



**Planning
Commission**

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

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

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

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

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



Cochise County Planning Commission

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

Regular Meeting
August 14, 2013
4:00 p.m.

AGENDA

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

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

PUBLIC HEARING -- Docket SU-13-12 (Collins): A Special Use request to use an existing guest house located at 10637 River Ridge Rd. in Palominas for a guest ranch land use. The Applicants are Kim Ratelle-Collins and Thomas Collins.

Item 2 - (Page 24) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING -- Docket R-13-01 (Cochise County Planning and Zoning Commission): A proposed revision of the 2008 version of the County Zoning Regulations. The revision is intended to simplify and clarify to provide a better understanding of the regulations; to provide more flexibility in the administration of the regulations; and to bring the regulations into conformance with the County Comprehensive Plan and Arizona Revised Statutes.

3. **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.
4. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
5. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
6. **ADJOURNMENT**

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

Wednesday, July 10, 2013

REGULAR MEETING at 4:00 p.m.

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

Chairman Lynch admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there were one Special Use request and one Master Development Plan and Rezoning docket on the Agenda, in addition to the Work Session regarding the proposed changes to the Zoning Regulations. He explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

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

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the June 10, 2013 meeting as presented.

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

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

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

No: 0

Abstain: Ms. Weissler

NEW BUSINESS

Based on the relative numbers of persons present to speak on the two dockets, Chairman Lynch moved Item 2 to the front of the agenda.

Item 2

PUBLIC HEARING -- Docket MDP-13-01/Z-13-02 (Inde Motorsports Ranch): A request for a Master Development Plan (MDP) and Rezoning to Planned Development (PD) for the Inde Motorsports Ranch located west of Willcox. The project would include an additional racetrack and control facilities, aircraft hangers, clubhouse, up to 52 dwellings, and additional garages.

Chairman Lynch called for the Planning Director's report. Planning Manager, Mr. Michael Turisk presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Turisk explained that the request was to allow the multi-year phased build-out of the site, including a second track with associated support structures, a clubhouse and restaurant, aircraft hangers, and a residential subdivision with detached homes and townhomes as well as dedicated open space. Mr. Turisk explained the access to the site and that the docket was transmitted to various agencies for comment. He also explained the correspondence that Staff had received regarding the proposal. Mr. Turisk noted that if the project is approved the residential component would still be required to progress through the subdivision process. He closed by inviting questions from the Commission. Mr. Bemis asked about the requirements for a subdivision in regards to water adequacy, which Mr. Turisk provided. Ms. Weissler asked about the location of the airport. Mr. Turisk clarified the location. Mr. Bemis asked if the Applicant was required to have a permit from the Federal Aviation Administration and if so did they currently possess the permit. Mr. Turisk stated that a permit was required, and that the Applicant currently possessed the permit.

Mr. Lynch invited the Applicant to make a statement. Ms. Kelly Lee of the Planning Center, Tucson, spoke on behalf of the Applicant. She noted that C.J. Dorland, the President of Inde Motorsports was present and available to answer questions. Ms. Lee further explained the existing and proposed structures. She explained the proposed residential structures and amenities. She also explained the proposed number of homes in relation to the number of homes that could be built on the site under the current zoning. Ms. Lee emphasized the preservation of open space proposed as well as the further water and energy conservation efforts that would be incorporated into the project. She also noted that a traffic analysis would be conducted which would show if off-site improvements would be required. She also noted that large setbacks were being preserved. She closed by noting that ADWR requirements would be followed regarding water, and that the Applicant had been in compliance with existing conditions regarding noise levels on adjacent properties.

Mr. Lynch opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of the project. Mr. James Malone, Willcox, spoke in support of the project. He noted that he had lived near the track since its inception. He stated that he had no problems with noise or dust from the track. He also emphasized that the Master Development Plan process would lead to better growth than open-ended lot splitting. Mr. Malone also noted the economic benefits that the project would bring. Mr. Bemis asked Mr. Malone for clarification of a statement regarding seasonal use, asking when the season was. Mr. Malone explained that the season varied by individual. Mr. Lynch then asked for speakers in opposition. Mr. Fred Edington of Willcox spoke in opposition of the project.

He expressed concerns regarding his cattle and water use. He stated that he was unaware of the track project when he purchased his property.

Mr. Edington also expressed complaints regarding the behavior of some of the pilots landing at the airstrip. Will Edington, Willcox, also spoke about water concerns regarding the project. The Applicant, C.J. Dorland, Willcox, spoke in rebuttal and explained the water conservation measures that the project would incorporate and the requirements from the Arizona Department of Water Resources regarding water in the proposed subdivision.

Mr. Lynch then closed the Public Hearing and invited discussion from Commissioners. Mr. Martzke explained his support for the request. Ms. Weissler stated that she felt a formal plan regarding water conservation should be required as a condition of Approval. Mr. Lynch reminded the Commission that the water issues were outside the jurisdiction of the Commission. Mr. Bemis asked if the zoning regulations covered groundwater recharge wells. Mr. Lynch stated that the engineering of the site was outside the purview of the Commission. Mr. Bemis agreed, but expressed a desire for Staff to investigate. Ms. Weissler clarified that she agreed with Staff's recommendation regarding water conservation planning. Ms. Wilson explained that the ADWR water adequacy requirement is part of the County Subdivision Regulations approved by the Board of Supervisors. Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Turisk recommended Conditional Approval and explained the Conditions and Waivers requested by Staff. He also explained that two separate motions were required to move this docket to the Board of Supervisors. Mr. Lynch called for a motion. Mr. Martzke made a motion for recommending Conditional Approval of the Master Development Plan. Mr. Brauchla seconded the motion and asked for discussion. Mr. Martzke and Mr. Bemis expressed their support for the project. Mr. Lynch called for a vote. The motion passed 9-0. Mr. Martzke then made a motion to recommend Conditional Approval of the Rezoning. Mr. Cervantes seconded, and the motion passed 9-0.

Motion: Motioned to recommend approval with Conditions and Waivers of the Master Development Plan

Action: Recommend Approval **Moved by:** Mr. Martzke **Seconded by:** Mr. Brauchla

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

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

No: 0

Abstain: 0

Motion: Motioned to recommend approval with Conditions the Rezoning to Planned Development

Action: Recommend Approval **Moved by:** Mr. Martzke **Seconded by:** Mr. Cervantes

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

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

No: 0

Abstain: 0

Item 1

PUBLIC HEARING -- Docket SU-13-11 (Dale): A Special Use request to construct and operate a dog and cat boarding facility. The subject parcel is located at 9185 S. Garber Dr. in Hereford. The Applicants are Joanne and Mike Dale.

Chairman Lynch called for the Planning Director's report. Planner II, Mr. Keith Dennis presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Dennis explained that the request was to allow operation of a dog and cat boarding kennel. He discussed waste management issues and then a detailed explanation of public input regarding the proposal. He closed by listing the factors in favor of and against approval, explaining several proposed Conditions of Approval and requested Modifications, and invited questions from the Commission. Ms. Weissler asked for clarification regarding the public response within the mandatory notification zone. Mr. Dennis confirmed that all responses from within the notification radius were in opposition.

