

NOTICE OF MEETING

Planning and Zoning Commission
July 14, 2010
Cochise County Complex
Board of Supervisors Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona

AGENDA

4:00 P.M. CALL TO ORDER

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

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

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes, other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end.)

APPROVAL OF PREVIOUS MINUTES - (Call for motion to approve the minutes of the June 9, 2010 Meeting)

CALL TO THE PUBLIC (Ask if any member of the public wishes to speak on any item not already on the agenda).

NEW BUSINESS

Item 1 (Page 1) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-10-13: The Applicant, Chiricahua Community Health Centers, Inc. seeks a Special Use Permit to allow office space for up to six employees, in a 1,440 square foot modular building. The applicable land use category is Personal and Professional Services, per Section 707.04 of the Zoning Regulations. The subject parcel, which is not addressed, is located along the East side of Highway 191 in Elfrida, AZ, between mileposts 25 and 26

Applicant: Chiricahua Community Health Centers, Inc.

- Call for PLANNING DIRECTOR'S REPORT

- Call for APPLICANT'S STATEMENT
- Declare PUBLIC HEARING OPEN
 - Call For COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL (if APPROPRIATE)
- Declare PUBLIC HEARING CLOSED
- Call for COMMISSION DISCUSSION (May ask questions of the applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link)

Item 2 (Page 24) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-10-14: The Applicant requests a Special Use Permit in a General Business zoning district to establish and operate a machinery and small manufacturing equipment rental and mini-mix concrete manufacturing and sales facility on a two-acre site in Hereford, per Section 1205.01 (manufacturing, wholesaling, warehousing, distribution or storage of goods) of the Zoning Regulations. The property is located at the northeast corner of E. Ramsey Rd. and State Route.

Applicant: Mr. Brett Van Gorp.

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link)

Item 3 (Page 53) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket R-09-02: Consideration of adoption of a new ordinance entitled 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.

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - If the Commission makes a recommendation, the docket will be heard in a public hearing before the Board of Supervisors on Tuesday, August 17, 2010 at or after 10:00 a.m. at 1415 Melody Lane, Building G, in Bisbee, Arizona.

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

1. Board of Supervisors Actions
2. Next and potential future month's Dockets

CALL TO COMMISSIONERS ON RECENT MATTERS

ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, June 9, 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, Lee Basnar, Pat Edie, Gary Brauchla, Jim Lynch.

Absent/Excused: Cruz Silva, Rusty Harguess, Ron Bemis.

APPROVAL OF THE MINUTES

Chair Basnar asked for a motion to approve the minutes of the previous minutes.

Commissioner Brofer made motion to approve the amended minutes as written.

Commissioner Martzke seconded.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Gary Brauchla, Jim Lynch.

CALL TO THE PUBLIC

Chair Basnar opened the meeting to the public, being there was no one who wished to speak; Chair Basnar closed the "Call to the Public"

Item 1

Docket Z-10-02: Interim Planning Manager Michael Turisk presented the request to downzone a parcel of land from SR-43 (Single-Household Residential, minimum lot size 1-acre) to SR-4 District (Single-Household Residential, minimum lot size 4-acres) to allow the Applicant to comply with the Amendment to the Cochise County Building Safety Code for owner-built residential construction. This downzone request is to allow the Applicant to opt-out of Building Code compliance review for a 2,000 sq.-ft. barn. The subject property (Parcel 116-09-485A) is approximately 4.2-acres in size, and is located at 105 W. Ironwood Rd. in Cochise, AZ. Mr. Turisk presented photos and maps of the area, and explained the surrounding zoning, and lack of development in the area. He further presented the compliance with zoning factors, and that the staff had received 2 letters of support and 6 letters in opposition, although Mr. Turisk stated he had spoken to

some of the property owners in opposition and they had thought the property was being up zoned.

Chair Basnar asked if the opposing comments in the packet were no longer valid.

Mr. Turisk stated that he spoke to 3 of the property owners that he changed their mind.

Cletus Frei., Representative for the applicant, stated they were told by neighbors that they didn't need a permit for corrals and a pole barn. He further stated that the pole barn had become more than the original plan. He stated the barn is built to code standards.

Chair Basnar opened the meeting to the public.

Being there was no one wishing to speak; Chair Basnar closed the meeting to the public.

Commissioner Brauchla stated the protests were about whether a barn I permitted on the property and the applicant is allowed to have a barn on her property.

Mr. Turisk stated that staff recommends conditional approval with the conditions stated in the packet.

