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

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

SECTION E - Applicant's Statement

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

Applicant's Signature Gary Bennett

Print Applicant's Name Gary Bennett

Date signed 4-21-15

Subject: RE: Contact Form
From: Vanessa Cleckler (vcleckler@EBSCO.COM)
To: outwest7000@yahoo.com;
Date: Thursday, February 19, 2015 6:44 AM

From: Paul Douglas
Sent: Wednesday, February 18, 2015 7:33 PM
To: Vanessa Cleckler
Cc: Monty Gentry
Subject: RE: PLED Question

Vanessa,

The short answer is the Lumens/pixel on our portable LED sign is 1.92 Lumens each. The trouble with that is making sense of what that means as lumens is usually the unit of measure for a light bulb or fluorescent lamp.

1 Lumen = 1 cd (candela)

In the LED industry LED display brightness is measured by a cluster of pixels which takes into account the density (the closer the pixels are together) which is the number of millicandelas per square meter at a certain distance at a certain viewing angle and results in a unit of measure known as a NIT rating. A chromameter is the scientific instrument used to measure this brightness level.

1 mcd/m² = NIT

The NIT rating for our all red monochrome pixels spaced 20mm apart for our portable LED product is 5000 NITs.

In 1 sq. meter @ 20mm a part there are (50 pixels x 50 pixels) = 2500 pixels

We operate these LEDs at a little less than maximum for less heat and a longer lifespan.

Each pixel has a capable output of 2 Candelas but we operate ours at 1.92 Candelas or Lumens each.

1.92 Lumens = 1.92 Candelas

1.92 x 2500 pixels = 4800 NITs or if run at maximum capability 5000 NITs.

I hope this helps you and your customer understand and hopefully give them what they need.

B-15

Sincerely,

Paul Douglas

Engineering Manager

EBSCO Sign Group

EBSCO Sign Group, LLC pdouglas@wi.ebsco.com
1400 8th Street North (205) 755-5580 ext. 7258 - Office
Clanton, AL 35045 (205) 915-0904 - Mobile

Vanessa Cleckler

Customer Service

EBSCO Sign Group

Outdoor Signs America vcleckler@ebsco.com
1400 8th Street North 1-800-225-3148 ext. 7262 - Office
Clanton, AL 35045 1- (205) 280-0385 - Fax

From: gary bennett [mailto:outwest7000@yahoo.com]
Sent: Tuesday, February 17, 2015 1:41 PM
To: Vanessa Cleckler
Subject: Re: Contact Form

Are Nits the same as lumens, because they are asking specifically for the "lumens" and it's the portable LED not the Economy.

Thanks

B-16

5/8/2015

Longhorn Steakhouse

10348 N HWY 191

Elfrida, AZ 85610

COCHISE COUNTY

MAY 08 2015

PLANNING

RE: SU-15-08 (Longhorn Steakhouse)

1. See attached documentation from Engineering Dept. at Outdoor Signs America.
2. Hours of Operation are 9:00 am-9:00pm.
3. The top of the sign is exactly 85" from the ground.

Please consider a waiver for these items:

1. The sign would remain at 85"
2. The scroll timing would be every 3 seconds
3. We would be allowed to continue to advertise community events.

Thank you,

Vicki Treiber

Gary Bennett

C-17

Drake, Jesse

From: Capas, Carol
Sent: Thursday, April 23, 2015 11:07 AM
To: Drake, Jesse
Subject: RE: Transmittal SU-15-08 (Longhorn Steakhouse)

Jesse,

The Sheriff's Office does not have any issues related to this application.

Thank you,

Cc

From: Drake, Jesse
Sent: Thursday, April 23, 2015 10:53 AM
To: Call, Pat G; Capas, Carol; Dist1a; Dist1b; Dist1c; Dist2a; Dist2b; Dist2c; Dist3a; Dist3b; Dist3c; English, Ann S; Flores, Dora V; Hanson, Britt W; Hudgins, Pamela A; Izzo, Michael D; Lamberton, Karen L; Searle, Richard R; Wilson, Beverly J
Subject: Transmittal SU-15-08 (Longhorn Steakhouse)

For review and comment.

Jesse Drake

Planner II

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

Public Programs...Personal Service

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**Cochise County
Community Development**

Highway and Floodplain Division

Public Programs...Personal Service

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MEMORANDUM

Date: April 28, 2015
To: Jesse Drake, Planner II
From: Dennis Donovan, P.E. - Civil Engineer II
For: Karen Lamberton, AICP – Transportation Planner
Subject: SU-15-08 (Longhorn Steakhouse)

This request is for the authorization for a sign replacement at the subject business at 10248 N. Highway 191 in Elfrida, Arizona. A field review indicated that the sign, which has already been replaced, does not create a sight distance obstruction nor does it appear to have encroached into the minimum requirement of a 10 foot setback distance from the right-of-way line. It may pose a distraction for passing traffic, but as a special use the Transportation Planning Department has no objection to granting this request.

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520-432-9337 fax
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planningandzoning@cochise.az.gov

D-19



**Cochise County
Community Development**

Highway and Floodplain Division

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www.cochise.az.gov

INTEROFFICE MEMO

Date: April 24, 2015
To: Jesse Drake, Planner II
From: Pam Hudgins, Right-of-Way Agent II
Subject: Special Use Permit for Longhorn Steakhouse (SU-15-08)

Background:

The applicant, Gary Bennett is requesting a Special Use Permit for APN 403-32-032C to approve the replacement of an existing sign with an over-height digital sign on a GB-General Business zoned property. The sign is located on the adjacent parcel to the south, APN 403-32-032B which is a part of the restaurant site and is also owned by the applicant. The proposed use is considered a Special Use in Section 1602.04 of the Zoning Regulations and Section 1907.02.B6 of the Sign Regulations. Right-of-Way staff was contacted by Planning and zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from State Route 191 North to Elfrida AZ. State Route 191 adjoins and serves as the Easterly boundary of the subject property.
- Adjoining the subject parcel, State Route 191 is not a county maintain road.

Recommendation:

- Based on my review, no further right-of-way dedication is required at this time.

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520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

D-20

Dear Elfrida Neighbors:

The Longhorn Steakhouse has been a part of the Elfrida business community for over twenty years. We want to thank all of you for your continuous support.

In an effort to continue operating in these difficult economic times, we replaced our old sign with a new LED sign.

We have been asked by the county to apply for a variance, in order to keep our new sign, as they are somewhat opposed to it.

For this reason, we have developed this quick survey, asking our neighbors to please support us in keeping our sign.

Thank You!

Longhorn Steakhouse

I Support I am Opposed

Name: Don Maley

Address: P.O. Box 123 - McNeal

Date: 3-16-2015

Comments:

BEEN HERE FOR 20 YRS

Dear Elfrida Neighbors:

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Thank You!

Longhorn Steakhouse

I Support X I am Opposed

Name: Laura Lucinda Leist

Address: 4723 W. Webb Rd.

Date: 3-16-15

Comments: Home owner

Dear Elfrida Neighbors:

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Thank You!

Longhorn Steakhouse

I Support X I am Opposed _____

Name: Lupita Fuentes

Address: 10362 Apt B N Hwy 191

Date: 3-15-15

Comments:

I'd like the new sign they use it to announce community events and school events

Dear Elfrida Neighbors:

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Thank You!

Longhorn Steakhouse

I Support I am Opposed

Name: Juergen M P Lang JR

Address: 10336 N Aspen, ELFRIDA, AZ

Date: 3/15/2015

Comments: I appreciate the new sign as it provides easier reading and is more in sync with modern times as more businesses in Cochise County are using digital signs.

Dear Elfrida Neighbors:

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Thank You!

Longhorn Steakhouse

I Support I am Opposed

Name: Thomas L Besald Jr

Address: P.O. Box 66

Date: 03/15/2015

Comments:

Dear Elfrida Neighbors:

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Thank You!

Longhorn Steakhouse

I Support X I am Opposed

Name: Barbara Romero

Address: 10341 Hwy 191 Elfrida Az 88260

Date: 3-19-2015

Comments:

Dear Elfrida Neighbors:

The Longhorn Steakhouse has been a part of the Elfrida business community for over twenty years. We want to thank all of you for your continuous support.

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For this reason, we have developed this quick survey, asking our neighbors to please support us in keeping our sign.

Thank You!

Longhorn Steakhouse

I Support I am Opposed

Name: Waters

Address: Aspen Ave. Elfrida, AZ

Date: 3/18/15

Comments:

Dear Elfrida Neighbors:

The Longhorn Steakhouse has been a part of the Elfrida business community for over twenty years. We want to thank all of you for your continuous support.

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For this reason, we have developed this quick survey, asking our neighbors to please support us in keeping our sign.

Thank You!

Longhorn Steakhouse

I Support X I am Opposed _____

Name: Robert McQuinty

Address: ~~11762~~ 10362 N. Hwy 191 Elfrida Az 85610

Date: 3/15/15

Comments:

Dear Elfrida Neighbors:

The Longhorn Steakhouse has been a part of the Elfrida business community for over twenty years. We want to thank all of you for your continuous support.

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For this reason, we have developed this quick survey, asking our neighbors to please support us in keeping our sign.

Thank You!

Longhorn Steakhouse

I Support X I am Opposed

Name: Mildred Mc Ginty

Address: 4206 W Jefferson Rd

Date: March 15, 2015

Comments:



Cochise County
Community Development
 Highway and Floodplain Division

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

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *(PG)*
FOR: Beverly J. Wilson, Planning Director *(BW)*
SUBJECT: Docket SU-15-09 (Olmstead)
DATE: May 27, 2015 for the June 10, 2015 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

Docket SU-15-09 (Olmstead): The Applicant is requesting a Special Use authorization to approve a Small Engine Repair Service at an RU-4, Rural zoned property. The proposed use is considered a Special Use in RU-4 Zoning Districts under Section 607.31 of the Zoning Regulations. The subject parcel, APN 107-72-035 is located at 7779 E. Ramsey Road in Sierra Vista, AZ. The Applicant is Kevin Olmstead.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.04-acres
 Zoning: RU-4 (Rural; one dwelling per four-acres)
 Growth Area: Rural Area
 Comprehensive Plan Designation: D-Rural Residential
 Area Plan: None
 Flood Zone: A&X
 Existing Uses: Single Family Residence with Accessory structures
 Proposed Uses: Same, with Repair Services, Small Engine

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single Family Residence
South	County Maintained Road/RU-4	E. Ramsey Road/Single Family Residence
East	RU-4	Single Family Residence
West	RU-4	Single Family Residence

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

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

The project supports the goals of the Cochise County Comprehensive Plan including goals in the Economic Development and Land Use Elements. The Economic Development element supports entrepreneurship and small business and includes a policy encouraging development near infrastructure, which this proposal meets. The Land Use Element encourages "an efficient provision of services and facilities within each zoning district." This request would provide a needed service to a rural community. Despite the site being in an area designated under the Plan as Rural Residential, this designation states "Less intensive businesses that serve area residents may be appropriate". This business is a small scale repair shop that services equipment commonly owned and used by rural residents.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.02 of the Zoning Regulations lists one of the purposes of the Rural districts as "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". This business would provide a useful service to rural land owners by providing maintenance and repair of commonly owned equipment.

C. Development Along Major Streets: Complies

The property takes access directly from E. Ramsey Road, a public, county maintained arterial road.