Mr. Lynch invited the Applicant to make a statement. The Applicants, Michael and Joanne Dale of Hereford spoke about the project, including the details of the proposal and their rationale for the business. Mr. Dale explained that his construction business was closing, and being unable to find other employment, he and his wife focused on animal boarding. He explained the need for a business of this nature in the area. He stated that he expected some opposition, but noted he was caught off guard by the level of the opposition. Mr. Dale stated that he felt that if the project was allowed to proceed the neighbors would find that their concerns were unwarranted and asked for the opportunity to prove as such. He then addressed the concerns that had been brought up by the neighbors. He addressed the noise concerns and their efforts to mitigate them through construction and location of the buildings. He explained that the profile of the buildings would be minimized to reduce visual impact. Mr. Dale then addressed traffic concerns and expressed willingness to maintain the road. He reiterated Staff's estimated traffic generation. He addressed dust concerns by promising to emphasize the maximum speed limit to his clients, and stated that the trouble with speeding and dust was generated by residents rather than visitors. Mr. Dale addressed the concerns regarding property values by emphasizing the low profile of the proposed structures and signs. He also stated that he felt his maintenance of the road would increase property values. Mr. Dale addressed contamination and odor issues by explaining planned procedures for mitigation. He closed by stating that there were a great many misconceptions regarding the project and felt that the concerns were based on those misconceptions.

Mr. Bemis asked the Applicant if the kennels would be heated and cooled, and Mr. Dale explained that they would be. Mr. Bemis also asked if Mr. Dale would maintain the road himself, or if he would contract it out. Mr. Dale explained that he would do it himself. Ms. Weissler asked Mr. Dale if there were CC&Rs on the property. Mr. Dale stated that there were, but felt that none of them applied, except for a setback requirement that he had changed his plans to comply with. Ms. Weissler noted that the CC&Rs prohibited commercial signs and that the proposed project included signs. She noted that the Commission did not enforce CC&Rs, but stated she felt the Commission should not be seen as overruling them.

Mrs. Dale noted that several of the neighbors were in violation of the CC&Rs. Ms. Weissler responded that she felt the community should work together to find CC&Rs they could all live with. Mr. Dale explained that he felt that the situation with the neighbors was so confrontational that there was no point trying to work with them after initial hostile reactions. He stated that he felt that pursuing the permit was the only way to work through the issue. He reiterated his proposed efforts to minimize impact for his neighbors. Ms. Weissler stated that she felt that Mr. Dale felt the CC&R's did not apply to him, and further stated that she was not concerned with the neighbors' adherence to them. Mrs. Dale explained their efforts to comply with them. Ms. Weissler brought up other CC&Rs and stated she felt they were not being complied with in general. Mr. Dale explained that they were still in process of working on their home, and would be in compliance when completed. Mr. Garcia asked about cleaning procedures. Mr. Dale explained their research and proposed processes for cleaning.

Chairman Lynch asked Chief Civil Deputy, Britt Hanson for clarification that the Commission did not get involved in CC&Rs but focused on the Zoning Regulations. Mr. Hanson concurred, quoting the relevant regulations. He also explained that the Commission's decision would not affect enforcement of the CC&Rs in court. Ms. Weissler expressed support for the concept of CC&Rs and stated that while she understood that the County could not enforce them she was uncomfortable with seeming to ignore them as the Commission was perceived as a higher authority. Mr. Hanson reiterated that the Commission's decision did not impact the CC&Rs. Mr. Lynch reminded the Commission again that CC&Rs were not under the purview of the Commission. He went on to ask Mr. Dale if the business was existing based on their website. Mr. Dale explained that they were in limited operation for test purposes, and stated that a number of his neighbors were operating businesses without permits. Mr. Lynch asked for clarification if they were in business. Mrs. Dale explained they did off-site pet sitting. Mr. Lynch noted that the website indicated otherwise. Mr. Dale expressed willingness to shut down that portion of the website.

Mr. Lynch then opened the Public Hearing. He reminded speakers that they were not required to use their entire allotted time if there was nothing new to add, and started with speakers in support.

Ms. Angela Moretz, Hereford, spoke in support of the project. She expressed a desire for more kennel space in the area, and thanked the Dales for supporting her family. She addressed the noise issue, explaining that the neighborhood was currently full of animals and animal noise. She also stated that traffic was already an issue and felt the kennel would not make the situation worse. She expressed surprise at the scope of opposition to the project.

Mr. Dale McLaughlin, Hereford, spoke in support based on the need for more kennel space in the area, and explained that he had already been a client of the Dales.

Ms. Dorathea Watkins, Douglas, spoke about the character of the Applicants. She also stated that she felt that the proposed kennel fit with the ranch-type character of the neighborhood.

Mr. Lynch moved on to speakers in opposition.

Mr. Tim McCarthy was called, but was not present.

Mr. Joseph Scelso, Palominas, introduced himself as a contributor to the Southern San Pedro Valley Area Plan, and went into the history of the plan. He emphasized peace and quiet and disputed Staff's finding that the project fit with the Area Plan. He reminded the Commission that previous Special Use requests in the area had been denied and emphasized consistency in findings. He disputed that other livestock made noise, and mentioned that dogs, including his, do.

Ms. Nicole Hall, Hereford, introduced herself as a realtor and stated that the project would decrease property values.

Mr. Chris Hauser, Sierra Vista, stated that he was neutral, but explained he was a civil engineer hired to evaluate Bloomfield Rd. He expressed general concern regarding dirt roads in the County.

Mr. Thomas Green, Hereford, expressed concern regarding noise and dust and worried about the inability to mitigate them.

Ms. Jan Wilson, Sierra Vista, expressed concern regarding property value, noise, and odors. She also claimed the Applicant had performed grading on her property without permission.

Ms. Elizabeth Bourlier, Sierra Vista, expressed concern for property values.

Ms. Mary Sue Scofield, Hereford, expressed concern regarding all the roads in the neighborhood. She also expressed concern regarding the collection of signatures from outside the area.

Ms. Mary Gutierrez, Hereford, expressed concern regarding traffic and issues regarding school buses.

Mr. William Viskocil, Hereford, expressed concern regarding traffic and noise, as well as property values.

Ms. Maria Abel, Hereford, expressed concern that off-site impacts could not be mitigated, and that a kennel was not appropriate in a residential area and would ruin lives. She expressed concern about noise. She stated that she felt that despite the proposed conditions, the kennel would ruin their property and stated that the County Transportation Planner was completely wrong in her analysis. She also expressed concern regarding the roads. She claimed that the Applicant showed no concern for neighbors' issues.

Mr. Earl Hopkins, Hereford, expressed concern regarding noise and stated the application was unfair. He stated he felt the Dales were not complying with their existing permit. He also expressed concern about the aesthetics of the site. Mr. Hopkins also faulted Staff's report on several details.

Mr. Keith Latam, Hereford, expressed concern regarding increased traffic and road deterioration.

Ms. Paula Latam, Hereford, declined to speak.

Mr. James Arellano, Hereford, expressed concern regarding quality of life for the neighborhood. He stated that the project was out of character and expressed further concern regarding the roads. He stated that the area was rural and it was not possible to mitigate the impacts.

Ms. Laura Arellano, Hereford, expressed concern regarding the state of the roads and regarding noise.

Ms. Maryjane Mahland, Hereford, expressed concern regarding boarding dogs and worried about additional noise.

