

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, April 14, 2010

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

ROLLCALL

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

Roll Call.

Present: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Gary Brauchla, John Wendle, Pat Edie, Ron Bemis.

Absent/Excused: Cruz Silva.

APPROVAL OF THE MINUTES

Motion: Approve the minutes as mailed, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 2).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Gary Brauchla, John Wendle, Ron Bemis.

Abstain: Rusty Harguess, Pat Edie.

Item 1

 **Docket SU-10-05:** Planner Keith Dennis presented the docket for a Special Use Permit in order to establish and operate a farm equipment repair/metal fabrication operation, per Section 607.16 of the Cochise County Zoning Regulations. The operation is to take place in an existing Quonset hut which is approximately 1,200 square feet, a proposed 3,200 square foot shop, a 9' x 45' storage container, and associated outdoor storage. The business would include agriculture-related welding, metal fabrication and incidental small repairs. The subject parcel (305-73-020) is located at 3911 E. Shelton Road in Kansas Settlement, AZ. Mr. Dennis presented factors in favor of approval, factors against, and presented photos of the area.

Dan Doberstein, Applicant, stated he will be doing metal fabrication on the property.

Chair Basnar opened the meeting to the public, being there was no one who wished to speak Chair Basnar closed the meeting to the public.

Chair asked for staff's recommendation.

Mr. Dennis stated staff recommends approval of the docket.

Motion: To approve docket SU-10-05 based on the factors in favor as the findings in fact.
Action: Approve, **Moved by** Jim Martzke, **Seconded by** Pat Edie.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Gary Brauchla, John Wendle, Ron Bemis, Pat Edie.

CALL TO THE PUBLIC

Chair Basnar opened the meeting to the public.

Jack Cook spoke about the using tobacco tax to pay for graduates a silver dollar.

Chair Basnar closed the meeting to the public.

Item 2

 **Docket SU-10-07:** Planner Keith Dennis presented the docket for a Special Use Permit in order to establish and operate a goat cheese making operation with up to 30 goats in milk production on the 40-acre parcel, and to supplement on-site power needs with two additional 55 foot tall wind turbines (one currently exists on the property and serves the existing single family residence). The applicable Sections of the Zoning Regulations are 607.37 (Agricultural Processing) and 1822.02.B (which requires an SUP for more than two wind turbines on any parcel). The subject parcel (104-62-001P) is located at 11432 S. Triple R Ranch Road in Palominas, AZ. Mr. Dennis presented a location map of the property, a site plan of the proposal, and photos of the area. He further presented the factors in favor and against of the proposal. He stated staff had received 7 letters in support and 1 phone call of a property owner opposed.

J.C. Mutchler, Applicant, stated they have been producing cheese in Pima County, and would like to move back to Cochise County to produce the Cheese.

Commissioner Brofer asked if there is a problem with odors.

Mr. Mutchler stated he has 40 goats on 5 acres at the present time and has had no complaints from neighbors.

Chair Basnar opened the meeting to the public.

Bill Dole stated he lives near the property and supports the proposal. He further stated he has a wind turbine, and there is little noise produced by them.

Being there was no one else who wished to speak; Chair Basnar closed the meeting to the public, and asked for staff's recommendation.

Mr. Dennis stated staff was recommending conditional approve, and presented the conditions and requested modifications stated in the staff report.

Motion: Motion to approve docket SU-10-07 with the conditions and modifications stated by Staff. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Gary Brauchla, John Wendle, Ron Bemis, Pat Edie.

Item 3

 **Docket SU-10-04:** Planner Keith Dennis presented the docket for a Special Use Permit in order to legitimize an existing 70' x 1,200' private airstrip and 3,000 square foot hangar on a 61.2-acre parcel, pursuant to Section 607.14 of the Cochise County Zoning Regulations. The subject parcel (104-80-013A) is located at 11647 S. Apache Sky Road in Palominas, AZ. Mr. Dennis presented aerial photos of the property showing the airstrip, a site plan explaining the proposal and photos of the property. He further explained the factors in favor and against. He further stated staff had received 13 letters opposed and 2 in support of the proposal.

Commissioner Martzke asked about the legal access since the applicant owns the property.

Mr. Dennis stated if the parcel is sold it would create an issue for future buyers.

Chair Basnar asked for the applicant's statement.

Glenn Spencer, Applicant, stated he did not build an airstrip it was a driveway. He stated they are operating a UAV ultralight to help the American Border Patrol patrol the border. He further stated they would not fly anywhere north of the border.