D. Traffic Circulation Factors: Complies

No new access points are being proposed, and the traffic generated will not impact E. Ramsey Road.

E. Adequate Services and Infrastructure: Complies

The project site is served by Sulphur Springs Valley Electric Cooperative, Southwest Gas, and Qwest Telephone. The site has a private well and septic system for water and waste disposal. The parcel is in the Fry Fire District, who is comfortable with the request. The site is accessed by a arterial county maintained road.

F. Significant Site Development Standards: Complies with Modification

The project will be using an existing residential accessory structure, and the existing driving and parking surfaces. Therefore, the Applicant is requesting waivers to use the existing gravel parking and driving surfaces as-is.

G. Public Input: Complies

The Applicant sent letters to property owners within 1,500-feet of the parcel to notify them of his application and to address any neighbor concerns. This notification produced no responses from neighboring property owners.

H. Hazardous Materials: Complies with Conditions (See Conditions 3&4)

The Applicant will be using various engine related chemicals such as fuel and lubricants. While the substances used and stored will be similar to those in residential sites, the quantities may be larger than those used in a single-family home. Staff therefore recommends conditions related to proper storage and disposal of such substances.

I. Off-Site Impacts: Complies.

The majority of the work takes place inside the existing structure, with brief periods of testing of equipment outside of the building. The business will be in operation during normal business hours, Monday through Friday from 9 AM to 5 PM, which will limit the time when any noise will be occurring. There should be no further impacts beyond those normally associated with a rural residential site.

J. Water Conservation: Complies.

The project is located within the Sierra Vista Subwatershed area, and will comply with all applicable requirements. No significant increase in water usage over the existing residential usage is expected.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant has requested that the Commission allow the existing gravel and native driveway and parking area, to be used as-is.

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on May 26, 2015 and published a legal notice in the *Bisbee Observer* on May 21, 2015. In response to County mailings, the Planning Department received four letters supporting and one opposing this request.



Above: Site conditions showing workshop in the rear and equipment for sale along the fence.

VII. SUMMARY AND CONCLUSION

The proposed use will serve the local community by providing repair and maintenance to equipment necessary for rural living. The scope of the business is not expected to create any negative impacts upon neighboring property owners, and is located off of a major street well able to accommodate any increase in traffic. Both the Zoning Regulations and the Comprehensive Plan support the request, as do several neighbors.

Factors in Favor of Approving the Special Use

1. With the requested Condition and Modifications, the request complies with all of the ten Special Use factors used by staff to analyze this request; and
2. The Comprehensive Plan encourages supporting entrepreneurship and small business; and

3. The Zoning Regulations encourages business which serve the Rural Communities in Rural Zoning Districts; and
4. Four letters of support have been received from neighboring property owners.

Factor Against Allowing the Special Use

One letter of opposition from a neighboring property owner has been received.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** with the requested Modification to site development standards, 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 fuels or other flammable materials related to the repair shop shall be stored in containers meeting National Fire Protection Standards;
4. All waste fuels, oils, or other potentially hazardous materials shall be disposed of per manufacturer's guidelines or industry standards; and
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Sample Motion: *Mr. Chairman, I move to Conditionally Approve Docket SU-15-09, with the Conditions of Approval and Modifications recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Application
- B. Site plan
- C. Agency comment memos
- D. Citizen Comment



COCHISE COUNTY
COMMUNITY DEVELOPMENT
"Public Programs...Personal Service"

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

TAX PARCEL NUMBER 10772035

APPLICANT KEVIN OLMSTEAD

ADDRESS 7779 E RAMSEY RD, SIERRA VISTA AZ 85650

CONTACT TELEPHONE NUMBER (602) 320-6023

EMAIL ADDRESS: Kevin.j.olmstead@gmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

ADDRESS _____

DATE SUBMITTED _____

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

PART ONE - REQUIRED SUBMITTALS

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

6. Hazardous or Polluting Materials Questionnaire, if applicable.

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

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

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

PART TWO - QUESTIONNAIRE

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

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

1. What is the existing use of the property? The existing use of the property is for place of residence.
2. What is the proposed use or improvement? The proposed use is to operate a small-engine repair shop in the existing shop on property.
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Activities include repairing and test running equipment. No impact is estimated for neighboring properties
4. Describe all intermediate and final products/services that will be produced/offered/sold. Diagnosis & repair services will be offered. Used equipment will be sold.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Existing building, wood & stucco.

6. Will the project be constructed/completed within one year or phased? One Year N/A
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: M-F Hours (from 9 AM to 5 PM)

B. Number of employees: Initially: ___ Future: ___
Number per shift Seasonal changes N/A

C. Total average daily traffic generated:

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

Est. 12 vehicles per day

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

N/A

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

East and West, Ramsey Rd.

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

80% West 20% east

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

No specific pattern is estimated for traffic pattern

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

D. Estimated total gallons of water used: per day 10 per year 2600

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

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

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

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

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

Attached _____ NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	PRIVATE WELL	
Sewer/Septic	SERVICE PROVIDER	
Electricity	UTILITY COMPANY	
Natural Gas	N/A	
Telephone	SERVICE PROVIDER	
Fire Protection	SERVICE PROVIDER	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Repairing of equipment, Running of equipment

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

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

equipment such as lawn mower and trimmers. Duration of noise will be estimated at no longer than 15 minutes

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

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

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

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

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

A. 32 sqft. B. _____ C. _____ D. _____

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

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

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

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

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

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

Gravel drive-way, concrete parking & loading area

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

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

SECTION C - Water Conservation and Land Clearing

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

2. How many acres will be cleared? NA
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

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

Does the proposed use have any activities involving such materials?

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

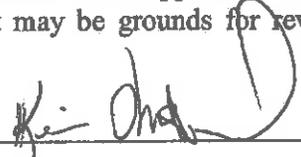
Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers,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

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

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

SECTION E - Applicant's Statement

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

Applicant's Signature 

Print Applicant's Name KEVIN OLMSTEAD

Date signed 2/11/2015

MASON

40'
EXISTING SHOP
1920 SQFT
40 X 48 X 14

48'

GRAVEL
WELL

PARKING AREA
1800 SQFT
36 X 50
4 SPACES

50'

36'

GRAVEL ROAD

RESIDENCE
(NON-BUSINESS RELATED)

DIRT PATHWAY FOR EXITING

SIGN
32 SQFT

GATE



FRY FIRE DISTRICT

"Always Willing Always Ready"

Date: May 12, 2015

To: Peter Gardner, Planner I

From: Mike McKearney, Fry Fire District

Subject: Special use request

Location: 7779 E. Ramsey Road

Parcel: 107-72-035

The fire district has no concerns in regards to the special use request. However, the applicant should be aware that the building will have to comply to all fire code requirements during the permit process.

Sincerely,

Mike McKearney

Fire Marshal, Fry Fire District

(520) 439-2239



Cochise County
Community Development
Highway and Floodplain Division

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

MEMORANDUM

Date: May 18, 2015
To: Peter Gardner, Planner I
From: Karen L. Lamberton, County Transportation Planner
Subject: Olmstead Engine Repair/SU 15-09/Parcel #107-72-035

The Applicant is seeking to conduct a small engine repair service (Hard Knocks Engine Service LLC) on his residential parcel located on Ramsey Rd. east of Moson Rd. Access would be taken from Ramsey Rd., a county-maintained, major collector roadway.

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

- The applicant is requested to obtain a Right-of-Way/Encroachment Permit for a commercial access driveways prior to, or concurrently with, their Commercial Permit application.
- The access driveway should be constructed to meet commercial design standards, or as modified in coordination with the Highway Dept, within a year of obtaining an approved ROW permit.
- No off-site improvements are required at this time.

Traffic Analysis

Automobile and repair shop trip generation models typically over estimate small, single owner, repair services in rural areas. This use is more appropriately treated as a general light industrial use with ranges between 3.02 to 13.38 vehicle trips per day. Combined with average residential vehicle trips of 9.95 per day this combined residential and commercial use would likely average in the high end of the typical range of a single residential unit (nearly 22 vehicle trips per day) on any given day. There would be a slight increase in turning movements in and out of the parcel; however, most of these would likely be occurring during off-peak hours and would not be clustered during any specific time of the day.

Driveway Access

The applicant does not have a permitted residential driveway on file (residential permit may have predated requirements for Right-of-Way/Encroachment Permits for the driveways). A commercial apron would now be required at the commercial permitting stage and the

Highway and Floodplain
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520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

C-44

applicant will be required to coordinate with the Highway Dept. to obtain a Right-of-Way/Encroachment Permit and appropriate design standards for a commercial apron.

Commercial uses require that the driveway apron match the surfacing of the adjacent county-maintained roadway; a waiver from that requirement may only be granted by the County Engineer upon a written request and justification for meeting a different or lower standard. Given the higher functional classification of Ramsey Rd. a waiver from this requirement would not be supported by this department and the applicant should anticipate the need for a hard-surfaced driveway apron.

Commercial uses typically require a commercial driveway apron allowing for two-way traffic (minimum 24 feet). Given that this is primarily a residential type of use there would be no objection to granting a modification to the driveway width to allow a residential access driveway (minimum 12 feet), if requested by the applicant.

Typically, commercial uses require hard surfaced driveways and parking areas. Given the small trip generation anticipated for this use there would be no objection to granting a modification to those standards if the applicant requests to keep the gravel and dirt driveways currently providing access to his residential unit.

Advisory Note for the Applicant

The site plan submitted with the Special Use Authorization application is adequate for a conceptual plan. It will not be adequate at the Commercial Permit stage. The applicant is advised that the site plan submitted with the Commercial Permit request should also include:

- Complete dimensions of the proposed or existing driveway width;
- Distance from driveway edge to both property lines;
- Identify setbacks (minimum of 10 feet required from property line) for the proposed sign;
- Sight distance triangle for the driveway access onto Ramsey Rd.; and,
- Other site plan details as described in the Commercial Permit packet.

Although these details may not be known at this time or are not required to analyze the conceptual plan they will be needed at the Commercial Permit stage. The application may be rejected as deficient if these additional details are not provided at that time.



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

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INTEROFFICE MEMO

Date: May 13, 2015
To: Peter Gardner, Planner I
From: Pam Hudgins, Right-of-Way Agent II
Subject: Special Use Permit for Kevin Olmstead (SU-15-09)

Background:

The applicant, Kevin Olmstead is requesting a Special Use Permit for APN 107-72-035 to approve a Small Engine Repair Service at an RU-4 Rural zoned property. The proposed use is considered a Special Use in Section 607.31 of the Zoning Regulations. Right-of-Way staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from State Route 92. East on to Ramsey Road to 7779 E Ramsey Road, Sierra Vista, AZ.
- Ramsey Road adjoins and serves as the Southerly boundary of the subject property.
- Adjoining the subject parcel, Ramsey Road (#813) is a county maintain road.
- Ramsey Road is established as a County Highway per Board of Supervisors Resolution 83-51 dated October 1983.
- Ramsey Road is dedicated to the public at a total width of 100', which includes 50' on the north side of Ramsey Road per docket 872 page 506 and 50' on the south side of Ramsey Road per docket 806 page 238 dated June 1972.