Ms. Nancy LaMontagne, Hereford, expressed concern regarding design standards in the Southern San Pedro Valley Area Plan and felt that the proposal did not fit the area and that the Dales' structures did not fit the local aesthetics. She also noted issues regarding the Applicants' website.

Mr. Michael Saenz, Hereford, spoke claiming that the Applicants have not cooperated with the neighbors at all, and claimed numerous falsehoods in their application and Staff report. He also expressed concern regarding the CC&Rs. He admitted he was in violation of the CC&Rs, but felt that while he could remedy his violations the Dales would be unable to do so. Mr. Saenz also addressed previous denied Special Use permit requests in the area for similar projects and expressed concern regarding the lot size in relation to the number of animals.

Ms. Mary Beth Saenz, Hereford, accused the Applicants of destroying the community for their own benefit. She expressed concern that the Applicants were already in business. She also argued against granting forgiveness rather than permission. She expressed concern regarding the Dales' ability to control the dogs on their property. She finished by stating that the Commission should consider the CC&Rs as the community's opinion.

Mr. Stephen Burr, Hereford, reiterated the same concerns about the roads. He also expressed concern about the ability of the Applicants to mitigate the impacts and wondered about commercial activity in a rural neighborhood. He stated that he felt that the Application should not have come to the Commission without approval from the neighbors.

Ms. Gloria Dueltgen, Hereford, expressed concern about traffic over her private road.

Mr. Herbert Fehling, Hereford, expressed concern about traffic through his neighborhood on private, native-surfaced streets. He also disagreed with Staff's analysis regarding the project and public input. He stated that only immediate neighbors' opinions should be considered. Mr. Fehling also stated that he felt the Applicant had not been honest in their application and therefore the permit should be revoked.

Ms. Daffney Trujillo, Hereford, spoke about concerns in regards to traffic and children.

Chairman Lynch offered the Applicant an opportunity for rebuttal.

Mr. Dale answered concerns regarding traffic through private roads and mitigation. He answered the concerns regarding the construction of his home and its relation to the CC&Rs and the aesthetics of the structures. He reiterated his proposed noise mitigation measures and experience with other similar facilities. Mr. Dale explained his rationale for his limited engagement with the neighbors, and touched upon the road condition and lighting concerns. He also disputed questions regarding their honesty.

There being no further speakers, Mr. Lynch closed the Public Hearing and invited discussion from Commissioners. Ms. Weissler reiterated her views regarding CC&Rs and spoke regarding asking forgiveness rather than permission. She explained her concern about moving forward in face of significant opposition.

Mr. Bemis asked Staff about a discrepancy regarding power companies. Staff explained the issue, noting it was a Staff typographical error rather than a misrepresentation in the application. Chairman Lynch then called for the Planning Director's summary and recommendation. Mr. Dennis presented a recommendation of Conditional Approval and laid out the proposed Conditions and Modifications. Mr. Lynch asked for clarification of the Condition regarding hours of operations. Ms. Weissler asked about private maintenance agreements and liability. Mr. Hanson explained the legal issues. Mr. Brauchla asked about the hours of operation and penalties for failure to comply with Conditions. Mr. Dennis explained that Conditions gave the County enforceability on such permits. Mr. Dennis presented a clarified Condition regarding hours of operation. Mr. Garcia expressed concern about the limited hours of operation. Mr. Lynch advised the Commission not to over focus on specific hours. Mr. Bemis expressed empathy for the Applicant, but felt that the issues could not be mitigated to the satisfaction of the community. Mr. Martzke commented regarding the previously denied projects and the similarities with the current proposal. He concurred with Staff's recommendation but felt as a Commissioner he could not support the project. Mr. Lynch spoke regarding the Commission's mandate to consider both technical and human elements regarding applications, and stated that he could not support the project in the face of the opposition.

Mr. Lynch then called for a motion. Mr. Martzke made a motion to recommend approval with the Conditions and Modifications recommended by Staff. Ms. Edie seconded the motion and Mr. Lynch called for a discussion. Mr. Brauchla asked for clarification of the motion and the results of a particular vote. Mr. Lynch called for a vote. The motion failed (0-9).

Motion: Motion to approve the Special Use for Animal Husbandry with the Conditions and Modifications recommended by Staff.

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

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

Yes: .

No: Mr. Bemis, Mr. Brauchla, Mr. Cervantes, Chairman Lynch, Ms. Miller, Ms. Weissler, Mr. Garcia Ms. Edie and Mr. Martzke

CALL TO THE PUBLIC

Chairman Lynch opened the "Call to the Public."

Jack Cook spoke about various matters.

Chairman Lynch closed the "Call to the Public."

CALL TO COMMISSIONERS

There were no Commissioner comments.

WORK SESSION

The Commission held a Work Session to continue reviewing proposed changes to the Zoning Regulations. Director, Beverly Wilson reported that several controversial items were being removed from the proposed zoning regulation changes, including water conservation and animal husbandry issues. A joint working committee was announced to address the animal issue. Ms. Weissler asked when the water issues would be addressed. Ms. Wilson explained that County Administration would drive the decision and ventured a three-month time frame. Mr. Lynch asked Mr. Bemis for clarification of the issues that Mr. Bemis had raised at the previous Work Session. Mr. Bemis expressed that the County ensure that it was not over-regulating rural areas. He expressed concerns that regulation may be shaping up to benefit Staff and Officials rather than the public and that the regulations may not be appropriate at the present time. Ms. Weissler asked Mr. Bemis for a copy of his statement. A discussion occurred among the Commission and Counsel regarding the Open Meeting Law to clarify the legality of inter-Commission communications. Mr. Martzke discussed how the Boards of Adjustments interact with the regulations. Mr. Lynch reminded the Commission of their jurisdiction and asked them to review cases on that basis. Mr. Lynch and Ms. Edie discussed the origin of regulations. Mr. Lynch also reminded the Commission that the Board of Supervisors sets policy, and that Commissioner should take policy concerns to the Supervisors.

PLANNING DIRECTOR'S REPORT

Chairman Lynch then called for the Planning Director's report. Director Beverly Wilson informed the Commission that the two Regulation dockets from the previous month had been approved by the Board of Supervisors. She also explained that the August meeting would have one Special Use, and the final copy of the Zoning Regulations up for vote. She also gave the Commission a status report on the Appeal of a previous docket and the date of the Board's action on the Master Development Plan heard by the Commission tonight.

ADJOURNMENT

Mr. Bemis moved to adjourn, Ms. Weissler seconded and the meeting was adjourned at 7:58 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner II *(KD)*
FOR: Beverly J. Wilson, Planning Director *(BW)*
SUBJECT: Docket SU-13-12 (Collins)
DATE: August 1, 2013, for the August 14, 2013 Meeting

APPLICATION FOR A SPECIAL USE

The Applicants request Special Use authorization to use an existing 811-square foot guest house for a guest ranch. The proposal requires a change of land use to Guest Lodging, requiring Special Use approval per Section 607.01 of the Zoning Regulations. The subject Parcel (104-27-031D) is located at 10637 River Ridge Road in Palominas. The Applicants are Kim Ratelle-Collins and Thomas Collins of the same address.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 28.93-Acres
 Zoning: Rural (RU-4; one home per 4-acres)
 Growth Area: Category D (Rural)
 Comprehensive Plan Designation: Rural Density Residential
 Area Plan: Southern San Pedro Valley; Sierra Vista Sub-Watershed
 Existing Uses: Rural Residential

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural Residential, Vacant Land
South	RU-4	Rural Residential, Vacant Land
East	RU-4	San Pedro River National Conservation Area
West	RU-4	Vacant Land

II. PARCEL HISTORY

1997 – Applicants permitted a 3,056-square foot single family residence, septic system, and a 1,200-square foot barn.