Motion: Made a motion to approve with the conditions stated by staff, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Gary Brauchla, Jim Lynch.

Item 2

Docket SU-10-10: Senior Planner Keith Dennis presented the docket for a Special Use Permit to establish a winery with tasting room on two contiguous 8-acre parcels, per Section 607.37 of the Zoning Regulations. The subject parcels (401-84-005A and 005E) are located at the Northeast corner of Highway 181 and Braaton Ranch Road, East of Sunizona, AZ. Mr. Dennis presented photos and maps of the area, and explained the proposal with a site plan. Mr. Dennis further stated staff had received 2 letters of support for the project.

Chair Basnar asked for the applicant's statement.

John Kovacs of Sandor Vineyards stated the area is perfect for growing grapes and they intend on being an employer, and paying taxes for the County.

Chair Basnar opened the meeting to the public, seeing no one he closed the meeting to the public.

Mr. Dennis stated staff is recommending conditional approval with the conditions stated in the packet.

Motion: Moved to approve base on the factors in favor as the findings in fact with the conditions stated in the packet, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Gary Brauchla, Jim Lynch.

Item 3

Docket SU-90-06AA: Mr. Dennis presented the docket to modify an approved Special Use Permit to allow an expansion of the existing Mountain View RV Park (originally permitted under Docket SU-90-06). The expansion would allow for up to 52 additional spaces beyond the 100 spaces originally permitted on Parcel 106-06-008. The project would now incorporate adjacent Parcel 106-06-021C. The above-referenced parcels are located at 99 West Vista Lane, in Whetstone, AZ. Mr. Dennis presented photos of the area, and a site plan showing the proposed project. He further explained factors in favor and that there are no factors against.

Commissioner Brofer asked if the fence is located on the property line.

Mr. Dennis stated he does not know if the fence is on the property line.

Commissioner Martzke asked what the width of the existing parking spaces is.

Mr. Dennis stated the question should be deferred to the applicant.

Chair Basnar asked for the applicant's statement.

Mike Thrall, Administrator of the trust that owns the park, stated there is a high demand for permanent residents in the park; therefore they want to expand the project.

Chair Basnar asked why they are requesting a waiver for sidewalks.

Lorenzo Ortiz, Engineer, stated they are asking for a waiver for sidewalks because when the park was developed there was no requirement for sidewalks, so there are no sidewalks in the park.

Commissioner Martzke asked why they are requesting the waiver of the parking spaces.

Mr. Ortiz explained there is a setback on the RV, which protrudes into the space by ½ foot, so they are requesting the waiver to the parking space, rather than a waiver to the setback.

Chair Basnar opened the meeting to the public.

Jack Cook stated a car is 102", which is 8 ½ foot.

Mr. Ortiz stated the City of Tucson uses 8 ½ foot width for their parking spaces, so it will accommodate a regular vehicle.

Chair Basnar closed the meeting to the public.

Mr. Dennis stated staff recommends conditional approval, with the conditions and modifications presented in the packet.

Motion: Move to approve docket SU-90-06AA based on the factors in favor with the conditions and the modifications stated by staff. **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Lynch.

Commissioner Martzke stated he does not agree with the waivers for sidewalks, and 8 1/2 foot spaces.

Motion: Moved to amend the motion to not allow the waivers for sidewalks and 8 1/2 foot spaces, **Action:** Amend, **Moved by** Jim Martzke, **Seconded by** Pat Edie.

Vote for amended motion.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Gary Brauchla, Jim Lynch.

Motion: Move to approve docket SU-90-06AA based on the factors in favor with the conditions and the third modification stated by staff. **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Lynch.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Gary Brauchla, Jim Lynch.

Item 4

Docket SU-10-09: Mr. Turisk presented the docket for a Special Use Permit in a General Business zoning district to establish and operate a pet boarding facility and accessory retail pet supplies shop in an existing 2,000 sq.-ft. space located on subject parcel (107-56-011S) at 4066 E. Monsanto Dr. in unincorporated Sierra Vista, per Section 1205.04 (animal husbandry services) of the Zoning Regulations. Mr. Turisk stated staff has received 2 letters in support, and no opposition.

Chair Basnar asked for the applicant's statement.

Stephanie Clarke, Applicant, stated she is proposing a cage free establishment, therefore the dogs bark less.

Commissioner Lynch asked if the dogs are left together at night.

Ms. Clark explained that the dogs are put into cages at night, and when they are eating.