Recommendation:

- Based on my review, no further right-of-way dedication is required at this time for Ramsey Road. The existing public right-of-way meets the standard width.
- Regarding future right-of-way needs for County Maintained Corridors, please contact Karen Lamberton, Transportation Planner.

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

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

C-46

Special Use Docket SU-15-09 (Olmstead)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

I support local businesses and small start ups if it looks like they are honest and competent. They only work reasonable hours and the noise is minimal. I live next to the property and it doesn't bother me so anybody farther away should be OK.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Larry De Mers

SIGNATURE(S): Larry De Mers

YOUR TAX PARCEL NUMBER: 107-72-010A 8 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Wednesday, May 27, 2015 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 Peter Gardner at pgardner@cochise.az.gov that must be received by June 9, 2015 to have your support or non-support noted verbally noted at the meeting. You may also personally make a statement at the public hearing on June 10, 2015. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Special Use Docket SU-15-09 (Olmstead)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

They are trying to make a living honestly.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): _____

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: 104-77-007B3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Wednesday, May 27, 2015 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 Peter Gardner at pgardner@cochise.az.gov that must be received by June 9, 2015 to have your support or non-support noted verbally noted at the meeting. You may also personally make a statement at the public hearing on June 10, 2015. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Special Use Docket SU-15-09 (Olmstead)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

I feel anyone that wants to work should. I feel no threat for him to have a business where he lives. There should be no more traffic problems than what we get from Jim's place and that is why. I hope Mr. Olmstead is allowed to have his business on Ramsey Rd.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): Joyce P. Turner

SIGNATURE(S): Joyce P Turner

YOUR TAX PARCEL NUMBER: 10477007C (the eight-digit identification number found on the tax statement from the Assessor's Office) Parcel 11

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Wednesday, May 27, 2015 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 Peter Gardner at pgardner@cochise.az.gov that must be received by June 9, 2015 to have your support or non-support noted verbally noted at the meeting. You may also personally make a statement at the public hearing on June 10, 2015. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Special Use Docket SU-15-09 (Olmstead)

X

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I HAVE MET KEVIN AND I FEEL HE MAKE A TERRIFIC SMALL BUSINESSMAN AS WELL AS A GREAT NEIGHBOR.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): GERALD & GRACE WHITE

SIGNATURE(S): Grace White, Gerald White

YOUR TAX PARCEL NUMBER: 107-72-022A (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Wednesday, May 27, 2015 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 Peter Gardner at pgardner@cochise.az.gov that must be received by June 9, 2015 to have your support or non-support noted verbally noted at the meeting. You may also personally make a statement at the public hearing on June 10, 2015. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Special Use Docket SU-15-09 (Olmstead)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

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

A SMALL ENGINE REPAIR SERVICE WOULD REQUIRE NEW AND USED ENGINE OIL AND GASOLINE BEING STORED ON THE PROPERTY. THIS PROPERTY IS LOCATED IN A FLOOD ZONE

(Attach additional sheets, if necessary)

PRINT NAME(S): JAMES R KRUEGER

SIGNATURE(S): James R Krueger
Kristin M Krueger

YOUR TAX PARCEL NUMBER: 104-77-006D-8 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Wednesday, May 27, 2015 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 Peter Gardner at pgardner@cochise.az.gov that must be received by June 9, 2015 to have your support or non-support noted verbally noted at the meeting. You may also personally make a statement at the public hearing on June 10, 2015. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planner II *JD*
FOR: Beverly Wilson, Planning Director *BW*
SUBJECT: Docket S-12-01 (J-6 Ranch, Lots 1-42) subdivision tentative plat
DATE: May 28, 2015 for the June 10, 2015 Meeting

I. REQUEST AND DESCRIPTION OF SUBDIVISION

This request is for approval of a Conservation Subdivision J-6 Ranch, Lots 1-42, Block 1 and Common Areas A, B and C Subdivision (herein known as J-6 Ranch Lots 1-42) Tentative Plat. The developer is Easter Mountain Ranch LLC, represented by Mr. Stephen Lenihan. Mr. William H. Baker represents Baker & Associates Engineering, Inc., the project engineer. The subdivision consists of 42 lots on 84.80 acres zoned SR-2 (currently SR-87), with minimum lot size of two acres (Single-Household Residential, 87,000 square feet). This parcel (APN 124-01-013H) was re-zoned on October 25, 2011, from RU-4 to SR-2 (now SR-87 per the revised Zoning Regulations of June 20, 2008). The site is located approximately three miles south of Interstate 10 at the J-6/Mescal Interchange. Access is from J-6 Ranch Road.

II. SUBDIVISION OPTION USED: CONSERVATION

This is a conservation subdivision with flexible lot sizes and a minimum of 50 percent of the site preserved as a conservation area. For lots 1-42 and Block "1" the total acreage is 84.8 acres, the proposed area of disturbance is 42.4 acres with proposed conservation/open space area of 42.4 acres (50%). Building envelopes on lots less than two-acres are limited to 15,000 square feet. Building envelopes on a two-acre or larger lot may be enlarged to 25,000 square feet if approved by the architectural and design review committee. Driveways may be outside the building envelope but are not included in the conservation/open space calculation. Building heights for lots 1-42 are limited to single-story or multi-story if the various levels follow the terrain and the building height does not exceed thirty feet. For lots 1-42 setbacks are twenty feet except that the J-6 Ranch Road right-of-way is fifty feet.

All development is subject to the approved and recorded CC&Rs and Sustainability Plan for J-6 Ranch. Zoning is SR-2 with no density bonus allowed for this J-6 Ranch project. Block "1" is eligible to be included in subsequent plats (and re-subdivisions) and may be re-subdivided into lots as long as the number of lots shown on the plat (and subsequent plats) does not exceed, in the aggregate, 1 lot per 2 gross acres (including roads, common areas, etc.). For purposes of this calculation of gross acres, acreage contained in more than one plat shall only be counted once. This plat contains 42 lots. Subsequent plats

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

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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

may contain up to an additional 236 lots in the aggregate for a total of 278 lots on 556 acres in the entire J-6 Ranch project.

III. SUBDIVISION REVIEW

The Tentative Plat was reviewed by County Departments and other interested agencies including the Mescal/J6 Fire District, and the J6/Mescal Community Development Organization (CDO), federal agencies and other interested parties. The Tentative Plat is the preliminary working plat used by staff and the developer that must be completed prior to approval of the Final Plat. In order to obtain subdivision approval the Final Plat, the legal recorded document for the subdivision, must be in substantial conformance with the Tentative Plat. A summary of review comments follows.

Planning Comments:

Compliance with Subdivision Regulations: The subdivision Tentative Plat complies with applicable Subdivision Regulations.

Rural Addressing: Rural Addressing staff reviewed the Tentative Plat to ensure that street names are not duplicated within this addressing grid, and that emergency service providers can find individual addresses in a timely fashion.

Water Conservation: As a condition of the rezoning J-6 Ranch has recorded Covenants, Conditions, and Restrictions (CC&R's) and a Sustainability Plan, dated September 2011, for all phases of the proposed Subdivision. (General Notes 10 and 11 on Tentative Plat Sheet 1)

Access: Access to the subdivision shall be via County-maintained J-6 Ranch Road, from Interstate 10 to the gated subdivision which will have private internal roads. The internal roads will be built to Cochise County standards.

At the intersection of J-6 Ranch Road and Easter Mountain Road it is recommended that Right-of-way be dedicated to the public for the existing road intersection. The length of J-6 Ranch Road is approximately fifteen feet south of the north subdivision boundary line based on shaded "new pavement" shown on sheet 2 of the submitted plat. It is further recommended that dedication of this intersection extend to the eastern boundary of the subdivision to prevent potential access issues for neighbors on the east that use this existing intersection.

Drainage (with Conditions on Final Plat as attached):

The County Highway & Floodplain Director and Floodplain Administrator together with the County Floodplain Engineer have reviewed and approved the Drainage Report for J-6 Ranch dated January 2015, Amended March 2015, sealed March 18, 2015 prepared by Baker & Associates Engineering, Inc. for Easter Mountain Ranch, LLC. Floodplains and erosion hazard setbacks shall be provided on Final Plat. (see April 6, 2015 Interoffice Memo from Joaquin Soli, P.E.)

Environmental Health: Prior to construction site investigations will be submitted with each joint use permit. Each lot in the subdivision will have an individual sewage disposal system, with both conventional (septic tank and leach field) and alternative systems if required. A minimum 100-foot setback is required from all wells and 50-foot from all lot lines (General Notes #3, 4 and 5 on Tentative Plat Sheet 1).

Highway: Cochise County surveyor, Dale Jones, has reviewed and approved the legal descriptions (see Dale Jones Memo dated July 21, 2014).

Floodplain: This project lies within a non-flood Zone X as defined by FEMA FIRM Panel #1225, dated 08/28/08. The site is hilly with washes crossing the parcel which create a 100-year floodplain drainage. The floodplain is clearly delineated on the plat, along with the erosion setbacks. The responsibility for maintenance of these drainage structures shall be by the Association formed to maintain private, common, or community owned improvements.

Transportation: The applicant has completed a Supplementary Traffic Impact Statement (TIS) to address the first phase of the planned development; this TIS was approved on March 19, 2014. A variance allowing a 44' pavement radius for the cul-de-sacs in this subdivision was granted by the County Engineer on June 4, 2014. Road design standards will comply with the Cochise County Road Design & Construction Standards & Specifications and will provide soil testing to determine the depth of the sub-grade, if less than the minimum standards.

Water Adequacy: Water is to be provided by Empirita Water Company and a determination of water adequacy from the Arizona Department of Water Resources (ADWR) as required per Section 408.03 of the Country Regulations was issued on March 27, 2007 (see Decision and General Note 19 on Tentative Plat Sheet 1).

Zoning Condition for Access to the Coronado National Forest:

Board of Supervisors approval of Docket Z-11-06 on October 25, 2011 granted the conditional rezoning of APN 124-01-013H from RU-4 Rural to SR-2. The conditions of approval included in the As You Are Aware letter sent to the applicant on October 27, 2011 (see attached) are:

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 or the approval of the rezoning may be deemed void; 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; and
3. The Applicant will submit a subdivision plat within one year from the date of approval, with a phasing plan for all future development. All subdivision plats will reflect at least 50% open space and the use of building envelopes. All construction will be completed within 10 years. If these conditions are not met, the Board of Supervisors may revert the zoning of any portions of the parcel that are not subdivided back to the RU-4 District; and
4. Prior to plat approval, the Applicant must provide either on-site or off-site multi-purpose (vehicular, pedestrian, equestrian, etc) legal access to federal lands. If access to the federal land is provided on-site, it will be reflected on all future subdivision plats; provided, however, if the Developer does provide legal access, but the U.S. Forest Service, Arizona Game and Fish, or some other agency or person, does not improve the access for vehicular use within two years after legal access has been provided, then the condition requiring legal access for vehicular use shall cease; and
5. The Applicant shall adhere to the Declaration of Covenants, Conditions, Restrictions, and Easements for J-6 Ranch, dated June, 2011 and the Sustainability

Plan, dated September, 2011, both prepared by the Planning Center and attached as Exhibit B to this Zoning Ordinance; and

6. Any subdivision of the Parcel will not be eligible for a density bonus for a Residential Conservation Subdivision, but in all events any subdivision plat for the Parcel must provide at least 50% open space.

