

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
MINUTES**

Wednesday, January 13, 2010

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

**ROLLCALL**

Vice-Chair Martzke noted the presence of a quorum. He then introduced the Commissioners to the public. Vice-Chair Martzke then explained to the audience the procedures for considering a docket.

**Roll Call.**

**Present:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

**Absent/Excused:** Lee Basnar, Cruz Silva.

**APPROVAL OF THE MINUTES**

**Motion: Approve minutes as written, Action: Approve, Moved by Duane Brofer, Seconded by Pat Edie.**

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

**Yes:** Jim Martzke, Duane Brofer, Gary Brauchla, Rusty Harguess, Pat Edie.

**Abstain:** John Wendell, Ron Bemis.

**CALL TO THE PUBLIC**

Vice-Chair Martzke opened the meeting to the public.

Susan Ostrander stated she felt there should be public meetings for all Subdivisions so that the neighbors affected can speak on the impacts to the neighborhoods.

Jack Cook stated he doesn't understand where the public fiduciary puts his pension.

Vice-Chair Martzke closed the "Call to the Public"

**Item 1**

**Docket S-05-05:** Planning Manager Susana Montana presented the docket for approval of an additional one-year time extension for La Marquesa Subdivision Tentative Plat which was approved by the Board of Supervisors on February, 5, 2007 and granted a one-year time extension by the Planning Director in December 2008. This item is also a request by staff to "un-table" a June 2008 request by the Subdivider to waive the requirement for a water company to serve lots in favor of individual wells. The subdivision is a 102-lot "conservation" subdivision located on 317 acres of land zoned RU-4 located on the north side of Three Canyons Road in Hereford, about one mile east of Highway 92.

**Motion:** Remove from table, **Action:** Untable, **Moved by** John Wendell, **Seconded by** Duane Brofer.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

Patrick Kirk, Applicant, stated the economy has impacted the housing market, therefore he doesn't feel at this point in time he wants to invest any money into the subdivision until the economy gets better.

Vice-Chair Martzke asked staff if the waiver that had been removed from the table could be retabled until such time as the subdivision is decided on.

**Motion:** Motion to table the waiver for water company decision until February 2011.,  
**Action:** Table, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

**Absent:** Cruz Silva.

**Motion:** Approve the time extension, **Action:** Approve, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

## **Item 2**

**Docket SU-10-01:** Planner Michael Turisk presented the docket for a Special Use Permit to establish and operate a bed and breakfast/'quilting retreat' in a proposed 1,100 square foot structure on a 2-acre site in Hereford, per Section 906.10 (Bed and Breakfast Lodgings) of the Zoning Regulations. The subject properties (Parcel Nos. 104-07-0045D; 104-07-052B) are zoned SR-43 Zoning District (Single-Household Residential; minimum lot size 1-acre). Parcel 104-07-052B is approximately 2-acres and would include the bed and breakfast; Parcel 104-07-045D is approximately 1-acre and includes the Applicants' existing single-family residence and accessory structures. The subject parcels are located at 6720 Calle de la Mango in Hereford. Mr. Turisk explained the factors in favor and factors against and that staff has received 2 letters in support and 2 letters opposed.

Commissioner Bemis asked if the property was on a well and if the water use\age would impact neighbors.

Sheila and William Ritter, Applicants, stated she attends quilting retreats in Showlow, AZ and would like to make the same type of retreat available in Southern AZ.

Commissioner Edie asked the applicant if they had considered moving the bunkhouse back 10 feet.

Mrs. Ritter stated they had and would if it needed to be.

Vice-Chair Martzke opened the meeting to the public.

A member of the audience stated he lives next to the property and he supports the proposal, he doesn't feel it will impact the neighborhood any more than any other residential property.

Vice-Chair Martzke closed the meeting to the public.

Mr. Turisk stated staff recommends approval of the Special Use with the conditions stated by staff.

Commissioner Wendell stated he feels the setback waiver should not be included.

**Motion:** Motion to approve with the modification 2 through 5, **Action:** Approve, **Moved by** John Wendell, **Seconded by** Rusty Harguess.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

### **Item 3**

**Docket SU-10-03:** Planner Michael Turisk stated the Applicant has requested tabling the docket for a Special Use Permit to allow for a dog breeding facility/kennel to breed up to 10 dogs and accommodate up to 15 'non-breeding, retired breeding stock dogs', to the March meeting.

**Motion:** Table until the March Meeting, **Action:** Table, **Moved by** Duane Brofer, **Seconded by** Rusty Harguess.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

### **Item 4**

**Docket SU-10-02:** Planner Keith Dennis presented the docket for a Special Use Permit to establish and operate a winery with tasting room in an existing 3,200 square foot building on a 40-acre property East of Elfrida. The relevant Sections of the Zoning Regulations are: Agricultural Processing (607.15), Retail Sales (wine and possibly related products – Section 607.22) and Restaurant/Tavern/Bar (Tasting room operations – 607.12). A 3,700 square foot single family residence also exists on the property. The subject parcel (401-23-012B) is located at 13922 S Kuykendall Cutoff Rd, East of Elfrida, AZ. Mr. Dennis explained the factors in favor and factors against; he stated staff had received 2 letters in support and no letters in opposition.

Kurt Dunham, Applicant, stated they don't foresee many visitors to the property itself. He stated the tasting room is only 200 sq. ft. so there won't be room for a large amount of visitors. He stated that he would like to see a formalized policy for right of way, and at that point would be willing to sit down with the County to work out a right of way easement. He further stated that enlarging the driveway would be a financial hardship on them at this time.

Vice-Chair Martzke opened the meeting to the public.

Rod Keeling, stated he lives near the property, and supports the proposal. He further stated he owns a winery in the area, and there are very few visitors to the property itself due to the remote location.

