

Cochise County Planning Commission



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

Regular Meeting
October 12, 2016
4:00 p.m.

AGENDA

- 1. 4:00 P.M. - CALL TO ORDER**
- 2. ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
- 3. APPROVAL OF PREVIOUS MONTH'S MINUTES**
- 4. CALL TO THE PUBLIC – CALL TO THE PUBLIC** - Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on *any issue within the Commission's jurisdiction*. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
- 5. NEW BUSINESS**
Item 1- (Page 1) – PUBLIC HEARING – Docket SU-16-15 (Foreman) The Applicant is requesting a Special Use authorization for Guest Lodging in a Rural (RU-4) zoning district. The Applicant is proposing to set up ten tiny homes for chemically sensitive individuals, which may be purchased and relocated by the guests. The proposed use is considered Guest Lodging and requires a Special Use Authorization per Section 607.01 of the Zoning Regulations.

Planning Commission

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

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

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

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

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

The applicants are Jesse and Amy Foreman.

Item 2- PUBLIC HEARING – Docket SU-16-16 (Johnston) Due to a Transmission error, Staff is requesting that this docket be tabled to the November 9th meeting. The Applicant is requesting a Special Use authorization for an RV Park in a Rural (RU-4) zoning district. The Applicant is proposing to construct 160 RV spaces and accessory amenities the location. The proposed use is considered an RV park in greater density than one space per four acres and requires a Special Use Authorization per Section 607.02 of the Zoning Regulations. The applicant is Wayne Johnston.

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

**Next P&Z Commission meeting
November 9, 2016**

- a. SU-16-16 (Johnston) request for RV Park in Whetstone
- b. SU-16-17/Z-16-04 (Willcox Gun Club) rezoning and SU for shooting range in Willcox

Updates on previous dockets

- a. Sonoran Care Appeal
- b. J-6 Subdivision

Updates on processes

- a. Commercial Permit process revision

7. CALL TO COMMISSIONERS ON RECENT MATTERS.

8. ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
September 14, 2016
REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Chairman 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 two Rezoning Dockets and one Special Use Docket on the agenda. Chairman Greene explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Chairman Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; six Commissioners (Jim Martzke, Gary Brauchla, Wayne Gregan, Patrick Greene, Nathan Watkins, and Pat Edie) indicated their presence. Staff members present included; Paul Esparza, Planning Director; Karen Lamberton, Transportation Planner; Britt Hanson, Chief Deputy County Attorney; and Peter Gardner, Planner I.

APPROVAL OF THE MINUTES

Motion: Approve minutes of the August 10, 2016 meeting **Action:** Approve

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

Vote: Motion passed (**Summary:** Yes = 5, No = 0, Abstain =1)

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

No: 0

Abstain: Mr. Brauchla

CALL TO THE PUBLIC:

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

NEW BUSINESS

Item 1 PUBLIC HEARING Z-16-03 (Oldfield)

A request to approve a Rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per 4 acres). The subject parcels are 10.51 acres in size. The request is to facilitate the use of the Owner-Builder Opt-Out Amendment. The Applicants are Daniel and Jo Oldfield.

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 Staffs' analysis of the request. He noted support and

opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Mr. Greene opened the Public Hearing, and Mr. Gardner noted that the Applicant was not present. Mr. Gregan made a motion to table the item until later in the meeting, pending the Applicant's arrival. Ms. Edie seconded, and the motion passed unanimously.

After the second item, the Applicant arrived, and the item was removed from the table. Mr. Greene opened the public hearing.

Mr. Daniel Oldfield of Bisbee spoke, explaining the reasons for his request.

There being no further speakers, Mr. Greene closed the public hearing and called for Commission Discussion.

There being no further discussion, Chairman Greene called for a motion. Mr. Watkins made a motion to forward the docket to the Board with a recommendation of approval with the Conditions as recommended by Staff. Ms. Edie seconded the motion. Mr. Greene asked for discussion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 6-0.

Motion: Motioned to forward the docket to the Board with a recommendation of approval as recommended by Staff. .

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

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

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

No: 0

Abstain: 0

Item 2 PUBLIC HEARING Docket Z-16-02 (Kerr)

The Applicant is requesting a Rezoning from RU-4 (Rural; one dwelling per 4 acres) to RU-2 (Rural; one dwelling per 2 acres). The subject parcel is 10.11 acres in size. The request is to facilitate dividing the parcel into five 2-acre parcels. The Applicant is Scott Kerr.

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 Staffs' analysis of the request. He noted support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission. Transportation Planner Karen Lamberton then spoke, explaining the road and access issues in greater detail.

Mr. Greene opened the Public Hearing, noted that the Applicant was present.

Mr. Scott Kerr of Elgin spoke, explaining the background of his request.

There being no further speakers, Mr. Greene closed the public hearing and called for Commission Discussion. Mr. Gregan asked if the letter provided by Staff was to be included as the new Condition #3. Mr. Greene asked the Applicant how close the lawsuit was to

settlement. Mr. Kerr stated that the suit was settled, and the final documentation was being finalized with the County. There being no further discussion, Chairman Greene called for a motion. Mr. Gregan made a motion to forward the docket to the Board with a recommendation of approval with the Conditions as recommended by Staff. Mr. Martzke seconded the motion. Mr. Greene asked for discussion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 6-0.

Motion: Approve the docket as recommended by Staff, with a modified Condition #3.

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

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

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

No: 0

Abstain: 0

Item 3 PUBLIC HEARING Docket SU-16-14 (Brant)

The Applicant is requesting a Special Use authorization for dog breeding in a Rural (RU-4) zoning district. The Applicant is proposing to relocate an existing pug breeding operation to the location. The Applicant is Kimberly Brant.

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 Staffs' analysis of the request. He noted support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Mr. Greene opened the Public Hearing, noted that the Applicant was present, and invited her to speak.

Ms. Kimberly Brant of Hawley, Massachusetts spoke, explaining the nature of her operation, and why she chose the subject site.

Ms. Christie Nicole Aabye of Cochise spoke, noting that she and her family had just moved in next-door and expressing concerns about noise, odors, and pests.