Regarding Condition 3: The applicant has submitted the Tentative Plat, is meeting the 50% open space requirement and has provided a phasing plan as required in Section 303.02.C.22 of the subdivision ordinance, so the applicable conditions of Condition 3 are being met. (See attachment Lenihan 11/19/12 email with "Phasing Plan" map)

Regarding Condition 4:

County Administration, Highway Department, Transportation Department and the County Attorney have determined that the intent of Condition 4 is for the applicant to provide public vehicular access/connection to a part of the Coronado National Forest at a point where a road could be constructed in the Forest that would be used by both the general public and fire suppression vehicles. USFS property to the east of the subdivision is a designated roadless area; USFS to the west of the subdivision, located in Pima County, is not in a roadless area. The applicant has submitted a conceptual proposal for off-site access through private property that connects to an existing designated "roadless" area in the Coronado National Forest. Since the conceptual proposal does not connect to a portion of the Forest that could contain a future road, the proposal is not considered valid for meeting the requirements of Condition 4. To date the applicant has not met the requirements of Condition 4. (See attachment Conceptual off-site access plan)

Regarding Condition 6:

The current Tentative Plat for Lots 1-42 satisfies the requirement of 50% open space.

Review by Other Agencies

US Forest Service and Arizona Game and Fish Department

From the August 10, 2011 Planning and Zoning Commission meeting minutes:

Thomas Lorenz, USFS:

Opposed because plat does not provide adequate access to the Forest, in particular motorized vehicle access which would connect to a road system within the Forest.

George McKay USFS:

There is not adequate access to the Forest in this area or ROW

There is only one permanent legal access route in Dry Canyon on the SE side of Whetstone Mountains

Brad Fulk, AZ Game & Fish Department:

Opposed due to lack of guaranteed legal access to the Forest Service lands. Need unrestricted dedicated access to the Forest for hunting and fishing and general use of public lands. He stated that AZG&F are asking developer to create access through the development; new access not to reopen an old access.

Duane Bennett, USFS:

ATVs are restricted to off-county travel with limits to use only on authorized routes.

USFS would like an extension of J-Six road

Asking for legal easement, then Forest Service will build and maintain the road
There was never had legal recorded access but private property owners let people use
their property in the past
USFS has power of condemnation but does not like to use it

From the October 25, 2011, Board of Supervisors meeting minutes

George McKay:

USFS has tried unsuccessfully, since the 1980s, to negotiate legal public access for the
area.

Duane Bennett, USFS:

Supports vehicular access

J-6/Mescal Community Development Organization (CDO)

In a November 7, 2012 letter the J-6/Mescal CDO identified their concerns regarding public
vehicular access and having Forest Service road open on the north face of the Whetstone
Mountains for wild-lands operations and emergency vehicle access. The CDO also raised the
issues of access to the development for fire suppression equipment and the requirements of the
Mescal-J6 Fire District for travel lane widths, cul-de-sac diameters and driveway lengths and
materials. (see attached 11/7/2012 J-6/Mescal Community Development Organization letter)

City of Benson: No objections or comments.

Mescal-J6 Fire District: The Mescal-J6 Fire District will be supplying Fire Suppression and EMS
Service to residents of the gated community when it is developed. The Fire District noted in a
letter to staff that "the State of Arizona implemented the 2003 International fire code, via Section
R4-36-01 of the Arizona Administrative Code: Incorporation by Reference of the International Fire
Code. This code specifically states: 'Unless otherwise provided by law, any person residing, doing
business, or who is physically present within the State of Arizona shall comply with the provisions
of the International Fire Code (2003 Edition) including D102.1 and D107.1 of Appendix D and all
provision of Appendices B,C,E,F and G," (see attached Mescal-J6 Fire District letters dated
7/15/11, 8/7/12, 11/14/12 and 6/16/13)

The Developer has agreed to require that all homes to be fire sprinklered (see General Note 20
and 21 on Tentative Plat Sheet 1). The Mescal-J6 Fire District has agreed to provide fire protection
with the conditions listed if shown on the final plat. (See attached Mescal-J6 Fire District note
dated October 8, 2013).

Sulphur Springs Valley Electric Cooperative, Inc. (SSVEC)

SSVEC reviewed the Tentative Plat plans and noted that there was no dedication statement on the
plat, lots on the east line of J-Six Ranch Road do not show 10-foot easements, no easement was
identified for the SSVEC single phase primary OH line meandering on the east boundary of the
subdivision, and the CC&Rs were not available for review to determine whether the electric lines
will be overhead or underground. (see attached SSVEC 7/1/14 letter)

IV. STAFF RECOMMENDATIONS

Financial Security for Improvements: An Assurance Agreement or some other form of
financial assurance will be required to ensure that public improvements, primarily fire safety
devices, roads, road signs, and drainage, are completed before lots are sold. This Assurance

Agreement or other form of financial assurance must be approved by the Board of Supervisors and on or before the time of Final Plat approval; the Final Plat indicating all on-site improvements and showing substantial conformance with the Tentative Plat.

National Forest access: Staff has not received a grant of easement, deed of dedication, nor any other document creating public legal access to Forest lands.

Recommendation:

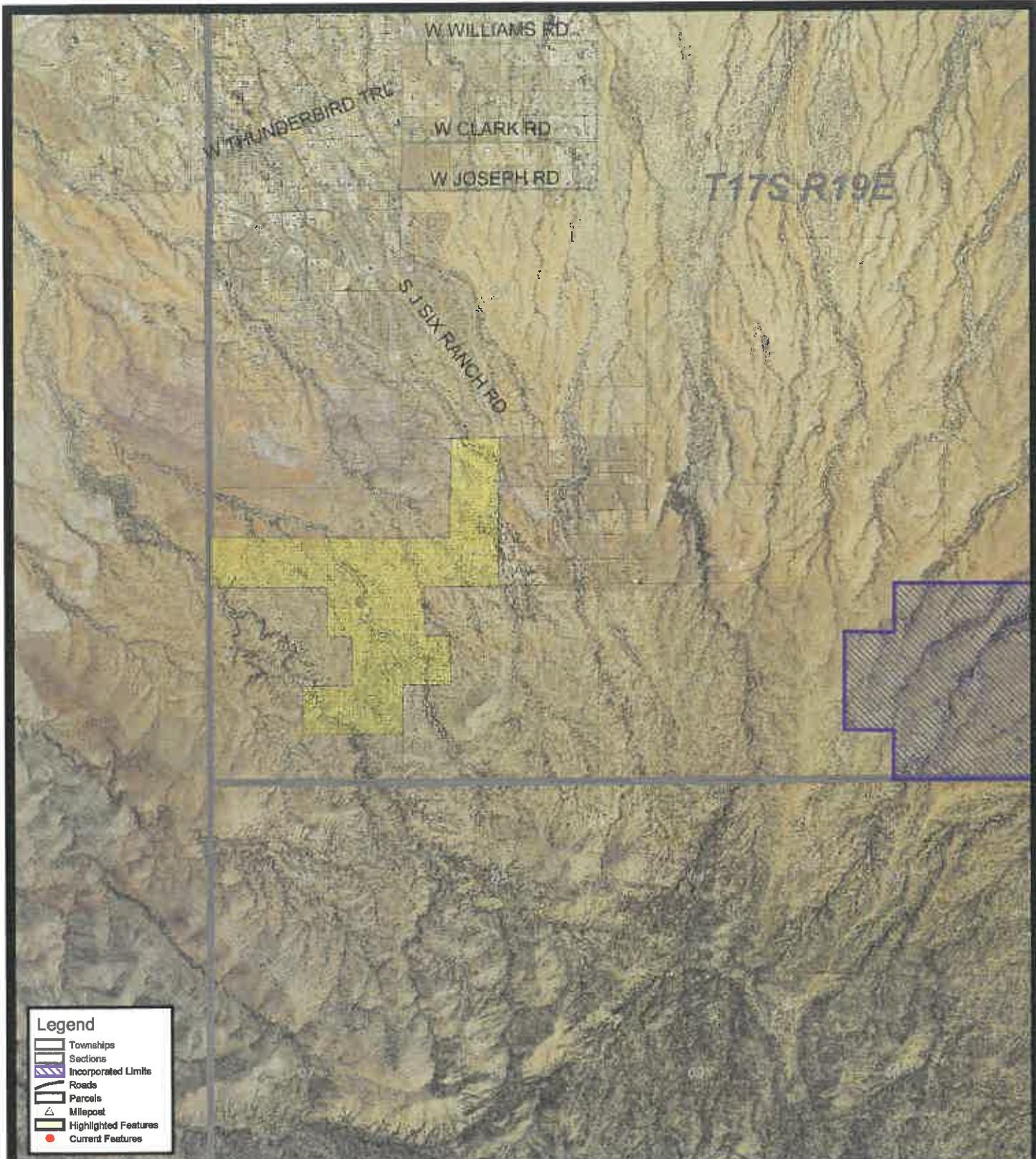
Since the applicant has not been able to satisfy Condition 4 of the rezoning approval, staff recommends forwarding a recommendation of **denial** to the Board of Supervisors for the J-6 Ranch, Lots 1-42, Block "1" subdivision Tentative Plat, subject to the following conditions for Final Plat approval:

1. Equestrian Easement, Docket 0008-2878, shall be abandoned on Final Plat.
2. All private roads shall be built to Cochise County road standards.
3. The applicant will comply with the roadway construction requirements for the first phase of this development as identified in the approved Traffic Impact Statement during project development. This includes the construction of the J-6 Ranch Road extension through the phase 1 portion of the property; the construction of all internal roadways to serve the first 42 lots; construct entrance feature and gateway; and ensure adequate stop control is in place for Easter Mountain Road at J-6 Ranch Rd and Circle Bar Road at Easter Mountain Road.
4. Right-of-Way at the intersection of J-Six Ranch Road and Easter Mountain Road will be dedicated to the public for the existing road intersection. Dedication of this intersection will extend to the east boundary of the subdivision to prevent potential access issues for neighbors on the east that use the existing intersection.
5. Public legal access to the Coronado National Forest by conveyance of rights and acceptance by a public agency is required prior to Tentative Plat approval.
6. Prior to construction and/or Final Plat, all Drainage requirements shall be met to the satisfaction of the County Highway & Floodplain Director and the County Floodplain Engineer. The responsibility for maintenance of these drainage structures shall be by the Association formed to maintain private, common, or community owned improvements.
7. Floodplains and erosion hazard setbacks shall be provided on Final Plat.
8. Provide a dedication statement on the plat for utility easements to include a 10-foot wide utility easement along all lot lines that are adjacent to private streets including the east line of J-Six Ranch Road, and including the potential delivery point located at the northeast corner of the subdivision to cross J-Six Ranch Road so that service can be delivered to lots located on the west side of the road. Indicate whether the lines will be overhead or underground on the plat.
9. Provide a 20-foot wide utility easement on the plat on the east boundary of the subdivision for the existing SSVEC overhead line.
10. Provide an Assurance Agreement to ensure all on-site improvements.

11. Final Plat and improvement plans will reflect automatic sprinkler system requirements for each dwelling, and the International Fire Code, 2003 edition requirements for fire-flow from the identified by the J-6 Mescal Fire District.
12. The entry code for any gated entry shall be provided to all emergency service providers.
11. Meet all Regulations required in the County Subdivision regulations for the Final Plat.