2004 – Applicants permitted and constructed an 811-square foot residence on the property.

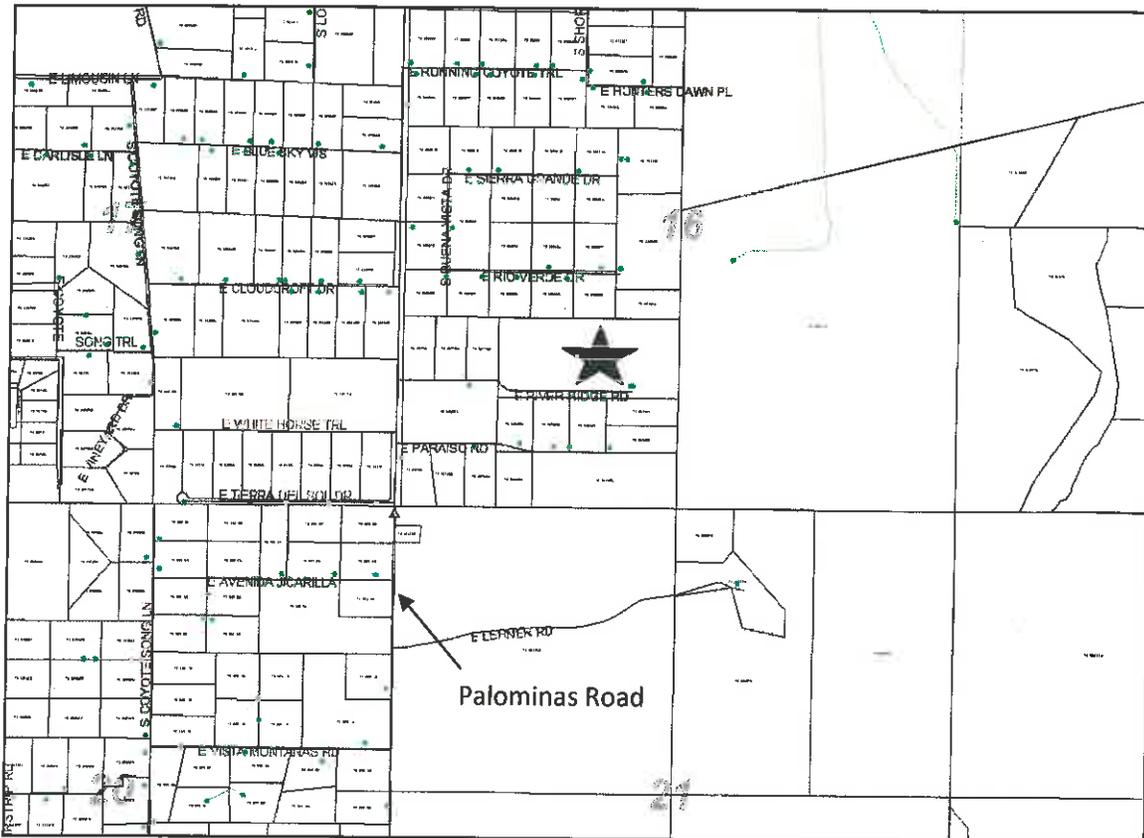
III. NATURE OF REQUEST

The Applicants, Tom and Kim Collins, intend to use the existing guest house on the property as a guest ranch. The unit includes a fully-equipped kitchen, covered and paved parking, and a covered porch. The unit would be available for short-term stays for one party at a time, and according to the Special Use Questionnaire (*Attachment A*), may include incidental outdoor activities, such as “hiking, biking, birding, horseshoes, Jacuzzi, petting zoo, [and] ‘relaxing.’” Because the proposed rental unit can accommodate one party at a time, traffic would most often

II. PARCEL HISTORY

1997 – Applicants permitted a 3,056-square foot single family residence, septic system, and a 1,200-square foot barn.

2004 – Applicants permitted and constructed an 811-square foot residence on the property.



III. NATURE OF REQUEST

The Applicants, Tom and Kim Collins, intend to use the existing guest house on the property as a guest ranch. The unit includes a fully equipped kitchen, covered, paved parking, and covered porch. The unit would be available for short term stays for one party at a time, and according to the Special Use Questionnaire (Attachment A), may include incidental outdoor activities, such as “hiking, biking, birding, horseshoes, Jacuzzi, petting zoo, [and] ‘relaxing.’”

Because the proposed rental unit can accommodate one party at a time, traffic will most often consist of one vehicle accessing the site. The driveway to the property is improved with a gravel surface.



East view of the entrance to the Collins' property. Ranch-style entry features such as this conform to the design standards of the Southern San Pedro Valley Area Plan.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

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

A. Compliance with Duly Adopted Plans: Complies (See Condition #3)

The property is within the boundaries of the Southern San Pedro Valley Area Plan, as well as the Sierra Vista Sub-Watershed. The Southern San Pedro Valley plan specifically mentions guest ranch uses as appropriate for “scattered RU-4 sites” if designed to have “no off-site negative impacts.” The ranch-style entry feature, the architecture, setbacks and layout of the property, and the landscaping on the property all demonstrate compliance with the design standards of the Plan.

The structures on the site are already built, including water fixtures. Any new construction on the property would automatically be subject to water conservation standards per the Sierra Vista Sub Watershed Policy Plan. Condition #3, recommended by staff, would provide an additional assurance of compliance with these standards.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.05 of the Zoning Regulations encourages “recreational support services that are compatible with rural living.”



View of the Collins residence as seen from the front of the proposed guest house. The landscaping features on this property demonstrate compliance with the Area Plan.

C. Development Along Major Streets: Not Applicable

The site is not located along any arterial roadway; River Ridge Road connects the use to the paved, County-maintained Palominas Road one-half mile West.

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

Compliance with this factor depends upon the ability of a proposed land use to utilize the existing transportation network in the manner in which it was designed, and upon permitting access driveways and dedication of right-of-way where applicable.

The project site accesses River Ridge Road, a 20-foot wide, private access and utility easement which terminates at the western boundary of the subject parcel. The River Ridge travelway essentially continues onto the subject property, and serves as the driveway. This driveway is improved with a gravel surface throughout the property.

To ensure compliance with this factor, staff recommends, as Condition of approval #2, that the Commission oblige the Applicant to enter into a private maintenance agreement with County staff, to ensure that River Ridge Road between the subject property and Palominas Road is maintained in a safe, drivable condition.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property. The property is served by an on-site well and septic system. APS provides electric power, and the site lies in the Palominas Fire District. Staff's position is that the project site has adequate services and infrastructure to accommodate the business.



Southeast view of the proposed guest ranch accommodations.

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

As submitted, the project site complies with most applicable site development standards. The site plan is deficient with regard to the standard requiring a 24-foot wide, two-way driveway on the property. Staff recommends that the Commission allow the existing 12-foot wide driveway to remain.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received positive responses from two neighboring property owners, and a negative response from one.