Ms. Brant addressed Ms. Aaybe's concerns, explaining how the dogs being inside mitigates these issues, and invited Ms. Aaybe to visit them any time. She noted that in twelve years at their present location there had been no such issues.

There being no further speakers, Mr. Green closed the public hearing and called for Commission Discussion. Mr. Watkins asked if the approval would be breed specific. Mr. Gardner stated that the proposed conditions were not written that way, but the Commission could impose such a Condition. Ms. Brant stated that she was comfortable with such a Condition. Mr. Brauchla asked about limits on the number of animals. Staff explained that the regulations did not have a specified number, but that the Commission could impose such a Condition. Mr. Greene expressed concern about the definition of Puppy Mill, since he could not locate any legal definition of one. Mr. Hanson clarified the new state law, and how it preempts County regulations. Mr. Greene asked Ms. Brant about scope and numbers of dogs, including the gender breakdown, and litter size. Ms. Brant explained the numbers and operations, and accepted a Condition limiting the number of breeding females to 24. There being no further

discussion, Chairman Greene called for a motion. Mr. Martzke made a motion to approve docket SU-16-14 with the conditions and modifications as recommended by Staff, adding a condition limiting the use to Pug Dogs, and no more than 24 breeding females at one time. Ms. Edie seconded the motion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 6-0.

Motion: Approve the docket as recommended by Staff, with additional condition limiting the use to Pug Dogs only and no more than 24 breeding females at any time.

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

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

Yes: Mr. Martzke, Mr. Brauchla, Mr. Gegan, Mr. Greene, Mr. Watkins, and Ms. Edie

No: 0

Abstain: 0

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

Next P&Z Commission meeting

October 12, 2016

- a. SU-16-15 (Foreman) request for Guest Lodging in Cascabel
- b. SU-16-16 (Johnston) request for RV Park in Whetstone

CALL TO COMMISSIONERS ON RECENT MATTERS:

None

ADJOURNMENT – Mr. Greene noted that there was no more business, and the meeting was adjourned at 5:35 pm.



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: Peter Gardner, Planner I *PG*
FOR: Paul Esparza, AICP, Planning Director *PE*
SUBJECT: Docket SU-16-15 (Foreman)
DATE: September 29, 2016 for the October 12, 2016 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization for Guest Lodging in a Rural (RU-4) zoning district. The Applicant is proposing to set up ten tiny homes for chemically sensitive individuals, which may be purchased and relocated by the guests. The proposed use is considered Guest Lodging and requires a Special Use Authorization per Section 607.01 of the Zoning Regulations. The applicants are Jesse and Amy Foreman

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 5.00 Acres
 Zoning: RU-4 (Rural; One dwelling per four acres)
 Growth Area: Category D-Rural Area
 Comprehensive Plan Designation: Rural
 Area Plan: None
 Existing Uses: Residential
 Proposed Uses: Guest Lodging

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural Residential
South	RU-4	Conservation Area
East	RU-4	Conservation Area
West	RU-4	Conservation Area

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 520-432-9337 fax
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 highway@cochise.az.gov
 floodplain@cochise.az.gov

II. PARCEL HISTORY

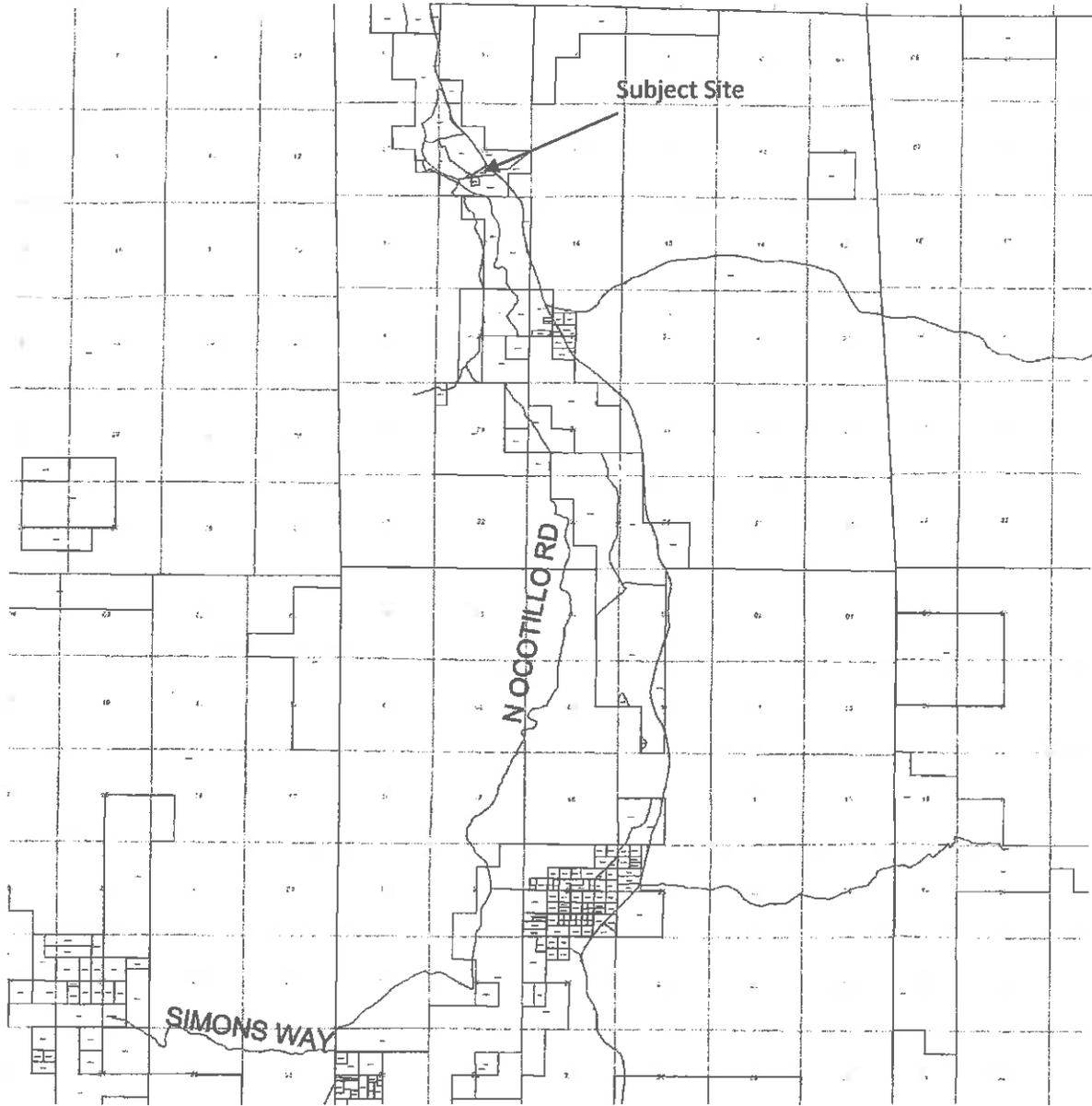
1997 – Permit issued for Manufactured Home and Septic