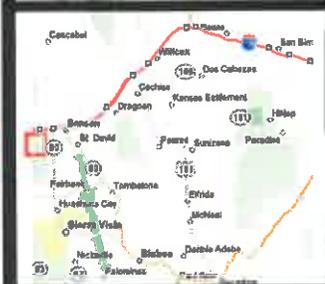
Attachments:

- A. Aerial Location Map
- B. Subdivision Tentative Plat
- C. October 27, 2011 As You Are Aware letter
- D. April 6, 2015 Interoffice Memo from Joaquin Solis, P.E.
- E. Dale Jones Memo dated July 21, 2014
- F. Lenihan 11/19/12 email with "Phasing Plan" map
- G. Conceptual off-site access plan
- H. 11/7/2012 J-6/Mescal Community Development Organization letter
- I. Mescal-J6 Fire District letters dated 7/15/11, 8/7/12, 11/14/12 and 6/16/13
- J. Mescal-J6 Fire District letter dated October 8, 2013
- K. SSVEC 7/1/14 letter



Legend

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

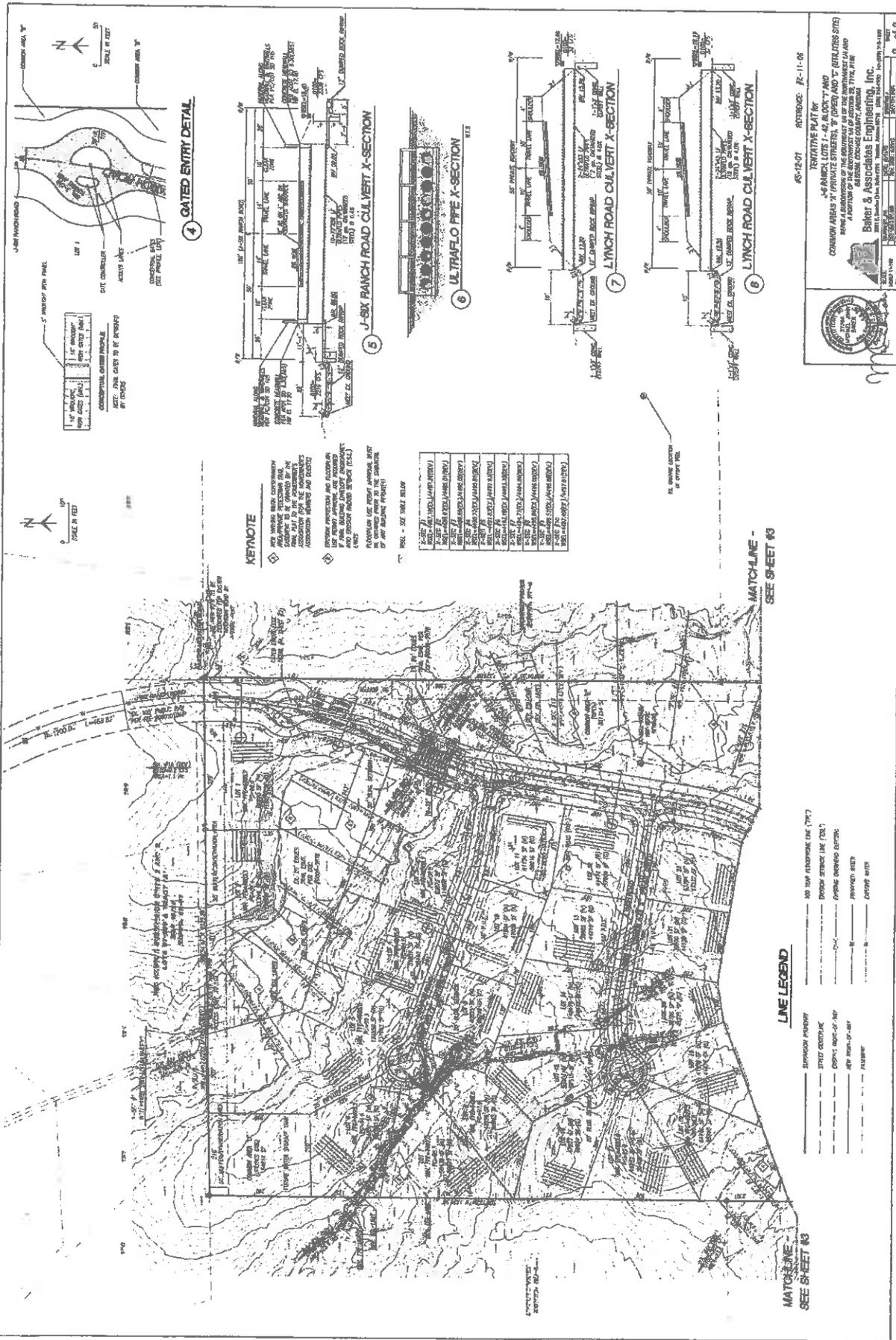


J-6 Ranch Lot 1-42

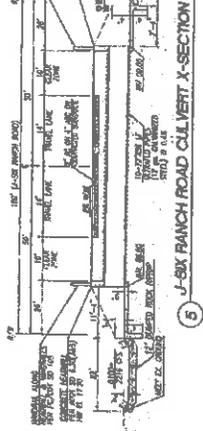
ATTACHMENT A - 59

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





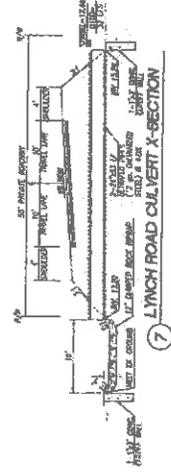
4 GATED ENTRY DETAIL



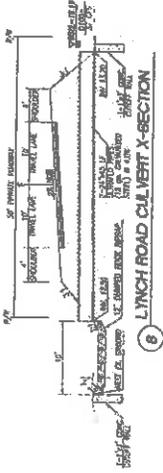
5 J-56 PANACHE ROAD CULVERT X-SECTION



6 ULTRAFLO PIPE X-SECTION



7 LYNCH ROAD CULVERT X-SECTION



8 LYNCH ROAD CULVERT X-SECTION

KEYNOTE

- 1. NEW WORKING CONSTRUCTION
- 2. EXISTING CONSTRUCTION
- 3. EXISTING CONSTRUCTION TO BE REMOVED
- 4. EXISTING CONSTRUCTION TO BE RECONSTRUCTED
- 5. EXISTING CONSTRUCTION TO BE RECONSTRUCTED AND ENLARGED
- 6. EXISTING CONSTRUCTION TO BE RECONSTRUCTED AND ENLARGED AND ENHANCED
- 7. EXISTING CONSTRUCTION TO BE RECONSTRUCTED AND ENLARGED AND ENHANCED AND ENHANCED
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- 9. EXISTING CONSTRUCTION TO BE RECONSTRUCTED AND ENLARGED AND ENHANCED AND ENHANCED AND ENHANCED AND ENHANCED
- 10. EXISTING CONSTRUCTION TO BE RECONSTRUCTED AND ENLARGED AND ENHANCED AND ENHANCED AND ENHANCED AND ENHANCED AND ENHANCED

NOTE: SEE SHEET 8100

NO.	DESCRIPTION	QUANTITY
1	CONCRETE	1000.00
2	STEEL	500.00
3	ROOF	200.00
4	ULTRAFLO PIPE	100.00
5	LYNCH ROAD	100.00
6	CONCRETE	1000.00
7	STEEL	500.00
8	ROOF	200.00
9	ULTRAFLO PIPE	100.00
10	LYNCH ROAD	100.00

LINE LEGEND

- 1. 100' TYP. INTERPOLAR LINE (TYP.)
- 2. 100' TYP. INTERPOLAR LINE (TYP.)
- 3. 100' TYP. INTERPOLAR LINE (TYP.)
- 4. 100' TYP. INTERPOLAR LINE (TYP.)
- 5. 100' TYP. INTERPOLAR LINE (TYP.)
- 6. 100' TYP. INTERPOLAR LINE (TYP.)
- 7. 100' TYP. INTERPOLAR LINE (TYP.)
- 8. 100' TYP. INTERPOLAR LINE (TYP.)
- 9. 100' TYP. INTERPOLAR LINE (TYP.)
- 10. 100' TYP. INTERPOLAR LINE (TYP.)

MATCHLINE - SEE SHEET #3

MATCHLINE - SEE SHEET #3

95-12-01 REFERENCE: R-11-08

TENTATIVE PLAN FOR
145 BANKS LOTS 1-42, BLOCK 7 AND
COMMON AREAS 11' (SEE SHEET 8100)
A PORTION OF THE SUBDIVISION MAP FOR THE IMPROVEMENT OF LOT
Baker & Associates Engineering, Inc.
2001 S. Lincoln Drive, Suite 100, Lincoln, Nebraska 68502
PHONE: (402) 441-1111 FAX: (402) 441-1112
WWW: WWW.BAKERANDASSOCIATES.COM
DATE: 11/11/08
SCALE: AS SHOWN
SHEET NO. 2 OF 3



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

October 27, 2011

Easter Mountain, LLC.
1050 East River Road, Suite 300
Tucson, AZ 85718

Re: Docket Z-11-06, Parcel No. 124-01-013H, located at 1670 South J-6 Road, Benson, AZ.

Dear Mr. Lenihan and Mr. Hearon:

As you are aware, at their regular meeting on October 25, 2011, the Cochise County Board of Supervisors (Board) voted (2 - 1) to rezone the aforementioned parcel from Rural (RU-4) to (SR-2).

The approval was conditioned as follows:

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 or the approval of the rezoning may be deemed void; 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; and
3. The Applicant will submit a subdivision plat within one year from the date of approval, with a phasing plan for all future development. All subdivision plats will reflect at least 50% open space and the use of building envelopes. All construction will be completed within 10 years. If these conditions are not met, the Board of Supervisors may revert the zoning of any portions of the parcel that are not subdivided back to the RU-4 District; and
4. Prior to plat approval, the Applicant must provide either on-site or off-site multi-purpose (vehicular, pedestrian, equestrian, etc) legal access to federal lands. If access to the federal land is provided on-site, it will be reflected on all future subdivision plats; provided, however, if the Developer does provide legal access, but the U.S. Forest Service, Arizona Game and Fish, or some other agency or person, does not improve the access for vehicular use within two years after legal

ATTACHMENT C-63

Easter Mountain, LLC.
Docket Z-11-06
October 27, 2011
Page 2 of 4

access has been provided, then the condition requiring legal access for vehicular use shall cease; and

5. The Applicant shall adhere to the Declaration of Covenants, Conditions, Restrictions, and Easements for J-6 Ranch, dated June, 2011 and the Sustainability Plan, dated September, 2011, both prepared by the Planning Center and attached as Exhibit B to this Zoning Ordinance; and
6. Any subdivision of the Parcel will not be eligible for a density bonus for a Residential Conservation Subdivision, but in all events any subdivision plat for the Parcel must provide at least 50% open space.

We will need your signed Acceptance of Conditions Form and signed and notarized Waiver of Diminution of Value Form (enclosed) by November 24, 2011. Note that the Board's action on this matter is deemed final unless appealed to Superior Court within 30 calendar days of the date on which it was taken. Please feel free to contact me if you have any questions at (520) 432-9253 or by email at bjwilson@cochise.az.gov.