Chair Basnar opened the meeting to the public.

William Odle stated he lives about 1.5 miles from the property on the border. He stated he asked Mr. Spencer to adhere to the FFA regulations to keep the plane at 500'. He stated the plane is unobtrusive and he supports the proposal.

Jim Hazen stated he has concerns about the credibility of the American Border Patrol employees.

John Nesal stated he is concerned about having an airstrip on the border, unless it is operated by the government. He feels it could be used by the drug cartels to bring drugs into the county.

Mary Frances Clinton stated she has had numerous encounters with the applicant and feels he has been insensitive to the neighbors being allowed to live in peace. She further stated that Mr. Spencer has been trying to use her private easement as a public easement.

Kevin Quint stated he has seen the plane flying and it was flying below 500'. He further stated he is opposed to the proposal.

Bradford Finn stated it's not quiet; and he is already using it. He further stated he is opposed to the proposal.

Helene Jackson stated she lives in McNeal, she further stated her concerns are different from the neighbors. She stated she is concerned about allowing someone using the owner builder opt out being used for commercial purposes.

Mike Jackson stated he supports the owner opt out and doesn't want it misused for commercial properties.

Michael Cockworth stated he lives approximately 200 yards from Mr. Spencer and has witnessed the violations.

Being there was no one else who wished to speak; Chair Basnar closed the meeting to the public.

Mr. Spencer stated they did put the flags on the fence and it was an error of hired help that they were thrown in the trash. He further stated that if the airstrip is not approved, they will continue to fly the border.

Chair Basnar asked for staff's recommendation.

Mr. Dennis stated based on the factors against the proposal staff is recommending denial.

Motion: Motion to approve the Docket. **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** John Wendell.

Chair Basnar stated he has reservations about the approval of the docket, and does not support the proposal.

Commissioner Wendle stated he feels with the amount of expressed opposition he can not support the docket.

Commissioner Brauchla stated he can not support approving something that was built without a permit.

Commissioner Bemis stated he will not support something that was put in without proper permits.

Vote: Motion denied (**summary:** Yes = 1, No = 7, Abstain = 0).

Yes: Duane Brofer.

No: Jim Martzke, Rusty Harguess, Lee Basnar, Gary Brauchla, John Wendle, Ron Bemis, Pat Edie.

Item 4

 **Docket SU-10-06:** Planner Michael Turisk presented the docket for a Special Use Permit in a RU-4 zoning district (Rural; minimum lot size 4 acres) to legitimize the placement and rental of 35 storage containers (approximately 160 sq.-ft. each) on the site of the Security Plus Self Storage of Bisbee facility located at 101 S Taylor Rd. just outside of incorporated Bisbee and south of State Route 92. The Applicant also owns two adjacent parcels (102-15-118 and 119) that are under the jurisdiction of the City of Bisbee; those properties are also used as part of the self storage facility. The Applicant has requested several site development standard modifications, including the minimum 40 foot setback requirement for Special Uses in the Rural zoning districts to allow storage containers to remain approximately 3 feet from the north and south property boundaries, per Section 604.03 of the Zoning Regulations. In addition, the Applicant has requested a modification of the minimum parking and loading area improvement requirements for commercial uses in Category B Growth Areas to allow for the existing native surface, per Section 1804.07C, and the minimum landscaping requirements for commercial uses in Category B Growth Areas, per Section 1806.02B. Also, the Applicant seeks modifications of the minimum parking area design standard requirements, per Section 1804.09 and the requirement that two-way driveways be a minimum of 24 feet in width, per Section 1804.06F(3). The subject parcel (tax parcel id number 102-15-121) is located at 101 S. Taylor Rd. in unincorporated Bisbee. Mr. Turisk presented maps and photos of the property and explained that the parcel is in the City of Bisbee; however the City hasn't completed the process of the annexation.

Chair Basnar asked about the property to the south of the property.

Mr. Turisk stated the property is an auto salvage yard under the City's jurisdiction.

Chris Borchard, Applicant, stated the storage containers were placed there by the previous owners, and would like to leave them as they are.

Chair Basnar opened the meeting to the public.

Linda Weiland, stated she owns the property to the west. She stated she is concerned about dust and stated she would like the applicant to move the containers, and put down AB to elevate the dust.

Mr. Borchard stated he would work with the surrounding neighbors by putting the AB down. He further stated he does not feel moving the containers would eliminate the problem.

Chair Basnar closed the meeting to the public, and asked for staff's recommendation.

Mr. Turisk stated staff recommends approval with the conditions stated in the staff report.