2009 – Permit issued for Accessory Structures

III. NATURE OF REQUEST

The Applicant is requesting a Special Use Authorization to approve a Guest Lodging Use at an existing residential site. The Applicants are requesting to install up to ten 300 to 360 square foot “tiny homes” on the property. The particular units being planned are designed and built to accommodate persons with chemical and/or electromagnetic sensitivity. The Applicants believe that the Cascabel area is very conducive to this style of living, as it is an existing organic agricultural area, and has very low levels of electromagnetic emissions. They would like to provide the units to individuals on a short-term rental basis, essentially as a trial period, with the units being available for purchase and relocation if the guests desire.

The site is located in a dense mesquite bosque, and is surrounded on three sides by property owned and managed by The Nature Conservancy, who support the request in writing. The fourth side is the Applicants’ residence. The existing manufactured home and detached garage will be removed to make way for the proposed tiny homes. Long term, the Applicants propose up to ten units, spaced at least 25 feet from all property lines and from each other. They are proposing a single common parking area located away from the units, with direct access by foot only. To control dust and for ease of access, Staff is recommending that the parking area comply with Section 1804.07.D of the Zoning Regulations, requiring a two inch gravel surface. Staff also recommends that the walkways be treated with gravel for the same reasons. The only lighting being proposed is the lighting at each door as required by Building Code. The Applicants are proposing to use shielded, low wattage, yellow bulbs, which will be fully compliant with the Light Pollution Regulations. If lighting is used in the parking area and walking paths, Staff recommends that these be low wattage, ground illuminating lights only, whether solar or hard wired.



Location Map

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 Authorization, as well as to determine what Conditions and/or Modifications may be needed.

Eight of the ten factors apply to this request. The project, as submitted, complies with five of those eight factors. With the recommended Conditions, it complies with the other three factor. The two remaining factors are not applicable to this application.



Aerial view of the site.

A. Compliance with Duly Adopted Plans: Complies

The proposed project complies with the goals and policies of the Comprehensive.

The Economic Development Element encourages supporting entrepreneurship such as this small business. The Rural Character Element encourages clustering residential and commercial development to minimize impact on viewsheds, lighting, and open space. This proposal does so by locating the homes in a mesquite bosque, surrounding my perpetually protected open space managed and owned by the Nature Conservancy, who support the request.

B. Compliance with the Zoning District Purpose Statement: Complies

The purpose statement of the Rural Zoning District in Article 6 includes seven points, four of which are met by this request. The proposal will; preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan; encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living; provide space for people, minimize traffic congestion, and preserve the existing rural environment of the unincorporated areas of the County situated outside of existing communities; and protect the quality of the natural environment as it relates to safeguarding the health, safety, and welfare of the people in Cochise County. The proposed use is compatible with rural living, the proposed ten tiny homes will have a human impact on par with an additional farm or ranch, but without the other impacts generated by such a use, including large vehicle traffic, water usage, or noise and dust generation.

While Staff has received a letter opposing this viewpoint, Staffs' analysis concludes that the purpose of the Zoning District is met.

C. Development Along Major Streets: Does Not Apply

A Primitive County Maintained Road is used to access the site, and there is no new access proposed, although the existing access must be permitted.



The turn off from N. Cascabel Road.

D. Traffic Circulation Factors: Complies with Conditions

Per the attached memo from the Transportation Division, the proposed use will generate some traffic, it will not be out of character for the existing rural residential neighborhood, nor will it overload the existing road network. A private maintenance agreement and a permit for the existing driveway will be required.

E. Adequate Services and Infrastructure: Complies

The site is accessed via N. Cascabel Road, which is a County maintained roadway. SSVEC provides electric services. An existing well provides water and existing new septic system will provide waste disposal.

F. Significant Site Development Standards: Complies and Conditions

Staff recommends maintaining the parking area with the required two-inch gravel surface, as well as gravel surfacing for the pedestrian paths.



View of the existing structures and site.

G. Public Input: Complies

The Applicant sent letters to all property owners within 1,500 feet of the parcel to notify them of the application and to address any neighbor concerns. Staff has also mailed notices to the same property owners, and has received one letter of opposition and two letters of support.

H. Hazardous Materials: Does Not Apply

The Applicant states that no hazardous materials will be used or stored on site. The lack of such materials is the driving factor in the application.

I. Off-Site Impacts: Complies with Conditions

The Private Road Maintenance Agreement, gravel parking and driving surfaces, and proposed lighting conditions will mitigate dust and light pollution, and the site, as a residential lodging site, will not generate noise, vibrations, or odors detectable offsite.

J. Water Conservation: Complies

The site will meet the Water Conservation policies of the Comprehensive Plan through minimal disturbance of natural areas, and the use of existing retention ponds.

V. PUBLIC COMMENT

Staff mailed notices to neighboring property owners within 1,500 feet of the subject property on September 6, posted the property on September 28, 2016 and published a legal notice in the *Bisbee Observer* on September 22, 2016. In response to applicant and County mailings, the Planning Department received two letters supporting this request, and one opposing it. The opposition letter cites concerns about Rural Character, light pollution, dust, and traffic.

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a ten unit tiny home site for short-term rentals, considered Guest Lodging, at an existing rural site in an RU-4 zoning district with a Rural Plan Designation.

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval, the proposed use would fully comply with the applicable eight Special Use factors used by staff to analyze this request;
2. The Comprehensive Plan Economic Development and preservation of Rural Character, both of which are achieved by this proposal;
3. The proposal will provide a service to the community with minimal impacts; and
4. Two letters of support has been received.