Sincerely,

Beverly Wilson, Interim Planning Manager

C: Carlos De La Torre, Community Development Director
Michael Turisk, Interim Planning Director
Rick Corley, Zoning Administrator
Dora Flores, Commercial Permit Coordinator
Debbie Lee, Residential Permit Coordinator
Z-11-06 Docket File, New World, Parcel Files

Enclosures: Acceptance of Conditions
Waiver for Diminutive Value



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

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

INTEROFFICE MEMO

Date: April 6, 2015
To: Beverly Wilson, Planning Director
From: Joaquin Solis, P.E. Floodplain Engineer
For: Karen Riggs, P.E., RLS, Highway & Floodplain Director and Floodplain Administrator
Subject: Approval of Drainage Report for J-6 Ranch, dated January 2015, Amended March 2015, sealed March 18, 2015 and prepared by Baker & Associates Engineering, Inc. for Easter Mountain Ranch, LLC.

After review of the above mentioned report by the Floodplain Division, the Drainage Report for the J-6 Ranch has been approved. Floodplains and erosion hazard setbacks shall be provided on Final Plat.

1. Include all Hydrologic data sheet information (existing and developed conditions) that is consistent with shown on the developed conditions hydrology map. Cannot verify runoff without information (some were not included).

Response: Based upon our telephone conversation on or about February 24, you stated that you were looking for data sheets at the new culvert locations within the existing file. We agreed that these were not needed - the important information is the discharge at the property boundary. Data sheets for each drainage area are included within the report. Therefore, no additional sheets are needed. Noted.

2. Delineated drainage areas are different than previous reports and drainage areas are inconsistent with previous reports. Ex. previous reports indicate drainage area DA #1A EX as 484 acres. Now that drainage area is 0.8 acres under existing conditions and 1.1 acres under developed conditions. Why does this change now? 1A, 2B, 3A and 3B have larger drainage areas under developed conditions, in comparison to existing conditions. Similarly the developed drainage area for subwatershed 2A Routing has a smaller drainage area than existing. The developed conditions areas should remain the same as the existing conditions, otherwise that

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85803
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

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

ATTACHMENT D 65

would be diverting area (flow) to other areas which are not acceptable by the County. Please show consistency in watershed areas between existing and developed conditions.

Response: As we discussed, the new report was reconfigured in order to provide a clear presentation of the existing and post developed conditions and to address storm water detention. Previously submitted reports are of different format, are no longer valid and should not be used for comparison. As we discussed, existing and post-developed areas will differ. The limits of each post-developed drainage area boundary was established utilizing the current Cochise County regulations to determine vertical high and low point(s) within each private street profile that traverse the drainage area. As a result, the post-developed drainage area for each watershed will vary from the existing drainage area for the same watershed which is based solely upon existing topography. **Noted.**

3. The onsite existing watershed areas should equal the onsite developed watershed areas which should equal the project site area of 84.8 acres. The information provided does not show this. Please revise summary table to the sum of the drainage areas are equal for existing and developed condition.

Response: Pursuant to your request, each of the drainage areas are further reduced to include only the on-site portion (off-site contribution excluded) for purposes of analysis. A tabulation is provided for comparison of the computed results within the Addendum-1 section of the report. **Included.**

4. HEC-HMS analysis compares 100-yr discharges (PC-Hydro hydrographs) at downstream outlets between existing and developed conditions that have drainage areas that are different in size. Example: Hydrograph for routing area #2A (routing only) produces 147 cfs with 18.2 acres under existing conditions is not consistent with Hydrograph for routing channel #2A (routing only) producing 127 cfs with 14.9 acres. Please revise hydrographs to show consistency in drainage areas prior to modeling with HEC-HMS.

Response: As we discussed, the post-developed culvert crossing results in a reduced discharge routed through a smaller watershed area downstream of the culvert outlet. Therefore, a hydro-graph revision is not needed. **Noted.**

5. Sheet 2 of 3: Please include analysis of drainage swales next to Lynch Road (southern side) to show swales have capacity to convey flow from lots 18 through 21 to the proposed 24" pipe locations and low water crossings.

Response: As we discussed, the private streets are designed with cross-slope in the direction of the existing topography. Therefore, the need for drainage swales are not anticipated at this time. If it is determined that a swale is needed during improvement plans review, calculation will be provided as part of our response to review. Pursuant to your request, a post-development analysis is provided as part of Addendum-1 section of the report. The methodology used to apply run-off factors to the disturbed and impervious area(s) within the post-developed watershed in order to determine the weighted basin factor is discussed. **Noted.**

6. Please submit analysis for drainage swale along Hearon, Wagner and Fischer Roads. Reviewer cannot verify that swale has conveyance capacity.

Response: As stated above, the need for drainage swales are not anticipated at this time. If deemed needed in the future, calculations will be provided in conjunction with our response to improvement plans review. Noted.

7. Show analysis to verify erosion control is/is not needed at Hearon Rd. Cul-de-sac.

Response: As we discussed, the "head-cut" was created by flows traversing the existing topography. The post-developed flow will be substantially reduced by the cul-de-sac improvement. A standard 36-inch depth cut-off wall is to be provided at the edge of pavement. It is intended that the "head-cut" will be in-filled in conjunction with the street improvements. If deemed necessary, specific calculation will be provided in our response to improvement plans review. Noted.

8. Outlets at drain area 3D and 3E are shown to be within ROW again. Details on sheet 2 of 2 of developed conditions map, show splash pad and cut-off wall out of the right-of-way. If built per details, Addressed.

Response: We acknowledge your comment. Noted.

9. Per section 5.9, Standards for Subdivisions, Plan Information, C. Floodplain and Floodway Boundaries- Drainage Areas of the Cochise County Floodplain Regulations: All final plats and development plans shall indicate the limits of the regulatory floodplains, erosion hazard boundaries, and the limits of the federally established regulatory floodplains and floodway (if applicable), and be delineated in a surveyable manner (line data and curve data tables) and sealed by an Arizona Registered Land Surveyor.

Response: Regulatory flood plain does not traverse the J-6 Ranch property. Erosion hazard setbacks (EHS) will be delineated in a surveyable manner upon the Final Plat.

NOTE: Per 3.2 ESTABLISHING AREAS OF Special Flood Hazard and Regulatory Floodplains, Floodways, Section C. In those areas where the regulatory floodplain and erosion hazard areas are not delineated pursuant to Sections 3.2.A and 3.2.B, and upon request for a county permit, the Floodplain Administrator may require the land owner to establish the regulatory floodplain and floodway limits through a hydrologic and hydraulic study prepared by an Arizona Registered Professional Civil Engineer. You have established this in your study. Per section 5.7... the base flood if such a flood has a peak flow rate equal or greater than fifty (50) cubic feet per second (CFS). Provide both Floodplain (FP) and Erosion Hazard Setbacks (EHS) in a surveyable manner on the Final Plat that have been established by the hydraulic study (greater than 100 cfs).

10. The drainage report indicates that the developed conditions on-site hydrology produces a net increase of 93 cfs in comparison to the existing conditions runoff while the north end decreases by 132 cfs. Please note, that the west end developed runoff was not detained which implies that parcel/s owners on the west boundary of the project site still have excess water entering their site as it leaves the project west boundary. Please detain per Cochise County floodplain requirements.

Response: Based upon discussion during the February 25th meeting at the Cochise County offices, and your follow-up e-mail dated March 12, 2015, an analysis to determine the percent increase in the velocity of flows exiting the development boundary are provided in the Addendum-1 section of the report. Our calculations reveal that the increased discharge is 2.3-percent or less. Noted.

11. Hydraulic analysis results may or may not change as a result of hydrologic corrections. Please show that HEC-RAS analysis is consistent with hydrologic analysis.

Response: The HEC-RAS analysis remains unchanged.

Noted.

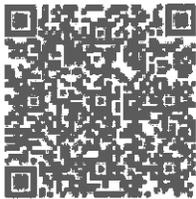
12. Please submit electronic files for hydrology (PC-Hydro, HEC-HMS) and hydraulic analysis (HEC-RAS) in Final plat submittal.

Response: We acknowledge the comment. Noted.

From: Jones, Dale
Sent: Monday, July 21, 2014 9:44 AM
To: Wilson, Beverly; Riggs, Karen
Subject: RE: Legal on J6 Subdivision

Looks good to me!

Dale A. Jones, PLS
Cochise County Community Development Dept.
Highway & Floodplain Div.
1415 W. Melody Lane
Bisbee, AZ 85603
520.432.9300 / fax 520.432.9358
djones@cochise.az.gov



From: Wilson, Beverly
Sent: Monday, July 21, 2014 9:06 AM
To: Jones, Dale; Riggs, Karen
Subject: Legal on J6 Subdivision

Hello Dale – I'm finishing up the review letter for the J6 subdivision project. Is the legal description correct on the 4th submitted TP? Please and thank you!

Beverly Wilson, Planning Director
Cochise County Community Development Department
Planning, Zoning and Building Safety Division
1415 Melody Lane, Building E, Bisbee, AZ 85603
520.432.9240 Fax 520.432.9278
bjwilson@cochise.az.gov

ATTACHMENT E-69

Turisk, Mike

From: Steve Lenihan [slenihan@usa.net]
Sent: Monday, November 19, 2012 2:19 PM
To: Wilson, Beverly
Cc: Turisk, Mike; Duff Hearon; Bill Baker; jean armstrong; Jim Lynch
Subject: J-6 Ranch
Attachments: Phasing Plan_(c)_8.5X11 (10-3-12).pdf

Beverly,

Attached is our phasing plan. I am sorry that it was not submitted with our tentative plat or traffic report submittals. (I do not have Karen Lamberton's email address. Please forward this to her as well. Thanks.)

As we discussed today, our intent always was to have lower density in areas that are visible to neighbors or where the terrain is rougher and to have higher density where the land is flatter and the lots are less visible to neighbors (Hidden Valley is a good example of this). Our phasing plan does this.

What we would like to do, and we ask the county's approval for, is to keep a running count of lots on each plat. For example, in the general notes for the first plat we would show the following:

Total Lots Allowed for Project	278
Less Lots in this Plat	<u>-42</u>
Lots Allowed in Future Plats	236

If the second plat included neighborhoods 4, 5 and 6, the general note might read as follows:

Total Lots Allowed for Project	278
Less Lots Allowed in Prior Plats	-42
Less Lots in this Plat	<u>-38</u>
Lots Allowed in Future Plats	198

Each subsequent plat would have a similar general note keeping a running count so that the total number of lots would not exceed 278 (for 556 acres).