Chair Basnar opened the meeting to the public.

Owner of the facility owns another business in Yuma located in a strip mall and near a residential area, and they have had no complaints.

Chair Basnar closed the meeting to the public

Mr. Turisk stated staff recommends conditional approval with the conditions stated by staff. Mr. Turisk stated staff had initiated a modification for setbacks also.

Motion: Motion to approve SU-10-09 with the conditions and the modification stated by staff, based on the factors in favor. **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Gary Brauchla.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Gary Brauchla, Jim Lynch.

Item 5

Transportation Planner Karen Lamberton presented the study session for Right-of-way dedications with rezonings and SUPS. She stated the County has legal authority to determine right-of ways. She explained how the County determines access requirements for different land uses.

PLANNING DIRECTOR'S REPORT

1. Director Benny Young introduced Edwill Aquino the new Building Official to the Commission.
2. Next Month's Dockets include 2 Special Use dockets, and the Hazard Abatement Ordinance.

CALL TO COMMISSIONERS

Commissioner Martzke stated as that new dockets that come to the Commission should be required to use updated regulations changes.

ADJOURNMENT

Motion: Adjourn at 6:00 p.m., **Action:** Adjourn, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

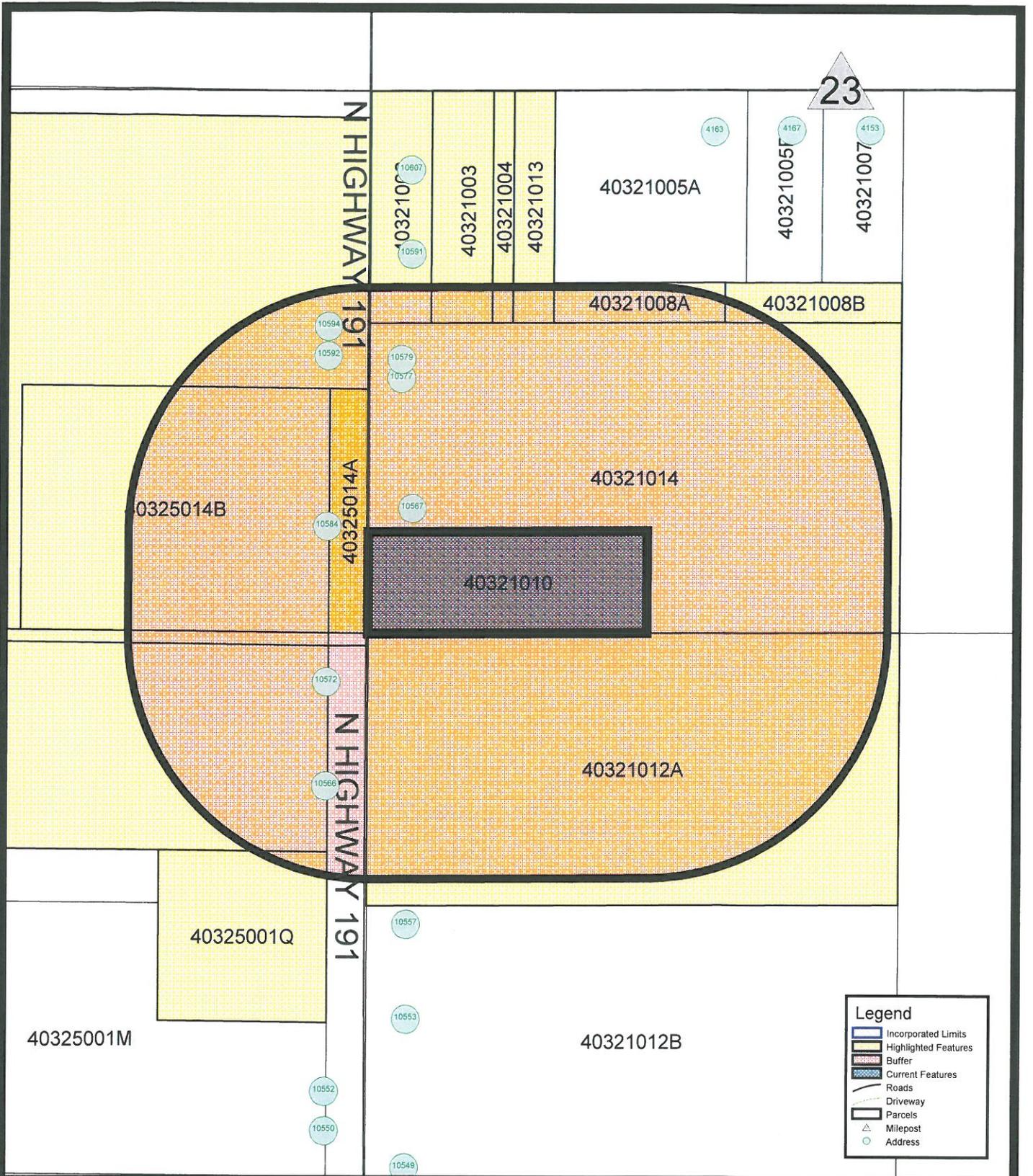
Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Gary Brauchla, Jim Lynch.