Factor Against Allowing the Special Use

1. One letter of opposition from neighboring property owners has been received, citing concerns about offsite impacts and harm to Rural Character

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. The Applicant will be required to work with the Highway Department to legitimize and approve a commercial driveway in advance, or concurrent with, the Commercial Permit process;
3. A Private Maintenance Agreement will be required for the access from the site to N. Cascabel Road, with the Applicants' acknowledgement that all weather access is not guaranteed along either N. Cascabel Road nor their access roadway/driveway;
4. The Applicant will be required to submit a Traffic Analysis Attachment, along with a Project Construction Impact Report, during the Commercial Permit Process;
5. The parking area and walkways shall be improved with a minimum 2 inch gravel surface for safety and dust control;
6. Any lighting used shall comply with Article 16 of the Zoning Regulations, and any parking or walkway lighting shall be low wattage, downward facing, and mounted no more than 24 inches above the ground;
7. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
8. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

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

IX. ATTACHMENTS

- A. Application
- B. Parcel map, aerial, and site plan
- C. Agency comment memos
- D. Citizen comment

AUG 24 2016

PLANNING

Docket No. SU 46-15
 Date Received _____
 Receipt No. _____



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

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SPECIAL USE AUTHORIZATION QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER/APN 208-02-011P-6

APPLICANT Jesse B. & Amy M. Foreman

PHYSICAL ADDRESS OF THE PROPERTY 4820 N. Cascabel Rd
Benson, AZ 85602

CONTACT TELEPHONE NUMBER (520) 212-5206

EMAIL ADDRESS: jesseamyand7@gmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) —

PROPERTY OWNER'S MAILING ADDRESS 4824 N. Cascabel Rd
Benson, AZ 85602

REQUIRED SUBMITTALS

- Questionnaire with all questions completely answered (attached).
- A Concept Plan or Preliminary Site Plan in 8 1/2" x 11" or 11" x 17" hard copy, or electronic in jpg or pdf format. Please note that if a Concept Plan is submitted for the Special Use Authorization, a complete Site Plan will be required when submitting the Non-Residential permit application.
- If the applicant is not the property owner, provide a notarized letter from the property owner granting permission to the applicant to apply for the Special Use Authorization and to act as the owner's representative.
- Any other Attachments or Information required to adequately analyze your request.
- Applicant's Certification and Acknowledgement

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 floodplain@cochise.az.gov

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Fees (\$300.00)

- Other Submittals as required based on the type, scope, and location of the proposed project
 - Hazardous or Polluting Materials Report
 - Off-site Improvement Plans
 - Soils Engineering Report
 - Landscape Plan
 - Hydrology/Hydraulic Report
 - Traffic Impact Analysis (TIA), Traffic Impact Statement (TIA), or Traffic Report (TR):
 - Outdoor Lighting Plan including lumen count

The Planner will advise you if and when any of the above attachments are required.

Project Description

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 delay in analyzing the request.

Describe the existing uses and structures on the property.

The existing property is mostly old-growth mesquite bosque with a 2200 sq. ft. manufactured home, a 2-car garage, and 2 small sheds/chicken house. House has a 1,000 gallon septic system, electricity, & internet/phone. There is a private well on the property - drilled in 2003, 125' - 35 gpm.

Describe the proposed uses, structures, and activities.

We propose to remove the manufactured home and 2-car garage. Instead, we hope to provide 10 tiny house (300 sq. ft) guest rentals for chemically sensitive individuals. These homes will be portable, so that those who rent them have the option to purchase one and move it off the property to property they have located and purchased. Please read attached letter for more specifics.

Describe all the products and services that will be produced or sold.

Tiny house guest cottages to be rented out by the week, month, or longer. Many chemically-sensitive individuals will need the option of a shorter, week-long rental to make sure they can tolerate the unit before signing on for a longer term.

What is the proposed time frame for construction and operation, including phasing if applicable?

As soon as the county gives permission, we will start. We have already begun substantial cleaning and fuels reduction on ² the property. We will start with one guest cottage, and then slowly add more as finances permit - with a maximum, eventually, of 10.

Provide the following information (when applicable):

Days and hours of operation: Days: _____ Hours (from _____ AM to _____ PM) — Full-time rentals.

Number of employees: Initially: None Future: none

Number per shift Seasonal changes none

Total truck traffic, including deliveries and shipment (e.g., by type, number of wheels, or weight)

One trailer load per cottage, when Jesse brings in materials from Texas.

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

Traffic will not be heavy - ever.

Describe the physical access to your site.

The site is set back from N. Cascabel Rd \approx 1800 ft. The driveway is a 30' easement between Nature Conservancy parcels.

Identify how the following services are or will be provided:

	Existing Utility Company/Service Provider	Proposed provisions to be made if services are not currently on site
Water	private well / SSVEC to provide electricity to pump	
Sewer/Septic	Stamback Septic Service	we will need to design & install a large central septic & leach field
Electricity	SSVEC	
Natural Gas	—	
Fire Protection	Cascabel Volunteer Fire Department	

Describe all outdoor storage and activities.

One small (8'x12') shed
One (8'x12') chicken shed
Minimal foot traffic
Small-scale gardening

What noise, vibrations, dust, smoke, or odors will be produced that can be detected on neighboring properties? How will they be mitigated, controlled, or reduced?

None at all. Chemically sensitive individuals must live in an atmosphere with no odors, dust, or smoke.

If any activities will attract pests, what measures will be taken to control them?

No activity besides gardening will attract pests. There are cats on the property - & they will help deter rodents.

What screening, if any is proposed?

None - the land is completely out of sight from the road.

Describe all outdoor lighting, including lighted signs.

Each cottage will have a 6' x 12' covered porch. On each porch will be a covered low watt yellow light.

Describe the locations and dimensions of all existing and proposed signs, including any attached to a building.

None

Is there any regulated flood plain on the property?

Yes ___ No

Are there any washes within 300 feet of the property?

Yes No ___

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

Yes ___ No

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

Yes ___ No - Maybe eventually. Right now they are at the

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

extreme edge of the property and will not be a problem...