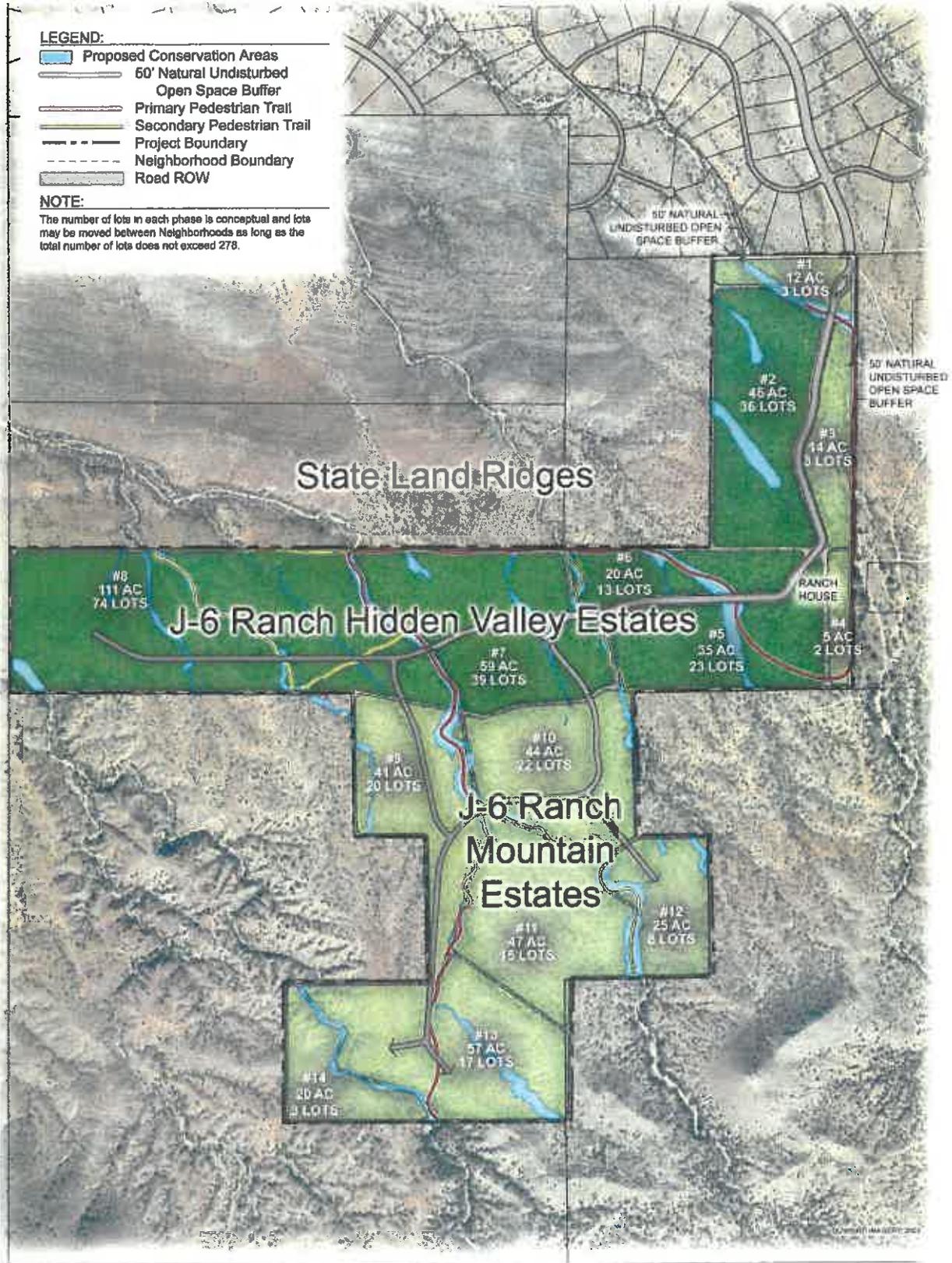
Perhaps Mike, Karen, you and I could talk about this and the traffic report next week. Thanks.

Steve

Stephen J. Lenihan, Esq.
1050 E. River Road, Suite 300
Tucson, AZ 85718
Phone: (520) 293-1702
Fax: (520) 293-0539

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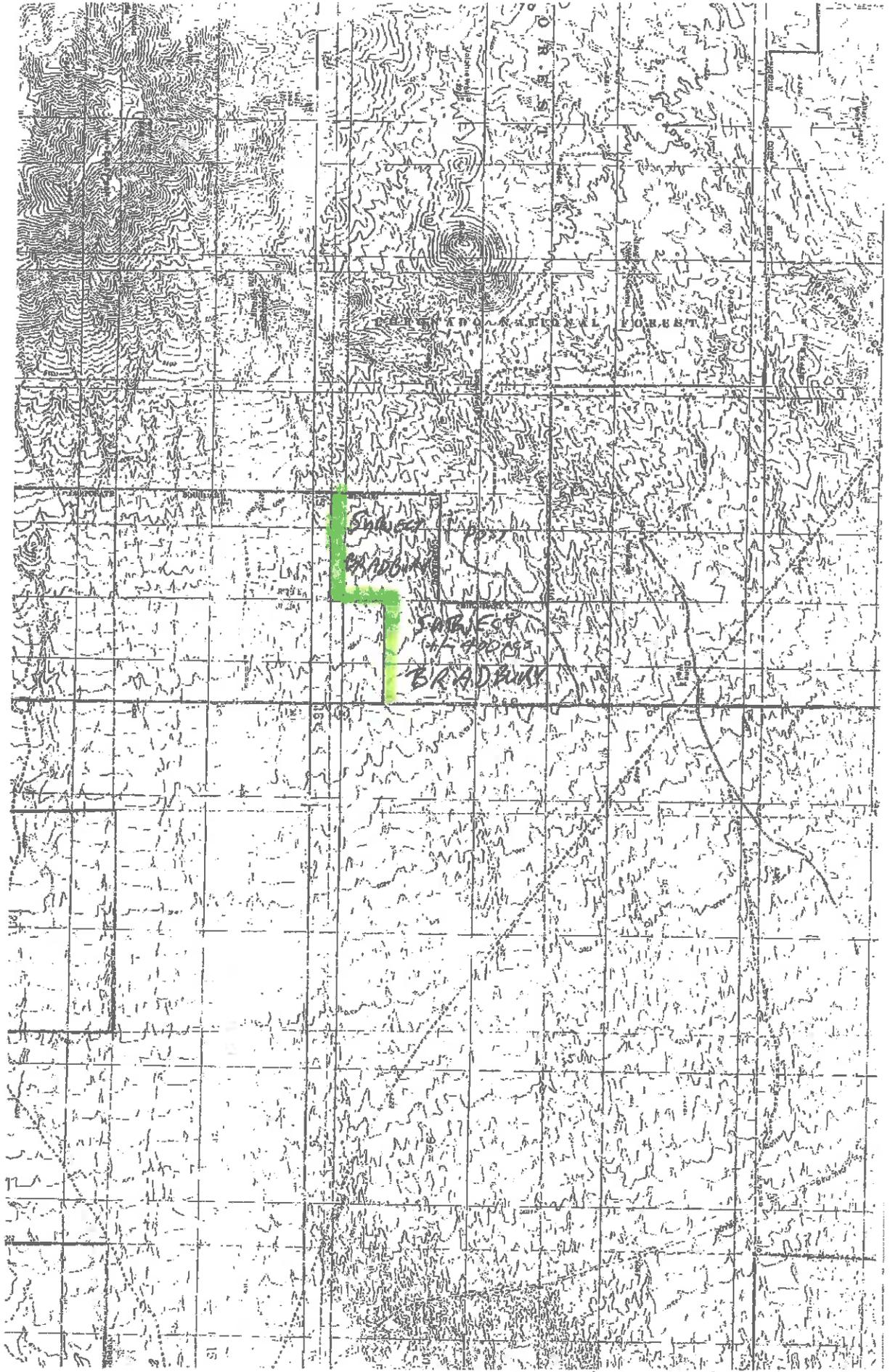
PHASING PLAN



Easter Mountain Ranch, LCC
1050 E. River Road, Suite 300
Tucson, AZ 85718

ATTACHMENT F - 71

J-G RANCH LOTS 1-42 SUBDIVISION TP CONCEPTUAL OFF-SITE ACCESS



LENIHAN RECEIVED MAY 4, 2015



DATE: November 7, 2012
TO: Mike Turisk, Planning Manager
Cochise County Community Development
Department
RE: Docket: S-12-01-J6 Ranch Conservation
Subdivision Concerns/Questions for
Plat of Neighborhoods 1,2,3 to be reviewed
November 15th, 2012.

Dear Mike:

The J-6/ Mescal Community Development Organization has been eagerly awaiting this first plat submittal which is the trigger for public vehicular access to be identified before its approval (See October 25, 2011 Minutes, page 6). We wish to highlight once again the importance to the community that this stipulation be met.

We are attaching a letter written by Mescal-J6 Fire District to the Forest Service regarding the importance of having the forest service roads remain open on the north face of the Whetstone for wildlands operations. At minimum, there should have been emergency vehicle access identified through the site to the upslope area.

We strongly encourage P & Z to contact the Fire Chief at Mescal-J6 Fire District before this process proceeds. We are aware he has been off site so has not been able to review the plat map. We would greatly appreciate a fire suppression expert to look at the 50' radius- cul-de-sacs that include an island in the center. Do these islands significant impact functionality of those turning areas for multiple large emergency vehicles? The Fire Chief has specified that Cul-de sacs should have a 96' diameter.

How will fire suppression, emergency rescue services, or evacuations be impacted with only 10' wide travel lanes leading into the cul-de-sac areas? The width of the travel lanes where J-6 is divided is only 14'. The Fire Chief has mentioned in the past that community roads or travel lanes should be not less than 20' wide.

How will entry driveways be regulated to allow for all weather access and to support the weight of the heavy engines and tenders? For example, Lots 7, 8, and 2 have entry roads to the building envelope that pass through significant washes. Several driveways appear to be greater than 200' in length and Lot 8 nearly 800'. Again, we would like a fire suppression expert to weight in as to how defendable these houses would be, if special considerations must be given to driveway construction or building materials used. If upgrades to fire equipment are necessary due to length of hose, size pump required to supply a sufficient stream of water, then these considerations will be important in the future growth plans of the District and any service contract between the Developer and our tax-supported department.

We were unable to find a notation as to where the sources of emergency water will be located. Will this be off-site? No symbol for hydrants appeared in the legends.

We would greatly appreciate someone explaining how 42 lots are being developed on this 80 acre parcel. We would also like a an explanation of the SF notations under each lot number. Do these numbers reflect the footprint information provided in their Sustainability Plan submitted to P& Z - 1) building envelopes shall not be more than 15,000 square feet for 1 acre lots and 25,000 square feet for 2 acre lots, and 2) site coverage shall not exceed over 25% of the total lot area. At what stage of the process does accurate representation and square footage get recorded for the building envelope on each site? Item 1 was included in the General Notes. Why wasn't number 2? We look forward to hearing from you. We are sincerely interested in having our questions answered. Respectfully submitted, Mary McCool, Chair



MESCAL - J6 FIRE DISTRICT

448 N. Warren Road, Benson, Arizona 85602

Chief Bernal: 520-221-1667 Secretary/Administration: 520-647-3585
cbernal@mescalj6fd.com secretary@mescalj6fd.com

July 15, 2011

Community Development Department
1415 Melody Lane
Bisbee, Arizona 85603

Attn: Beverly Wilson

Re: Transmittal Letter for Docket Z-11-06

As Fire Chief of Mescal-J6 Fire District, I appreciate the opportunity to review and comment regarding the rezoning application submitted by Easter Mountain Ranch LLC.

Our Governing Board has adopted the 2003 International Fire Code with Appendix A,B,C,D. Although fire protection provisions are primarily discussed during the tentative plat process, it is important for the District to know that both the developer and the County are considering the financial assurances for the following if the rezoning is to be approved. In addition, the District is requesting that the subdivision be annexed into our service area.