Commissioner Wendell asked about the treatment of the parking area.

Mr. Turisk stated staff is recommending AB on the parking area.

Chair Basnar asked if the applicant had agreed to staff's recommendations.

Mr. Turisk stated the applicant seems willing to comply.

Motion: Motion to approve docket SU-10-06 based on the factors in favor being the findings of fact. With the conditions stated by staff. **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Martzke.

Motion: Motion amended to leave the storage containers in place. **Action:** Amend, **Moved by** Gary Brauchla, **Seconded by** John Wendle.

Vote: Motion failed (**summary:** Yes = 4, No = 4, Abstain = 0).

Yes: Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendle.

No: Jim Martzke, Lee Basnar, Pat Edie, Ron Bemis.

Vote on original motion.

Vote: Motion passed (**summary:** Yes = 7, No = 1, Abstain = 0).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Gary Brauchla, John Wendle, Rom Bemis, Pat Edie.

No: Rusty Harguess.

Item 5

 **Docket SUA-02-10:** Planner Michael Turisk presented the docket for a Modification of Special Use Permit SU-91-06 (approved in 1991 for a private airstrip, accessory uses and structures), to allow for the construction of a six bedroom guesthouse and six additional single-family residences, pursuant to Section 607.01 of the Cochise County Zoning Regulations. The Applicant would also construct a private gymnasium to accommodate additional personnel and their families, pursuant to Section 607.07. The subject parcel (tax parcel id number 404-11-023) is zoned RU-4 (Rural; minimum lot size 4 acres) and is located approximately one-third of a mile east of the McNeal town site at 3870 Davis Rd. Mr. Turisk presented maps and photos of the areas. He further explained the factors in favor and against. He stated staff had received 6 letters in support, and letters in opposition.

Walter Durfey, Representative for New Tribes Mission Aviation, stated he was pleased with his experience with Planning and Zoning.

Helene Jackson stated the letters in support were from members of New Tribes Mission. She further stated she doesn't feel New Tribes has been a good neighbor. She further stated she would like staff to add a condition to not allow more flights.

Mike Jackson stated he feels the people of McNeal should be concerned about safety, and that the Commission revokes the permit if the home is used for children.

Walter Durfey stated NTM has been very careful not to fly where they are not supposed to fly. He further stated that the other comments that were made do not apply to NTM of McNeal.

Chair Basnar asked for staff recommendation.

Mr. Turisk stated that staff recommends approval with the conditions and modification stated in the staff report.

Motion: Motion to approve SUA-02-10 with the conditions and modification stated by staff based on the factors in favor of approval being the findings in fact. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Motion: Motion to amend the motion to delete the words "prior to permit issuance" in item 1., **Action:** Amend, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

Vote on amendment.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendle, Pat Edie, Gary Brauchla, Ron Bemis.

Vote on original motion.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendle, Pat Edie, Gary Brauchla, Ron Bemis.

Item 6

 **Docket R-10-02:** Study session to consider an amendment to the whole of the "Cochise County Hazard Abatement Ordinance" to abate/remove rubbish, trash, weeds, filth, debris or damaged or dilapidated buildings which constitute a hazard to public health and safety and which may be compelled to be removed, with due process, from buildings, grounds, lots, contiguous sidewalks, streets and alleys within the unincorporated areas of the County. The Ordinance outlines the due process for formal notification, removal by the County and recovery of costs for removal and appeal processes for property owners with hazardous materials.

Motion: Motion to leave R-10-02 on table until May meeting. **Action:** Table, **Moved by** Jim Martzke, **Seconded by** Gary Brauchla.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendle, Pat Edie, Gary Brauchla, Ron Bemis.

DIRECTOR'S REPORT ON PENDING AND RECENT MATTERS AND FUTURE AGENDA ITEMS

1. Board of Supervisors Actions included creating a new department called Community Development. Two dockets are going to the Board of Supervisors on April 27th, Bachman Springs, and Beal Appeal.

2. Next Month's Dockets include a Special Use, Hazard Abatement, and the Planning Department Work Plan.
3. Mr. Wendell is moving out of the State and has been replaced by Jim Lynch who will be attending the May meeting.

CALL TO COMMISSIONERS

Chair Basnar stated he wanted to express his appreciation to Mr. Wendell.

Mr. Wendell stated he felt it was an honor to serve on the Commission.

ADJOURNMENT

Motion: Adjourn, **Action:** Adjourn, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendle, Pat Edie, Gary Brauchla, Ron Bemis.