Show dimensions, locations, and materials of parking areas (including ADA parking), loading areas, and driveways. ✓

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.

How many acres will be cleared? The 5 acres will retain the large mesquites, but we are
If more than one acre is to be cleared, describe the proposed dust and erosion control measures to be used. working

with the state fuels reduction grant and the CVFD to eliminate dead wood and smaller brush and undergrowth. They will be bringing a crew and a chipper and chipping all discard material onto the ground, which should help mitigate both dust and erosion.

What specific measures will be taken to conserve water on-site? 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.

We plan to have a greywater system for each cottage - watering a small raised bed vegetable garden. Also, low-water usage toilets. The addition of wood chips throughout the property will further slow water runoff and discourage erosion.

Describe proposed landscaping, including what plants and materials are proposed.

Several types of trees border the property on the pond side, including willow, cottonwood, and black walnut. We hope to add vetiver to any slopes to control erosion. Vegetables will be grown. A native flower bed is in the plans. And, of course, most of the mature mesquite trees will be kept.

Does the proposed use involve hazardous materials?
No Yes If yes, complete the attached Hazardous Materials attachment.

Raised vegetable beds will be in metal containers (think "cattle tank" without the bottom)

Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, any required attachments, and on the concept plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Special Use Authorization.

Applicant's Signature Jessie Foreman and Amy Foreman
Print Applicant's Name Jessie B. Foreman and Amy M. Foreman
Date signed 8-19-16



COMMUNITY DEVELOPMENT DEPARTMENT

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

(520)432-9240
Fax 432-9278

Residential Lighting Worksheet

Tax ID # 208-02-011P-6

Fixture ID on plans	Fixture Type and wattage	No. of fixtures	Lumens per fixture	Total Lumens for this fixture type
Existing Fixtures				
Subtotal				
Proposed Fixtures				
	fully-shielded 40 watt incandescent lights on covered porches	10	460	4,600
Subtotal				
Grand Total	Existing + Proposed			

Total Lumens 4600 Total project acreage (developed area) 5 acres

Lumens per acre permitted: 20,000

Lumens per acre proposed: < 1,000



Are all proposed fixtures fully shielded? yes

If no, identify which fixtures and exemption type _____

Notes: _____

*Please provide cut-sheets, diagram or photo of each fixture type. Any substitutions must be approved prior to installation.

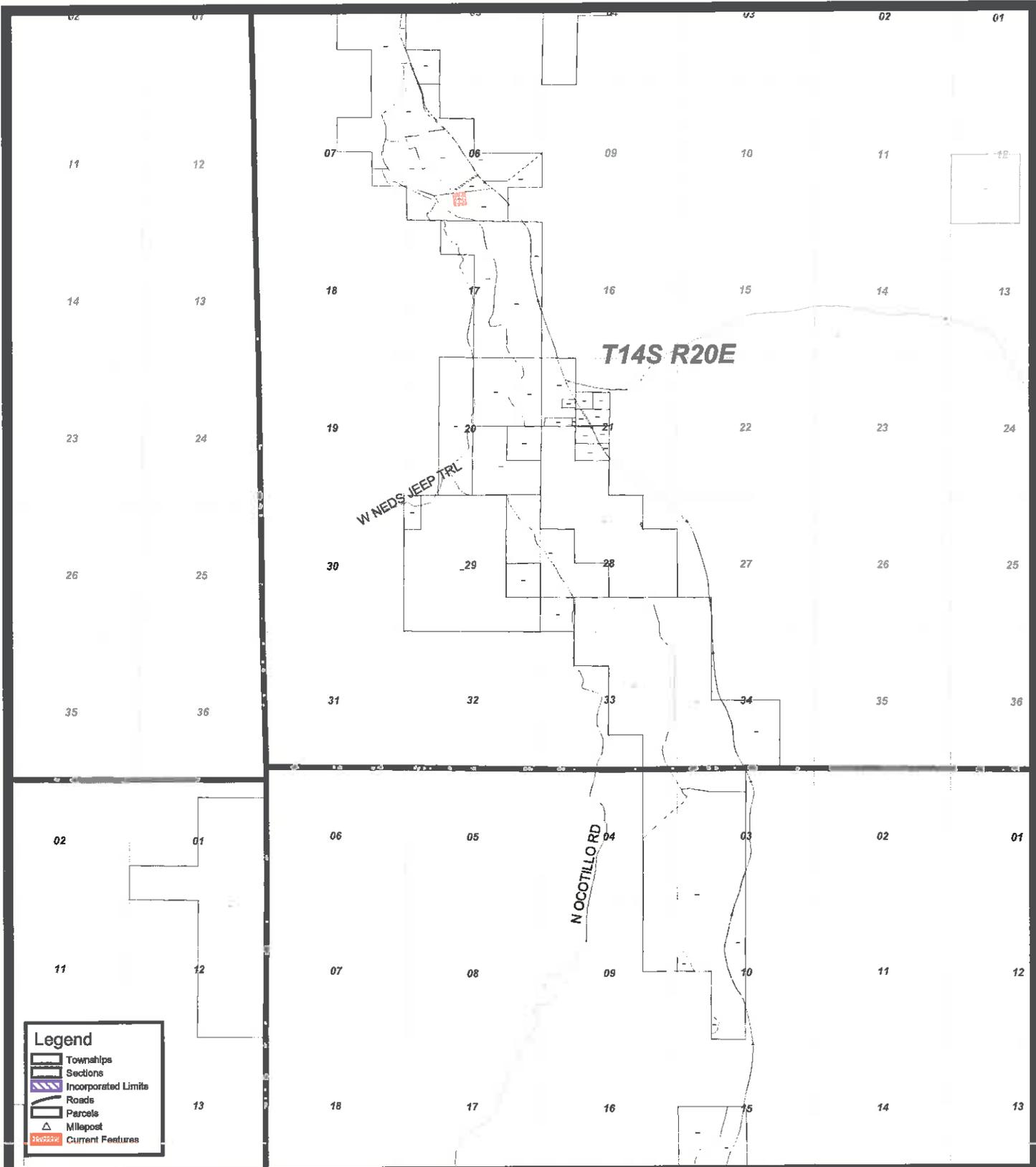


We have this style on our home.