H. Hazardous Materials: Not Applicable

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

I. Off-Site Impacts: Complies

Off-site impacts are anticipated to be negligible for this project. The project is proposed as a "guest ranch" on a rural-residential site of over 28-acres. The structures are all setback over 150

feet from all property lines; no outdoor lighting is to be used, per the Applicant. The guest house to be used for lodging would generate less traffic than if it were utilized as a full-time residence.

The Special Use Questionnaire states that some noise may be heard on neighboring properties, because the Applicants may offer entertainment in the form of cowboy poetry and music, as often as once per week, for up to two hours at a time. The Applicants state that music will not be amplified, and that noise levels would be moderate.



The Collins residence (left) and the guest house (right) as seen from the driveway approach.

J. Water Conservation: Complies (Subject to Condition #3)

As a business utilizing an existing site, the Applicants intend to use existing water fixtures in the existing guest house. The site is served by one well; if the property were split and built out as single family residences, as many as seven homes could be built on the 28-acre property, with the potential for a different well serving each. Condition #3 would require that any new construction conform to the policies of the Sierra Vista Sub-Watershed Policy Plan.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500 feet of the subject property. Staff posted the property on July 29, 2013, and published a legal notice in the *Bisbee Observer* on July 25, 2013. In response to this mailing, the Department received correspondence from three neighbors, two supporting and one opposing the request. To date, the County has received three statements of support, and two opposing the Special Use request.

VI. REQUESTED MODIFICATION

Although the existing 12-foot wide driveway on the property does accommodate ingress and egress traffic, the driveway as it exists is sufficient for the volume and nature of traffic proposed.

Staff therefore recommends a Modification to the 24-foot two-way driveway standard for commercial uses (Section 1804.06.F), to allow the existing 12-foot wide, graveled driveway and gate to remain.

VII. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of approval, and requested Modification, the proposed use would comply with each of the eight applicable Special Use factors used by staff to analyze such requests;
2. Per Section 601.05 of the Zoning Regulations, the proposed use is appropriate in the Rural Districts and one that would not threaten the rural character of the area;
3. The proposed use would generate no appreciable off-site impacts;
4. The proposed use would use existing structures; and
5. Three neighboring property owners have expressed support in writing for the project.

Factor Against Allowing the Special Use

1. Two neighboring property owners have expressed opposition to the request in writing.

VIII. RECOMMENDATION

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12 months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. Prior to the issuance of a permit, the Applicant enter into a Private Maintenance Agreement, to ensure that River Ridge Road between Palominas Road and the entrance to the subject property is maintained in a safe, drivable condition.

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

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

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-13-12, with the Conditions and Modification to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Special Use Questionnaire
- B. Location Map
- C. Concept Plan
- D. Citizen Review and Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

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

TAX PARCEL NUMBER: 10427031D ZONING DISTRICT _____

APPLICANT: KIM RATELLE-COLLINS & THOMAS E. COLLINS

MAILING ADDRESS: 10637 RIVER RIDGE RD PALOMINAS AZ 85615

CONTACT TELEPHONE NUMBER: 520-366-5825

PROPERTY OWNER (IF OTHER THAN APPLICANT): _____

ADDRESS: _____

DATE SUBMITTED: June 27th 2013

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

\$ _____
\$ _____
\$ _____

CHECK
1000

REC'D
6/27
(RD)

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.)
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. Citizen Review Report, if special use.

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

9
A

6. 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.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

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

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

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

PART TWO - QUESTIONNAIRE

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

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

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

2. What is the proposed use or improvement? BEB

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? _____

VISITORS WILL RENT GUEST HOUSE - NO IMPACT ON NEIGHBORS

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

NONE

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)

WOOD FRAME, STUCCO, COMPOSITION SHINGLES - EXISTING

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.

EXISTING

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 12 AM to 12 AM PM)

B. Number of employees: Initially: 0 Future: 0
Number per shift Seasonal changes 0

C. Total average daily traffic generated:

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

(2) Total trucks (e.g., by type, number of wheels, or weight) 0

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

PALOMINAS RD - NORTH & SOUTH

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

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

DAYTIME THRU EVENING ON OCCUPIED DAYS.

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 100 per year 36,500

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	PRIVATE WELL	
Sewer/Septic	SEPTIC	
Electricity	APS	
Natural Gas	PROPANE	
Telephone	VERIZON	
Fire Protection	DALMINAS / FRY	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

HIKING, BIKING, BIRDING, HORSE SHOES, JACUZZI
CAMP FIRE, COWBOY MUSIC / POETRY, HAY RIDES, PETTING ZOO
"RELAXING"

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? CONBOY MUSIC & POETRY - MODERATE

LEVEL OF NOISE - NO AMPLIFIED MUSIC -

FOR DURATION OF POSSIBLY 2 HRS - POSSIBLY ONCE WKLY.
WE THINK THE NEIGHBORS WILL ENJOY THE ENTERTAINMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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 Community Development, Planning, Zoning & Building Safety Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site is one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? NONE
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals 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's 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' impacts. The Arizona Department of Environmental Quality (ADEQ) 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 Kim Raffelle-Pollins 12-JUN-13

Date signed _____

Dear Neighbor:

The purpose of this letter is so we can comply with the legal requirement that we notify our neighbors that we are going to seek a special use permit from the county that will allow us to rent out our guesthouse and operate it as a bed and breakfast. Because your property is within 1500 feet of ours, you will have the opportunity to be heard by the Planning and Zoning Commission regarding our request. You will be notified by the County when a hearing is scheduled.

We live at the east end of River Ridge Road, adjacent to the SPRNCA. About eight years ago we built a guesthouse on our property. My father-in-law lived in it for six years until he passed away last summer. We want to rent it out when our extended family is not using it when they visit us. We believe that this will have no detrimental effects as the house will have much less use than when my father-in-law resided there full-time.

Thank you for your consideration.

Feel free to contact us or come by for a visit.

Sincerely,

Your neighbors,

Kim and Tom Collins
10637 River Ridge Rd.

366-5825
kimrat@cis-broadband.com

JOY ORTNER
10575 E. SIERRA GRANDE RD
HEREFORD, AZ 85615

VOICE MESSAGE: WEEK OF 17 JUN 13 -
[APPROVAL GIVEN]

18
D

Dear Neighbor:

The purpose of this letter is so we can comply with the legal requirement that we notify our neighbors that we are going to seek a special use permit from the county that will allow us to rent out our guesthouse and operate it as a bed and breakfast. Because your property is within 1500 feet of ours, you will have the opportunity to be heard by the Planning and Zoning Commission regarding our request. You will be notified by the County when a hearing is scheduled.

We live at the east end of River Ridge Road, adjacent to the SPRNCA. About eight years ago we built a guesthouse on our property. My father-in-law lived in it for six years until he passed away last summer. We want to rent it out when our extended family is not using it when they visit us. We believe that this will have no detrimental effects as the house will have much less use than when my father-in-law resided there full-time.

Thank you for your consideration.

Feel free to contact us or come by for a visit.

Sincerely,

Your neighbors,

Kim and Tom Collins
10637 River Ridge Rd.