Vice-Chair Martzke closed the meeting to the public.

Mr. Dennis stated staff recommends approval of the Special Use with the conditions and modifications stated by staff.

Commissioner Bemis asked about the County having right of way, not holding the landowner liable.

Deputy County Attorney Adam Ambrose stated the County can hold rights to the right of way, but there is no policy of what the landowner's rights to the property. He further stated that the Zoning regulations give the Commission has a right to consider right of way and traffic patterns.

**Motion:** Motion to approve the Special Use with the conditions and the modification stated by staff., **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Rusty Harguess.

Mr. Dunham stated he doesn't feel there is enough protocol to protect his property rights until all of the information has been looked at.

**Vote:** Motion failed (**summary:** Yes = 0, No = 7, Abstain = 0).

**No:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

**Motion:** Motion to approve the special Use with the conditions except #2, and the modification., **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** John Wendell.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

### **Item 5**

**Docket Z-10-01:** planner Keith Dennis presented the docket to rezone 10 contiguous substandard-sized parcels totaling 1.98 acres from TR-18 (Residential, 1 dwelling per 18,000 square feet) to MR-1 (multiple-household residential, 1 dwelling per 3,600 square

feet) in order to build a "multi-family residential community of fifteen to eighteen 3-bedroom/2 bath patio homes." The subject parcels are: 107-22-024F, G, H, J, K, L, M, N, P & Q, and are located at along the Southeast corner of the Schrader/Reese Road intersection in Sierra Vista, AZ. Mr. Dennis presented maps and photos of the surrounding area and the current zonings. He further explained factors in favor and the factors against. Staff received 27 statement of support and 3 statements in opposition.

Ray Bouchard, President of Habitat for Humanity, Sierra Vista, and Teresa Price, Buck Lewis Engineering. Mr. Bouchard stated the sewage treatment plant will be very expensive, therefore they are looking to place 15 homes in the development to make it more cost effective. He further stated they intend to make the development a green development.

Vice-Chair Martzke opened the meeting to the public.

Larry Larsen stated he lives across the street from the property and is opposed to the proposal due to the density.

Mike Jackson asked where the parking is located.

Vice-Chair Martzke closed the meeting to the public.

Mr. Dennis stated staff recommends conditional approval, with the conditions stated in the staff report.

**Motion:** Motion to forward docket to the Board of Supervisors for approval with a recommendation of conditional approval with the conditions stated in the staff report.,

**Action:** Approve, **Moved by** John Wendell, **Seconded by** Rusty Harguess.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

### **Item 6**

**Docket R-10-01:** Planning Director Susan Buchan presented the docket for consideration of adoption of revisions to the existing Cochise County Building Safety Code Owner-Builder Amendment Options and to Section 508 of the Cochise County Zoning Regulations. The existing County Building Safety Code Owner-Builder Amendment limits eligibility to Owner-Builders on properties located in the RU, SM, and SR categories zoned for a minimum lot size of four acres and in Growth Category D Rural or Rural Residential. The revisions replace the eligibility based on zoning district and designation to eligibility based on minimum setbacks of seventy-five (75) feet in all directions. The amendment to Section 508 of the Zoning Regulations would complement the County Building Safety Code Owner-Builder Amendment and would define what a Rural zoning district is for the purposes of application of building codes and ARS 11-861 et seq. The applicable location is County-wide.

Commissioner Bemis asked if there would still be inspections required if a property owner opts out.

Ms. Buchan explained there are some inspections still required for utility companies to hook up, and septic inspections done by the Health Department.

Commissioner Bemis stated he feels the amendment is discriminatory to property owners.

Vice-Chair Martzke opened the meeting to the public.

Jane Shuck stated she has a total electric home and is opposed to the proposal.

Kelly Savage stated she is a owner builder and that home owners still build to code. She further explained she is opposed to the amendment.

Helene Jackson stated she feels that large setbacks are an excuse to force property owners to get building code permits.

Mike Jackson feels the Owner Opt out option shouldn't affect the property owners that are already in RU-4 areas. He further stated he is opposed to the amendment.

Jack Cook spoke.

Ms. Buchan stated staff recommends forwarding a recommendation of approval to the Board of Supervisors.

Commissioner Harguess stated he believes the setbacks should stay as they are.

Commissioner Brauchla stated he is against the large setbacks.

Vice-Chair Martzke stated he doesn't see how a setback would make a difference. He stated most rural homes are built with electric heat pumps due to the use of propane.

**Motion:** Motion to forward the proposed revisions of the owner builder opt out amendment to the Board of Supervisors with a recommendation of approval, **Action:** Approve, **Moved by** John Wendell, **Seconded by** Duane Brofer.

**Vote:** Motion failed (**summary:** Yes = 0, No = 7, Abstain = 0).

**No:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.

**Motion:** Motion to use alternative #2, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

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

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Ron Bemis, Pat Edie.

**No:** Gary Brauchla, John Wendell.

## PLANNING DIRECTOR'S REPORT

1. Board of Supervisors Actions include Guerrero rezoning was approved, Rogers rezoning was approved.
2. Upcoming BOS dockets include Bachman Springs.
3. Next Month we have no dockets; there could be a study session.
4. Next meeting we will have election of officers.

## CALL TO COMMISSIONERS

Commissioner Wendell asked if staff could clarify a policy on dedicating right of way. Commission agreed to a study session in February. Commissioner Brofer asked if it could be held toward the end of the month.

## ADJOURNMENT

**Motion:** Adjourn, **Action:** Adjourn, **Moved by** Duane Brofer, **Seconded by** Rusty Harguess.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendell, Ron Bemis, Pat Edie.