Each cabin will be similar to the above picture, except all exterior walls will be stuccoed, and the flooring will be porcelain enamel over metal with polystyrene sub-floor over a sheet metal layer that rests on a welded I-beam base. So, each cabin can be lifted onto an axle for moving.

Currently, the plan is to equip each cabin with a Sun Mar Compost self-contained composting toilet. The remainder of the water will enter a greywater system to irrigate gardens/trees that facilitate self-sufficient living for those who live in the cabins.



Legend

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



SU-16-15 (Foreman)

615

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

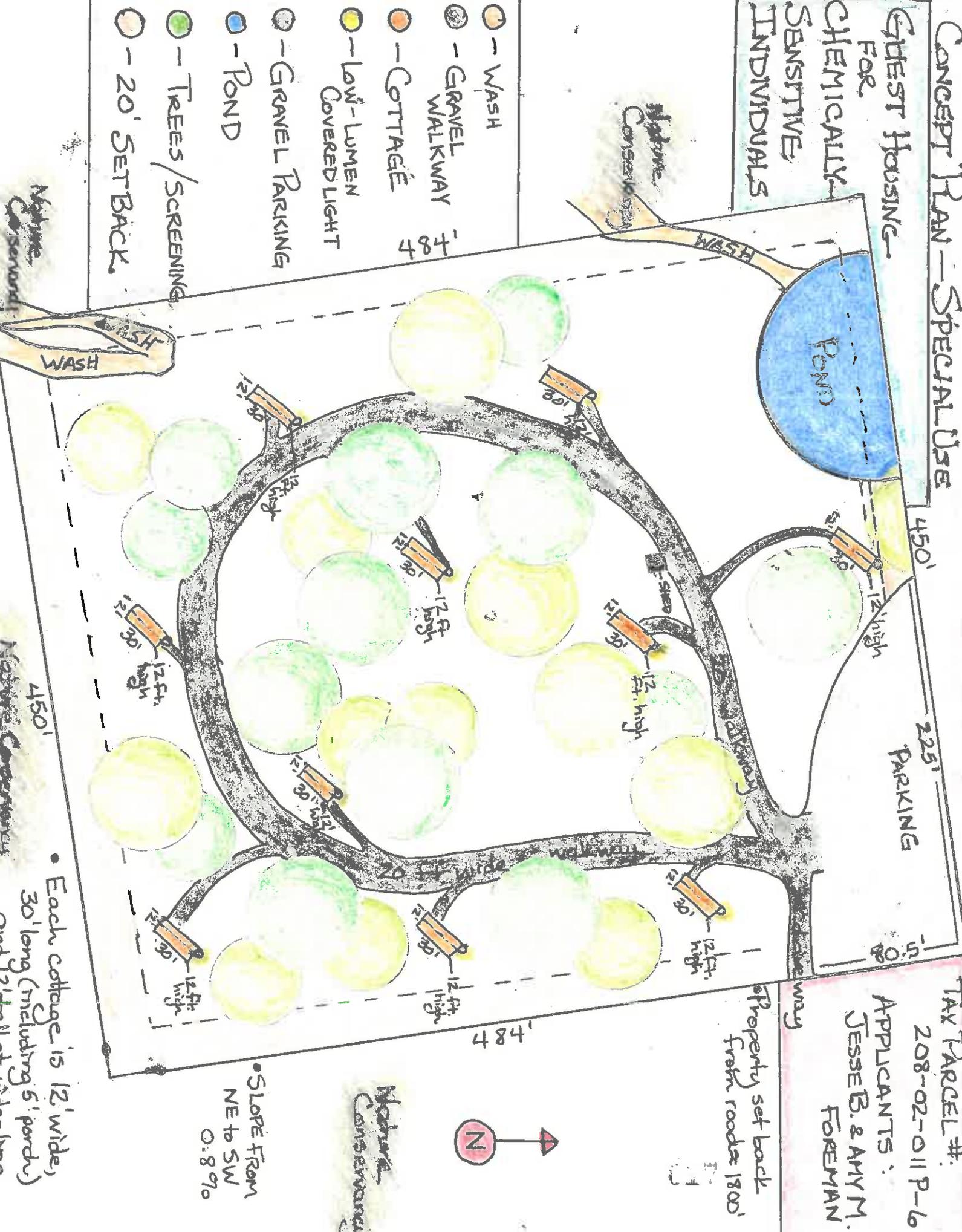
CONCEPT PLAN - SPECIAL USE

BEST HOUSING FOR CHEMICALLY SENSITIVE INDIVIDUALS

TAX PARCEL #: 208-02-011 P-6

APPLICANTS: JESSE B. & AMY M. FOREMAN

- - WASH
- - GRAVEL WALKWAY
- - COTTAGE
- - LOW-LUMEN COVERED LIGHT
- - GRAVEL PARKING
- - POND
- - TREES / SCREENING
- - 20' SETBACK



Nature Conservancy

Nature Conservancy

Nature Conservancy

SLOPE FROM NE to SW 0.8%

Property set back from road 1800'

Each cottage is 12' wide, 30' long (including 5' porch) and 12' tall at ridge line.



Elevation 3225

Elevation 3220

Imagery ©2016 Google, Map data ©2016 Google 100 ft

- Property line
- Building to be removed
- 12' x 30' portable cabin for guest lodging - each at least 25' from property line.
- Parking area (only foot-traffic to cabins)
- Trails to cabins

Slope from NE to SW 0.8%



Cochise County Community Development

Highway and Floodplain Division

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

MEMORANDUM

Date: September 27, 2016
To: Peter Gardner, Planner 1
From: Dennis L. Donovan, P.E., for Karen L. Lamberton, County Transportation Planner
Subject: Cascabel Guest Lodging /SU 16-15/Parcel #208-02-011P

The Applicants are seeking to develop Guest Lodging in the form of ten (10) "tiny" homes for chemically sensitive individuals. As an option, if a home is rented and subsequently found "tolerable" or otherwise desirable, the home may be purchased and moved to another property. This proposal appears to be combination of uses: temporary guest/vacation type housing; longer-term rentals and construction and potential sale of the "tiny" homes. The five (5) acre parcel upon which the proposed development is to occur is in remote northwest Cochise County on the east side of the San Pedro River and about one-quarter mile west of Cascabel Road.