366-5825
kimrat@cis-broadband.com

Dear Neighbors
It is "very OK" with us!
Sincerely

John and Claudia
Hobley

366-0722

07/02/2013

Mr. Collins:

First of all, sorry to here about your lost one. About a couple of years back I presume, your spouse was in our neighborhood Rio Verde Community, clearing the ingress/egress of few weeds on Rio Verde Drive and done damage to my side of the property. The tractors tire gouged up my ingress/egress to my property that was already clear on my side. I approached your spouse with tack and kindness and mentioned to her to what she had done. She said nothing to me in return. A day or two later you approached me with hostilities because I had talked to your spouse. There was no mention to me or the people in our community that she was to clear the weeds on our ingress/egress. So therefore your spouse was in violation of our neighborhood (trespassing) without permission of us home owners to complete her task. Also I would like to mind you that the trail you have/had been mowing adjacent to our community that you are also in violation of our Covenant Conveyance and Regulations. This 20 foot easement is between your property and The Rio Verde Community is a conservation easement.

In other words, it is to stay natural. I'm supplying you with a map of the community and please feel free to contact me. I'm looking forward to the hearing unless I hear from you before then.

Gaffney Trust
10500 E. Rio Verde Drive
Hereford, AZ. 85615

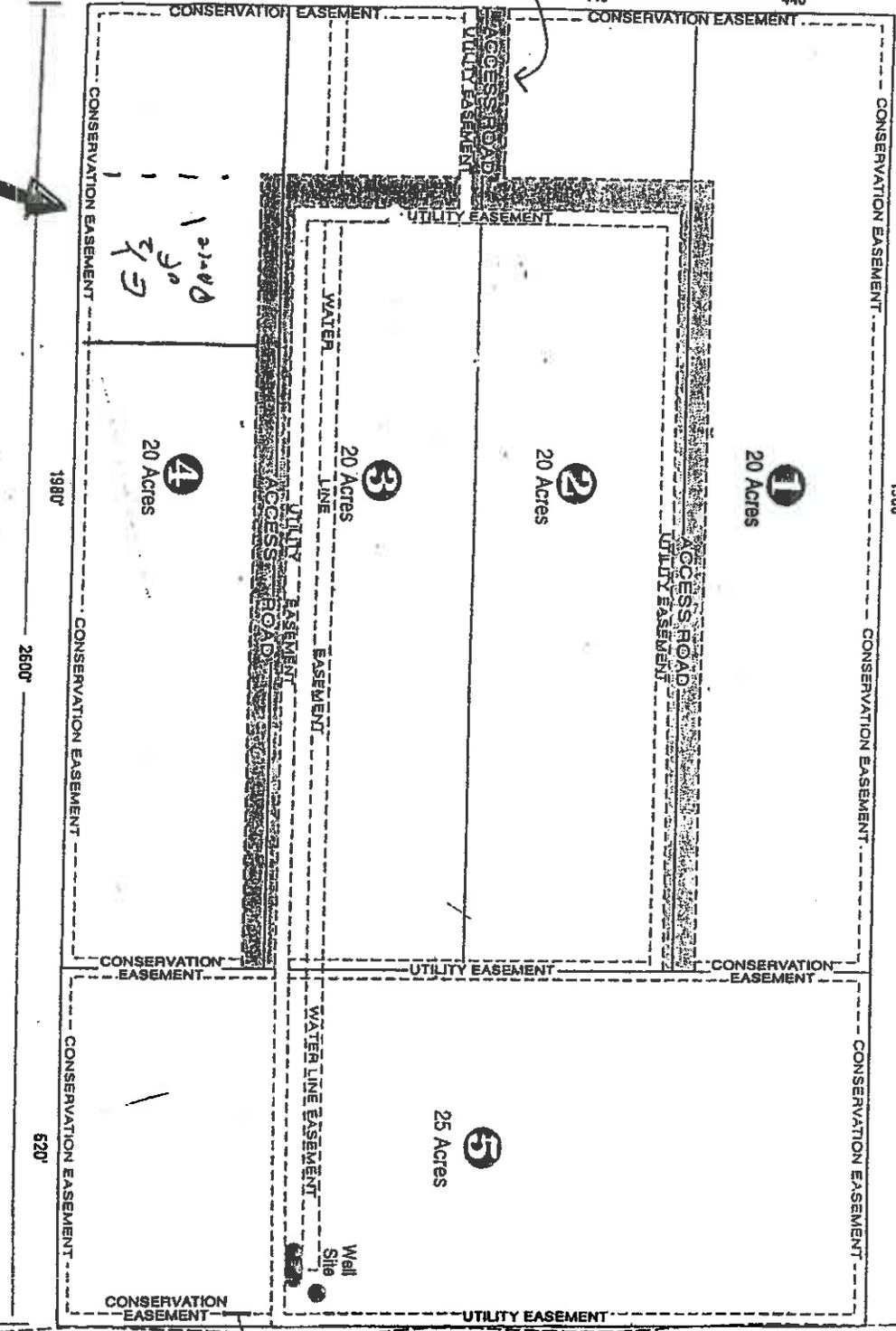
Sincerely Lonnie C. Gaffney Jr.

20
D

PALOMINAS ROAD

440' 440' 440' 440'

CONSERVATION EASEMENT CONSERVATION EASEMENT



1 1/2 Parcels

20 Acres 4

20 Acres 3

20 Acres 2

20 Acres 1

25 Acres 5

Well Site

1980' 2600'

1980' 2600'

520'

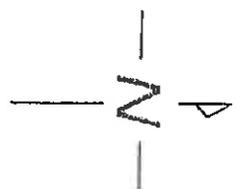
1760'

RIPARIAN AREA

Gate to Riparian Area

SAN PEDRO RIVER

HERFORD ROAD



21

Special Use: Docket SU-13-12 (Collins)

COCHISE COUNTY

JUL 31 2013

PLANNING

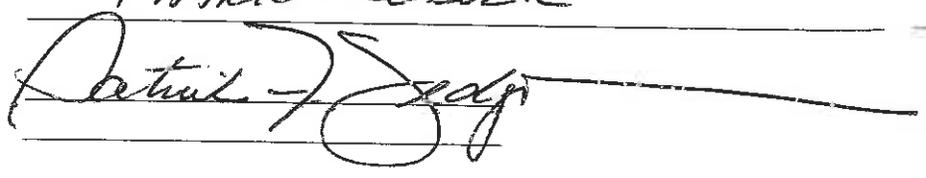
X YES, I SUPPORT THIS REQUEST
Please state your reasons:

We fully support this request. It is an appropriate use of the property, without any adverse impacts on surrounding property owners. In fact, it should provide added value to the subject property, which should be beneficial to surrounding property owners.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): Patrick LEDGER

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 104-27-031E (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, August 2, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

22
D

Special Use: Docket SU-13-12 (Collins)
COCHISE COUNTY

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

JUL 29 2013

PLANNING

~~I am ok with it.~~
Why? because it will be a very
good use of that space, and beside
that is good for our community.
Hobbly

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

John & Claudia Hobbly

SIGNATURE(S):

John Hobbly
Claudia Hobbly

YOUR TAX PARCEL NUMBER: 104270380 (the eight-digit identification number found on the tax statement from the Assessor's Office) and 104270381 ✓

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, August 2, 2013 if you wish the Commission to consider them before the meeting. We can-not make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

22
D

Special Use: Docket SU-13-12 (Collins) COCHISE COUNTY

JUL 29 2013

YES, I SUPPORT THIS REQUEST

Please state your reasons:

PLANNING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

*The water table remains an issue for this entire county
our ABE is already zoned for residential use in
average no less than 4 acres.
Creating more water usage per acre is, I believe
dangerous to water levels.
Need more details*

(Attach additional sheets, if necessary)

PRINT NAME(S):

Linda & Mike Bloom

SIGNATURE(S):

[Handwritten signatures]

YOUR TAX PARCEL NUMBER: 104-27-0890 4 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, August 2, 2013 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

23
D



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Beverly Wilson, Planning Director *br*
SUBJECT: Docket R-13-01 (Zoning Regulations)
DATE: July 31, 2013

I. PROPOSED UPDATE TO THE ZONING REGULATIONS

Docket R-13-01 is a resolution that proposes a number of revisions to the 2008 version of the Cochise County Zoning Regulations, last revised and adopted on June 20th of 2008 (Resolution 08-31). Section 102.A.8 of the Cochise County Comprehensive Plan requires periodic review and updates to the Zoning Regulations to "reduce complexity, contradictions, and unnecessary regulations." The overall intent of these proposed revisions is exactly that, to simplify and clarify the regulations to be more easily understood and interpreted by the public and Staff. Attempts were made to build in more flexibility in the administration of the regulations, and to bring the regulations into conformance with revisions in the Arizona Revised Statutes ("ARS"). A summary listing of the changes as well as the complete draft document (with additions and deletions shown) is also included for consideration.

II. BACKGROUND AND PROPOSED CHANGES

The purpose of this memorandum is to highlight the most significant changes to the Zoning Regulations. The proposed Draft is the result of a line-by-line examination of the Regulations by Staff over the past two years, and is not intended to be a complete rewrite of the existing Regulations. Also included in this proposed update are the interpretations used by Staff for confusing language or for issues not addressed in the current Regulations. In compliance with Senate Bill 1598, several new definitions and in many cases, simply a word or two have been inserted into existing language. Following is a brief review of each Article and the changes Staff is proposing:

Article 2 (Definitions):

Due to past and potential changes in the numbering of Sections within the Zoning Regulations, as well as Arizona Revised Statutes, references to specific Sections of either have been replaced with more general references to the Article in which the Section is located. You will find the exception when the Section is within the same Article in which the Section reference appears.

New Definitions:

Alley: This definition was added as it is referenced in the body of the Regulations.

Community Gardens and Farmers' Markets: These are two new definitions added as categories of land use in a number of Zoning Districts. Community Gardens are added as permitted principal uses in Articles 6 through 13. Farmers' Markets are added as principal permitted uses in Articles 6, 11, 12, and 13, and as Special Uses in Articles 8, 9 and 10.

Lot Development Administrative Modification: This definition was added as it is referenced in the body of the Regulations.

Recycling Drop-Off Receptacle and Transfer Station: Definitions added to clarify that recycling drop-off receptacles are incidental and not the same land use as a recycling center, proper. The Transfer Station definition provides further clarity.

Regional Sewage Treatment Plant: This definition was added as it is referenced in the body of the Regulations. Also needed was clarification as to the difference between *regional* versus those which are limited in scope and serve primarily on-site uses (such as on-site or HOA-operated "package" plants within a subdivision).

Repair Services (Large Engine): A truck repair or other large equipment or vehicle repair operation would usually be larger in scale and generate greater potential impact than other repair services such as the existing category already defined in Article 2. Note that "automotive" has been removed from the definition of "Repair Services Automotive and Small Engine" with the number of axles now being the distinction between one type and another: "repair services for vehicles with two or fewer axles are classified as small engine repair, while more than two axles would be considered large engine repair."

Retaining Wall: Definition was needed to include the fact that setbacks do not apply to such structures.

Right-of-Way or Utility Easement: This definition was added as it is referenced in the body of the Regulations.

Substandard Lot: Definition added to explain that Lot Modifications, Variances or Rezonings are the remedies for substandard lots if not already deemed legal nonconforming.

Wholesaling, Warehousing, Distribution, or Storage: This definition was added as it is referenced in the body of the Regulations.

Modified Definitions:

Accessory Living Quarters: The term "detached bedrooms" was added as part of definition for added clarity.

Airports: Definition now includes helipads and heliports.

Building Permit: Definition clarified that permits are required for Permitted and Special Uses.

Wireless Communication Equipment has been renamed to "*Communication Equipment*," to reflect industry standards. The definition was also simplified.

Contract Construction Services: Includes indoor as well as outdoor storage of vehicles and equipment.

Dwelling: Definition simplified. This definition previously addressed various types of dwellings including manufactured homes and rehabilitated mobile homes.

Dwelling unit, multiple household: Definition simplified.

Dwelling unit, single household: Definition simplified and exclusion of RVs made explicit.

Easement: Added language allowing for permits to be issued within private easements on the condition that "*No structure or use permitted by this permit shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easement.*"

Factory Built Building: Edited for clarity, and to explain that such structures are also called "Modular Buildings."

Fence: Definition modified to indicate that retaining walls are not fences.

Grocery Stores: Definition edited to include accessory uses such as restaurants, banks, postal services, etc. that may occupy the same floor space as the grocery store, proper.

Group Quarters: Edited to exclude various uses such as halfway houses, offender rehabilitation, and residential care uses.

Height, Building: Removed references to average height on pitched roofs and deck lines on mansard roofs; height is now measured from grade to the tallest point of the roof.

Definitions for **Impacts**, **Intensity**, and **Monuments** were removed.

Landscaping: Definition modified/clarified.

Manufactured Home: Excluded rehabilitated mobile homes, factory built buildings and RVs.

Master Development Plan: Definition replaced with cross-reference to Article 4.

Mini-Warehouses: Definition now includes outdoor storage areas (such as for boats and RVs).

Mobile Home: Definition now specifically excludes RVs and manufactured homes.

Mobile Home (Rehabilitated): No longer refers to the ICC building code compliance, but to County certification.

Manufactured Home Park: Definition now includes factory built buildings, and clarifies that the land use is determined without regard to whether or not the units are offered for rent.

Out-Building: Definition now specifies that items stored are to be used on the property, or for animals, but do not include RVs which are allowed as accessory uses.

Personal and Professional Services: No longer includes dental or health services, as these are more properly defined under Health Clinics.

Planned Development: Definition replaced with cross-reference to Article 4.

Recreational Facilities: Modified to exclude residential lighted accessory roping arenas.

Recreational Vehicle: Language referring to travel trailers simplified.

Recreational Vehicle Parks: No longer includes tents (which are considered Guest Lodging, a separate category of land use).

Repair Services, Automotive, and Small Engine: The word “automotive” is removed. See above.

Residential Care Homes and Institutions: Definitions now exclude domestic violence shelters. Residential Care Homes may now house up to 10-persons (previous limit was six), with a maximum occupancy of 14-persons (counting staff). Classification as a Residential Care Institution is triggered by 10-or more residents. These limits mirror current State rules.

Retail Sales and Rentals: Provides for up to 40% of floor area to be used for “manufacturing, processing, assembling, treatment, installation, and repair of products.”

Article 3 General Provisions: Article 3 was not edited.