I have listed the following requirements that heavily contribute to life-safety and property conservation within and adjacent to the Mescal-J6 Fire District.

1. Emergency Access:

- A. Fire apparatus access roads shall be unobstructed width of not less than 20 feet.
- B. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (75,000 lbs) and shall be surfaced so as to provide all-weather driving capabilities.
- C. Cul-de-sacs shall have a 96' diameter.
- D. Minimum width of subdivision gates: one entry/exit gate - minimum of 20'; if one gate for entry and second gate for exit - each gate a minimum of 12'
- E. Gate controls must include a combination of several of the following: a key pad, an opening device that responds to a siren or yelp audio signal, and a Knox Box Rapid Entry System.
- F. A secondary entrance/exit road even if it is restricted to emergency use.
- G. Access to the forest to support wildland-urban interface fire suppression.

2. Water Availability/ Hydrants:

- A. A water source that will provide a fire flow of 1,000 gallons per minute (gpm) for 2 hours.
- B. Street signs and significant water storage reservoir in place before combustible material arrives on site.
- C. Hydrants preferably spaced 500' apart with lines to be inspected before covered.

As with all future subdivision submittals within the J-6/Mescal/Skyline areas, please keep me advised of all opportunities to review plans and the associated hearing dates.

Respectfully submitted,
Chris Bernal, Fire Chief

ATTACHMENT I - 74



MESCAL - J6 FIRE DISTRICT

448 N. Warren Road
Benson, Arizona 85602

Chief Bernal: 520-221-1667
cbernal@mescalj6fd.com

August 7, 2012

Ms. Peggy Wilson
Travel Management Project Leader
Sierra Vista Ranger District
5990 S. Hwy 92
Sierra Vista, Arizona 85650

Dear Ms. Wilson:

On behalf of the Mescal-J6 Fire District, I wish to address several concerns regarding the proposed Travel Management Plan and decommissioning of roads within the north face of the Whetstone Mountain Range. Decommissioning existing roads could impact our delivery of services and impair the safety of our residents.

The Mescal-J6 Fire District borders the north facing aspect of the Whetstone Mountains. Over the last 5 years, we have had several calls to assist the Forest Service with fires in the Whetstone Mountains because we are the closest available resource.

The most recent was the Cottonwood Fire. The Fire District supplied a 3500 gallon tender with 2 personnel and a 5000 gallon pumpkin. Although this fire did not directly threaten the District because it stayed up high in the forested area, the District provided informational support to foothill residents inundated with smoke as the wind came in their direction.

The Mescal-J6 Fire District has been working closely with Cochise County Planning and Zoning as plans unfold for a 286 home subdivision at the base of the Whetstone Mountains near the old J6 Ranch House. The District has specified fire suppression requirements needed within the subdivision, and has emphasized the importance of access to the forest. In case of a fire starting in the Whetstone Mountains and spreading towards that subdivision, existing roads can serve as anchoring points for burn-out operations or holding features to stop the spread.

I urge you to allow the Mescal-J6 Fire District access to the north facing aspect of the Whetstone Mountains by keeping the existing roads opened. This will ensure that we have the best opportunity to suppress any wildland fires that start and threaten our District.

Thank you for your time and consideration on this matter.

Sincerely,

Mark Lee, Boardchair
Mescal-J6 Fire District
boardchair@mescalj6fd.com

ATTACHMENT I -75



MESCAL - J6 FIRE DISTRICT

448 N. Warren Road
Benson, Arizona 85602

Mark Lee 520-221-0763
boardchair@mescaj6fd.com

November 14, 2012

Community Development Department
1415 Melody Lane
Bisbee, Arizona 85602

Attr: Mike Turisk, Planning Manager

As Boardchair, I am resubmitting our Fire Chief's previous letter dated July 15, 2011. At that time, we knew the letter addressed fire protection provisions that are usually discussed during the tentative plat process. It was our intent that Planning and Zoning and Developers be aware of our concerns at the earliest opportunity.

Our Fire Chief is currently out of the office but our fire district does not want his comments to be lost. We do wish to note one change to paragraph two in the Chief's letter. Since protection will be needed from our Department, we will need to have further discussion with the developers to determine if annexation or a service contract is in the best interest of the District.

If you have any questions, please feel free to contact me at the number above.

Sincerely,

Mark Lee, Boardchair
Mescal-J6 Fire District



MESCAL - J6 FIRE DISTRICT

448 N. Warren Road
Benson, Arizona 85602

Mark Lee 520-221-0763
boardchair@mescalj6fd.com

Community Development Department
1415 Melody Lane
Bisbee, Arizona 85603

Attn: Beverly Wilson

RE: 2nd Tentative Plat Review, J-Six Ranch, Docket S-12-01

Dear Ms. Wilson:

The Mescal J-6 Fire District is a small volunteer Fire District and planning of a gated community is new ground for us. With that said, we are both eager and anxious to start dialogue with the Cochise County Community Development Department and the J-6 Ranch Subdivision Management Teams.

The Mescal J-6 Fire District respectfully submits the following comments in regards to the above referenced project.

Mescal-J6 Fire District currently plans to annex the Easter Mountain Ranch subdivision as outlined in the Cochise County Subdivision Regulations. Section 411.01 A. As we plan for providing Fire Suppression and EMS Services to residents within this gated community, it is imperative that we address several design elements directly with the developer before this Platt moves forward.

The State of Arizona implemented the 2003 International Fire Code, via Section R4-36-01 of the Arizona Administrative Code: Incorporation by Reference of the International Fire Code. This code specifically states: "Unless otherwise provided by law, any person residing, doing business, or who is physically present within the State of Arizona shall comply with the provisions of the International Fire Code (2003 Edition) including D102.1 and D107.1 of Appendix D and all provisions of Appendices B,C,E,F and G,..... "

Throughout Chapter 5, authority is given to the Fire Code Official in the jurisdiction to change multiple minimum access requirements. The Tentative Plat Review process is a critical opportunity to assure that adequate consideration is given to elements significantly impairing the department's ability to protect loss of property and life. We would greatly appreciate P & Z encouraging/supporting direct communication between the developer and the District at this time.

Additionally, we request that the developer describe fire protection provisions during the tentative plat as specified in Section 411.01 E of the Subdivision Regs. The Plat, at a minimum, should describe the total fire flow necessary and how they plan to meet this need. The Plat should also describe the size and location of the storage tank, well, any booster stations necessary, etc. We understand the actual spacing of hydrants, water main size, etc .will be included later in the water plan.

At minimum, we require a description providing similar information as was required for the 2nd Tentative Plat for Mescal Ranch:

"...adhering to nationally recognized standards of meeting the International Fire Code, 2003 Edition, it is presumed that the Mescal Ranch development will provide a fire flow of 1,000 gallons per minute (gpm) for 2 hours. This equates to 120,000 gallons of required storage for fire flow demand. The total storage capacity of the development will include 120,000 gallons for fire flow plus the average day demand (ADD) for all of the units (or 74,000 gallons per day (gpd)). This results in a reservoir the size of 200,000 gallons. This reservoir will be located at the intersection of Mescal Road and Scott Lane. The design will provide a separate fire connection hook-up for filling the fire tanker trucks at this site."

We look forward to engaging in important dialogue with the developers to plan for the delivery of quality services to make this a model subdivision.

Sincerely,

Mark Lee, Boardchair
Mescal J-6 Fire District
Boardchair@mescalj6fd.com
Cell: 520-221-0763

ATTACHMENT I -77

Date: October 8, 2013

To: Mr. Larry Anderson and Project Planner Mr. Jim Lynch

Reference: Morning meeting to discuss 6 – J Ranch Project proposal

I was asked by Larry Anderson if I would help in determining what was needed for the 6 - J Ranch Project near Mescal, AZ, for the Mescal Fire Department. After reviewing the plans I determined the minimum requirements for fire-flow utilizing the International Fire Code, 2003 edition, needs as follows:

- Minimum fire-flow for one and two family dwellings shall be 1,000 gallons per minute (GPM) provided the structures do not exceed 3,600 square feet. (International Fire Code (IFC), 2003 edition, Appendix B, Section B 105, B 105.1) If the fire-flow calculation area excess of 3,600 square feet shall be not less than that specified in Table B 105.1 (1,500 GPM).
- Exception: A reduction in required fire-flow of 50% as approved is allowed when the building is provided with an approved automatic sprinkler system.
- Fire hydrant spacing shall be 500 feet. (IFC, Appendix C)
- Required to engineer size of storage tank to accommodate the required fire-flow requirements for the 6 –J Ranch Project as a stand-alone system. (Note: there are other parcels that border this project for the possibility of future build-out.)
- In reference to fire apparatus access roads shall be required to use IFC Appendix D, including the dead-end fire apparatus access road turnarounds. Depending on the radius required for apparatus the island may be required to be removed from plan.
- I took the liberty in marking the plans for locations of fire hydrants. Note: In some cases the separations between hydrants may be greater than 500 feet to help the developer in costs associated with infrastructure, while still maintaining adequate fire-flow needs for the fire department.

In my opinion, due to the remote location of the project and the time required to assemble the volunteers to respond and arrive in case of a fire, the best solution would be to install automatic sprinkler systems in each dwelling. The home owner can see a 5% to 10% reduction in their homeowners insurance. The Contractor can reduce the required fire-flow minimum of 1,000 GPM's to 500 GPM's with the sprinkler systems installed. This in turn will lower the costs for sizing of water supply lines—infrastructure and more importantly, save the structure from severe fire damage to fire, as the sprinkler home in most cases would have extinguished the fire before the fire department arrives utilizing one or two sprinkler heads. (Note: ONLY the sprinkler head directly above the fire will open and discharge water to extinguish the fire; NOT the entire house's sprinkler heads) As an additional note, the 2012 edition of the IFC now requires automatic sprinkler systems, shall be installed for all structures.

Respectfully,

David R. Stone
Retired Fire Marshal



Sulphur Springs Valley Electric Cooperative, Inc.

Member of the Southwest Electric Cooperative

DATE: July 1, 2014
PROJECT: CCP&Z 3S-12-01
NAME: J-Six Ranch
LOCATION: F0529
F2W2 Section 29 T17S R19 E
AREA: J-Six Ranch Road, Benson AZ

REVIEW OF SUBDIVISION PLAT --- NOTES AND COMMENTS

- Streets are private.
- No dedication statement on plat included for review
 - Unable to determine if private streets will be dedicated for use by utilities.
 - If they are not, recommend that the plat include an easement to get from potential delivery point located at the Northeast corner of subdivision to cross J-Six Ranch Road so that service can be delivered to lots located on the West side of said road.
- CCR's not available
 - Unable to determine if electric lines for this subdivision are restricted to underground or overhead.
- 10' Utility Easements located along all lot lines that are adjacent to private streets except for lots located along the East line of J-Six Ranch Road.
- SSVEC single phase primary OH line located along the East boundary of Subdivision.
 - Line meanders along the entire length of the boundary with a portion located inside subdivision perimeter and a portion located outside the subdivision perimeter.
 - Upon researching SSVEC records, no easement document could be found for existing poles
 - Recommend that the plat include an easement of 20.00' along this boundary to accommodate the existing line.

Ruth Bigelow
Right-of-Way Agent

ATTACHMENT K - 79