The parcel is located 17 miles north of Pomerene along Cascabel Rd. and about 2 miles north of the intersection of Three Links Road with Cascabel Rd. A few hundred feet north of the Three Links intersection Cascabel Rd. abruptly changes character (at a cattle guard crossing the roadway) from a County designated "Rural Major Collector" to a "Primitive Road" designation. South of the cattle guard, Cascabel Rd. is a chip-sealed roadway, with a 24 foot wide cross-section and pavement paint markings to delineate centerline. To the north of the cattle guard, the road is native material (dirt) with a minimum width of a 20 foot cross-section. Cascabel Rd. is County maintained from Pomerene all the way to the County Line.

Access from Cascabel Rd. to the parcel is provided via an existing easement across the Nature Conservancy owned parcel that surrounds the subject parcel on the east, south and west sides. North of the subject a contiguous parcel is owned and inhabited by the Applicants. The existing driveway to the subject five (5) acre parcel from Cascabel Rd. is also native surfaced.

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

- The applicant will be required to work with the Highway Dept. to legitimize and approve a commercial driveway in advance or concurrent with the Commercial Permit process.
- A Private Maintenance Agreement will be required for the access from the site to the County road with the applicants' acknowledgement that all weather access is not guaranteed along both Cascabel Rd. and their access roadway/driveway.
- The Applicants will be required to submit a Traffic Analysis Attachment, along with a Project Construction impact Report, during the Commercial Permit Phase.

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520-432-9337 fax
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highway@cochise.az.gov
floodplain@cochise.az.gov

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Bisbee, Arizona 85603
520-432-9300
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planningandzoning@cochise.az.gov

Traffic Analysis

According to the 9th edition of the ITE Trip Generation data, ten (10) single family homes would typically generate about 96 vehicle trips per day (vpd). An equal number of Recreational Homes would likely generate about 31 vpd, so this proposal is likely to have a range of vehicle trips that would not create a significant increase in vehicle trips or changed in traffic circulation to the transportation system in this area. Both a.m. and p.m. peak hour trips are estimated to range from 7 to 10 vehicle trips during the peak hour(s).

However, during the development and home construction stage, larger truck/tractor-trailer vehicles and heavy equipment may be using the transportation system. Once constructed, there is the potential transport of a constructed tiny home from the site to some offsite location. The applicant will need to provide information during the commercial permit stage regarding potential impacts during the construction phase as well as the implications related to transport of homes off-site. Cascabel Rd. has load weight limits created by Board of Supervisor of 15 and 12 tons along the entire reach from Pomerene to the County Line. [Resolution 95-84] Additional oversized load permits may be required by the applicant for each transport, and potentially bonds against any road or bridge damage that might occur during transport of loads.

Advisory Notes for the Applicant:

At the time of Commercial Permit Application, the implications of this proposal may include a need to include a detailed Parking Plan; address ADA requirements for ramps to access the homes; the inclusion of hard surface paths for wheel chairs and walkers; potential pavement or other stabilized parking surfaces to ensure access from parking areas to these residential units. Typically, a residential home in a rural area would not necessarily need or even desire these types of amenities; however, this proposal appears to be designed for those with various medical issues where dust control and hard-surfaces for access may be not only designed but necessary.

The applicants are strongly advised to obtain a ROW/Encroachment Permit for their driveway access in advance of applying for their Commercial Permit so that they are certain as to the design characteristics of their approved driveway in advance of providing a detailed site plan for the Commercial Permit phase. The existing driveway does not appear to have an Encroachment Permit with Cochise County (as is typical of older residential units in the County), and the acute angle at which the existing driveway meets Cascabel Rd. will require demonstration by the applicants that they can provide access easements adequate for safe traffic maneuvers. A driveway perpendicular to Cascabel Rd. and a more gradual curve to match the existing alignment would be preferable, and may be required to ensure adequate and safe traffic movements at that intersection. Although the access to the parcel is functionally a driveway at this time, with the potential of ten additional homes, plus the applicants own home, this driveway will take on the characteristics of a rural residential roadway rather than a single home driveway. A minimum 20 to 24 foot width, sufficient for two-way traffic, will be necessary.

The applicants are strongly advised to consult with the Highway Dept. regarding the weight limits on this road to be ensured that they can arrange to physically transport the completed tiny homes off-site. Approval of this Special Use Authorization does not constitute Highway Dept. approval of transport of any loads in excess of the posted weight limits. This conceptual plan does not reach to the level of detail to make a determination if loads might be overweight, over-sized or over-height for the purposes of additional permit requirements.

The applicants are also advised that the conceptual site plan provided during the Special Use phase will not be adequate at the Commercial Permit phase. Additional details, including site distance triangles, will be required as described by the County's Zoning regulations. Clear zones should be clear of any visual obstacles between 3 and 8 feet in height.



**Cochise County
Community Development**

Highway and Floodplain Division

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INTEROFFICE MEMO

Date: September 13, 2016
To: Peter Gardner, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: SU-16-15 (Foreman)

Background: The applicant is requesting a Special Use Authorization for Guest Lodging in a Rural (RU-4) zoning district. The Applicant is proposing to set up ten tiny homes for chemically sensitive individuals, which may be purchased and relocated by the guests. The proposed use is considered Guest Lodging and requires a Special Use Authorization per Sections 607.01 of the Zoning Regulations. The Applicants are Jesse and Amy Foreman.

The subject property, 208-02-011P, is located at 4820 N. Cascabel Road in Benson, and is further described as Section 8, Township 14 South, Range 20 East of the Gila and Salt River Meridian, in Cochise County, Arizona. 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 the west side of Cascabel Road, at milepost 17.
- Cascabel Road is a County Maintained road (MI#1229)
- Cascabel Road was established as a declared County Highway at a width of 66 feet in Resolution 94-32, April 5th, 1994.
- Subject parcel has a private easement, originally granted from the Nature Conservancy in Fee# 0602-06700, for access purposes. Inspector has advised that no ROW permit was issued to properly establish this driveway.
- Subject parcel is not located on a section line or mid-section line.