Article 4 (Plan Area Designations and Master Development Plans): Beyond some minor changes to the Category B Growth Area designation criteria, changes to this Article consist of added definitions and requirements of Master Development Plans as follows:

- The definition has changed to add requirements for addressing water adequacy, flood control, multi-modal transportation, parks, and utility installations.
- Required water conservation measures are spelled out in more detail, as are provisions for alternative energy options (see 406.06.B).

Article 5 (Zoning Districts, Maps, and Boundaries): Changes to this Article were editorial or used to clarify language.

Article 6 (RU, Rural Zoning Districts): Changes include the following:

- Principal Permitted grocery stores no longer include accessory gasoline sales, and maximum floor area has been increased from 2,000 to 2,500-square feet; grocery stores beyond these thresholds require a Special Use.

- Principal Permitted Wireless Communication Towers come with a 30-foot height limit.
- Clarifying language which permits Recreational Facilities, Civic, Social or Fraternal Organizations as part of a subdivision is added.

Article 7 (Residential Zoning Districts): Changes include the following:

- Section 701.03: A purpose statement referring to “the transition from urban to rural” has been removed.
- Section 706.03: Fences six-feet in height or less were added as Permitted Uses.

Article 8 (SM- Single-household/manufactured home residential zoning districts): Changes to this Article were editorial or used to clarify language.

Article 9 (SR- Single-Household Residential Zoning Districts): A reference to parcels zoned PR-40 (a long defunct Zoning district) has been added.

Article 10 (MR-Multiple-Housing Zoning Districts): Daycare Facilities were added as a Special Use.

Article 11 (NB, Neighborhood Business Zoning District): Farmers’ Markets and Community Gardens were added as permitted uses.

Article 12 (GB-General Business): Changes include the following:

- Setbacks for Special Uses on GB Parcels abutting GB, LI, or HI are now 10-feet; setback is still 80-feet when abutting other Districts.
- Standard Accessory RV language used in other Articles is now included.

Article 13 (LI-Light Industry Zoning District): Farmers’ Markets and Community Gardens added as permitted uses.

Article 14 (HI-Heavy Industrial Zoning District): Changes include the following:

- Added commercial plant nurseries and cemeteries as a permitted principal use.
- Added Medical Marijuana land uses as Special Uses.

Article 15 (PD-Planned Development Districts): Changes to this Article were editorial or used to clarify language.

Article 17 (Administration): Changes include the following:

- Section 1704: Modified to allow re-establishment of a discontinued residential use without the need for a new permit if the use was permitted previously.
- Section 1712: Provides for extensions on mobile or manufactured home permits.
- Section 1713: Included reference to Home Occupations.
- 1714: Included language regarding fee waivers that must be approved by the Board of Supervisors; surcharges assessed for placing mobile or manufactured homes without a permit.

- 1715.08: Clarified substandard lots and the various remedies for these beyond the lot modification process.
- 1716.02: Now references the Comprehensive Plan (previously only referenced applicable area plans or master plans). The change acknowledges the importance of our Comp Plan policies in making staff recommendations regarding Special Use proposals.
- 1720: Temporary Use Permit administration and procedures have been moved from Article 18 to Article 17.

Article 18 (Site Development Standards): Changes include the following:

- Added 0.5-parking spaces required for multiple-household dwellings (up from 1.5).
- 1804.07: Allows Zoning Inspector to approve surface requirements.
- 1804.08: Permits not required for unoccupied structures in display areas.
- 1805.03.D: Allows screening to begin at 6-inches above grade when screening in floodplain.
- Deleted Section 1812.15: “The number of spaces designed for recreational vehicles shall not exceed 20-percent of the total number of spaces in the park.”
- 1813: Security fence and parking requirements for wireless towers removed.
- 1815: Livestock fencing differentiated from corrals; and provisions for roping arenas that are accessory to a principal permitted use.
- Section 1822 and 1823 – Minor changes to Wind and Solar regulations.
- Section 1825 – Medical Marijuana uses now allowed by Special Use in Heavy Industry District.
- 1822 and 1823: Minor formatting changes to Wind and Solar regulations.
- 1825 – Medical Marijuana uses allowed in Heavy Industry District.

Article 19 (Sign Code):

- Reorganized this Article to clarify and simplify.
- Per Arizona Revised Statutes, all regulations or restrictions on sign copy have been removed.
- Removed definition of and references to accessory signs.
- Removed Identification Sign classification; all such signs would now be classified under the existing category of “On-site Permanent Sign.”

Article 20 (Exemptions, Exceptions, and Nonconformances):

- 2003.01: Added provisions to maintain legal nonconforming status for those lots combined after 1975, when such combinations reduce but which do not eliminate the non-conformance.
- 2003.04: Non-conforming business may expand with a permit as long as it can meet current development standards; apartments, mobile home, and RV parks may not expand without losing legal nonconforming status.

- 2003.06: Permits may now be issued for re-roof and building code repairs for legal nonconforming lots or parcels.

Article 21 (Boards of Adjustment):

- Changes to this Article were editorial or used to clarify language.

Article 22 (Amendments):

- Changes to this Article were editorial or used to clarify language.

III. SUMMARY

The Cochise County Zoning Regulations were last revised and adopted on June 20th of 2008 (Resolution 08-31). The Cochise County Comprehensive Plan requires periodic review and updates to the Zoning Regulations to “reduce complexity, contradictions, and unnecessary regulations.” Staff is requesting that the Commission forward these proposed changes to the Board with a recommendation for approval.

ATTACHMENT

- A. Proposed Zoning Regulations (showing changes)
- B. Letter of Support

Pirtleville Community Action Network, Inc.

SINCE

May 9, 2005

Pirtleville, Arizona

Pueblo Nuevo 1903

Home of the Faras Wildcats

COCHISE COUNTY

FEB 20 2013

PLANNING

February 13, 2013

From: Hector M. Salinas, President
Pirtleville Community Action Network, Inc.
P.O. Box 312
Pirtleville, Az 85626

To: Planning and Zoning Commission
Cochise County
1415 Melody Lane
Bisbee, Arizona 85603

Subject: Support of Commission Proposed Zoning Regulations

Planning and Zoning Commission:

On behalf of the Pirtleville Community Action Network, Inc, (PCAN) a non-profit 501(c)(3) public charity organization based in Pirtleville, Arizona, are requesting that the Cochise County Planning and Zoning Commission expedite the adoption of the proposed changes to the zoning regulations to facilitate the creation of a community garden in Pirtleville, Arizona which will be known as the Pirtleville Community Garden Project; to be build with assistance from United States Department of Agriculture (USDA) this upcoming new year. The community of Pirtleville will appreciate your continued support in our community efforts to improve the health and well being of our area residents. If you have any questions, please call me at 520-227-2857 for further information.

Respectfully yours,


Hector M. Salinas, President

Cc: Gerry Gonzalez, USDA NRCS
Ann English, District 2 Supervisor
Anita Wood, Ph. D. CCHCI, Grants Writer

Pirtleville Community Action Network, Inc.

Your contributions are tax deductible under Section 170 of the Internal Revenue Code
Pirtleville Community Action Network, Inc., is a non-profit 501(c)(3) public charity organization
Employer Identification Number: 20-3484808

**Board of
Directors**

Hector Salinas
President

Mario Merino
Vice President

Rudy Alcaraz
Treasurer

Bernardo
Acedo
Secretary

**Board
Members**

Salvador
Ocano

Guty Sanchez

Manuel
Vertrees