Recommendation:

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

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INTEROFFICE MEMO

Date: July 13, 2016
To: Jennifer Vincent, Senior Planning Technician
From: Brad Simmons, P.E. Civil Engineer II, Highway and Floodplain
For: Joaquin Solis, P.E., Floodplain Engineer and Karen Riggs, P.E., R.L.S., Floodplain Administrator
Subject: Review for Foreman Special Use Permit #SU-16-15/Parcel 208-02-011P. 1st Administrative Review.

The Cochise County Highway and Floodplain Dept. have reviewed the Foreman Special use permit. After a 1st administrative review, we have the following comment(s):

- In your next submittal please include a statement, detail, or both on how you will anchor the houses. We understand they are to be movable/portable, but when they are on the property/stationary, they should be anchored in the event of high winds, flooding, storms, etc.

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SEP 21 2016

PLANNING



September 15, 2016

Re: Docket SU-16-15 (Forman)

Planning and Zoning Commission,

Our property is north, to subject property, 208-02-011P, located at 4820 N. Cascabel Road in Benson. We purchased our property at 4826 N. Cascabel Road in Benson in August of 2006 for the sole purpose of becoming an Organic Angus Cattle and Organic Alfalfa farm. In addition, we purchased subsequent properties in 2014 to expand our farm. We take pride in the maintaining the strict guidelines to remain a certified organic operation with CCOF, California Certified Organic Farmers. We own the following parcel numbers: **20802011L, 20802011N 20955002, 20803001, 20802003B, 20802002A**

We do not support the request of Docket SU-16-15 (Forman). We have concerns regarding having ten additional homes, of any size, on the 5 acre property. This will create additional vehicle traffic and dust on the dirt road, as well as additional pollution from the vehicles. The Forman's propose that the only lighting will be low-lumen on the porches of the homes however; low-lumen lighting will still have an effect on the night skies in a rural area. Although it wasn't stated in their email to us, which is provided for review, we are sure additional lighting from the "separate parking area" to where the rentals are located will be needed. There will also be additional noise pollution and more foot traffic.

RU (Rural) Zoning Districts are established to achieve the following purposes:

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

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

Thank you,

A handwritten signature in black ink that reads 'Donald & Suzanne Rogers'.

Donald and Suzanne Rogers
Rogers Heaven Sent Ranch, LLC.

Enclosure

Special Use Docket SU-16-15 (Foreman)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

The Nature Conservancy supports low impact economic activities like this that are compatible
with our conservation goals. This appears to be an inovative low water use activity and the
Foreman's have been good neighbors to work with.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Robert Rogers - San Pedro Watershed Program Manager

SIGNATURE(S):

Robert Rogers

YOUR TAX PARCEL NUMBER: 208-02-011Q (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 Monday, September 26, 2016 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Peter Gardner at the contact information listed on page one by October 10, 2016 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the **public hearing on October 12, 2016**. 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 85803

From: Amy Foreman [jesseamyand7@gmail.com]
Sent: Monday, September 26, 2016 7:33 AM
To: Gardner, Peter B
Subject: Fwd: special use permit
Attachments: image001.jpg

Good morning, Peter,

So far, this is the only written response I have received to the letters I sent out to the neighbors, although I have spoken to 3 of them personally and all have been in support of our vision. Nature Conservancy was the "biggie" I was concerned about, and it seems they are in support of the overall plan. I talked to Barbara in person over the weekend about the low lumen covered lighting on covered porches--and no pole or yard lights, so I think she is resting a bit more easily on that.

Have you received any other comments from neighbors?

The Arizona Fuels Reduction crew were here at the end of August and really did a great job of clearing out spaces for casitas. We are continuing to do dirt work and are working toward getting blueprints drawn up.

Hope your Monday morning is great--

Amy

----- Forwarded message -----

From: Barbara Clark <bclark@tnc.org>
Date: Mon, Sep 26, 2016 at 7:06 AM
Subject: special use permit
To: Amy Foreman <jesseamyand7@gmail.com>
Cc: Bob Rogers <brogers@tnc.org>

Amy, thanks for letting us know your plans to apply for a special use permit on your property which borders our property. As you know, we purchased that property to conserve the riparian corridor to protect its suite of natural attributes that are now so rare -- and still so vital because they provide the foundation for all life on this planet.

We believe that your proposal to have a few casitas for chemically sensitive, temporary residents can be compatible with our goals.

The greatest immediate threat to the river is over-pumping of groundwater in the area, and we do not believe that domestic use for your projected number of residents will have a tangible effect on this. We also have concerns about continuous night lighting, and hope you don't plan to have yard lights that are on all night.

We hope that your guests will enjoy living "next to the wild" and respect the other species that occupy the valley.

Regards, Barbara

025

From: Deb Longley [deblongley@gmail.com]
Sent: Monday, September 26, 2016 1:39 PM
To: Gardner, Peter B
Subject: Re: Foreman project, 4824 N. Cascabel Road

Hello Peter,

I did intend to write earlier, but it slipped my mind until today, which is apparently the final day to submit comments.

I wish to express my support for the Foremans' plans to offer chemical-free and completely non-toxic accommodations to people with Multiple Sensitivities Disorder. We are the Foremans' nearest neighbors to the south, and our household has no objections to their plans. We do not feel that five small homes will create very much more traffic or dust in our immediate community, and the extra traffic would, we feel, be more than adequately offset by the good service it would provide to folks who generally have a hard time finding both a locale and a home which are clean enough for them to occupy.

Cascabel is such a place: clean air, low-to-no EMF's, and rural enough that the chemicals that might be used by neighbors are still sufficiently distant to avoid creating a problem for sensitive people.

Also, we have gotten to know the Foremans over the last eighteen months or so, and have absolute faith that they will build these homes in the manner that they have specified. Amy herself is chemically sensitive and given the proximity of the proposed houses to their own home, they would certainly be built with entirely non-toxic materials and tenants would be required to respect the sensitivities of others.

In our opinion, their idea of creating safe living environments for chemically sensitive individuals seems to our family to be something very positive and altruistic, without creating too much of a disruption in the lifestyle that Cascabel residents have become accustomed to.

Thanks so much for taking our comments into consideration when you make your decision whether to approve this project or not.

Sincerely,

Deb Longley
Bob Dell'Oliver

023