Planning & Zoning Commission Meeting Sign in Sheet

DATE June 9, 2010

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. JOHN & KAREN KOVACS	980 E CAMINO CORONA	520 742 6422	SU-10-10
2. CLEFUS FRIZ	211 Ironwood Rd	520 826 3197	# 1
3. A. Castillo	P.O. Box 31, Hereford		
4. S. Clarke	P.O. Box 31 Hereford	520 378-7176	
5. MITCHELL	9232 E MAEDR Yuma	928 446 3011	
6. L. Caldwell	9232 E maedr yuma	928 446 3011	
7. C. Crowder	11235 S. Ave DE	928 201-7393	
8. Linda Weld			
9. Jack Cope	112 night hawk Ave Bisbee AZ 85603	←	
10.			
11.			
12.			
13.			
14.			
15.			



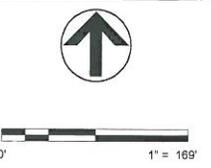
Legend

- Incorporated Limits
- Highlighted Features
- Buffer
- Current Features
- Roads
- Driveway
- Parcels
- Milepost
- Address



SU-10-13
 403-21-010
 Chiricahua Community
 Health Centers
 300' Buffer

This map is a product of the Cochise County GIS





COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Senior Planner

For: Benny J. Young, P.E., Planning Director

SUBJECT: Docket SU-10-13 (Chiricahua Community Health Centers, Inc)

DATE: July 6, 2010, for the July 14, 2010 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant requests a Special Use Permit to establish a 1,440 square foot modular office space for six to 10 employees of the Chiricahua Community Health Centers. The applicable land use category is "Personal and Professional Services," per Section 707.04 of the Zoning Regulations.

The subject parcel (Parcel # 403-21-010) is located at 10567 N. HWY 191 in Elfrida, AZ. The Applicant is the Chiricahua Community Health Centers, Incorporated (CCHCI).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 43,561 square feet (approximately 1 acre)

Zoning: TR-18 (Residential - 1 dwelling per 18,000 square feet)

Growth Area: Growth Category C

Plan Designation: Developing

Area Plan: Elfrida Area Plan

Existing Uses: Webb Mother's Club Building (not part of this proposal)

Proposed Uses: 1,440 square foot modular office building

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-18	Single Family Residence
South	TR-18	Undeveloped Land
East	TR-18	Single Family Residence
West	GB	US 191, Single Family Residence

II. PARCEL HISTORY

Staff has no record of permits nor violations for this property. The existing Webb Mothers' Club building was first assessed in 1950.



Northeast view of the project site, showing the Webb Mothers' Club building. The Applicant does not intend to use the building for the project.

III. PROJECT DESCRIPTION

The Applicant, Chiricahua Community Health Center (CCHCI), recently acquired the subject property, which is home to the Webb Mothers' Club. CCHCI does not intend to use the existing Webb Mothers' Club building as part of the use. The Applicant intends to place a modular office building on the property to provide overflow office space for administrative needs. The modular building is 1,440 square feet in size, and would accommodate six to 10 employees during regular business hours (9 a.m. to 6 p.m.). Administrative office space as part of a health care provider business is classified as Personal and Professional Services, which is allowed by Special Use in a TR-18 District.

IV. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

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 or not to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Nine of the 10 criteria apply to this request. The project complies with five of the nine factors as submitted; with the recommended Conditions of Approval and requested modifications/waivers to site development standards, the project would comply with eight of the nine applicable criteria.

A. Compliance with Duly Adopted Plans: Complies

As a development within a Category C Growth Area, the project conforms to the criteria established in the Comprehensive Plan as a community-serving business. As an expansion of an existing health care provider for the community, the project also satisfies the Elfrida Community Plan policies, as it is "compatible with the rural character of Elfrida and its environs."



Looking East at the site of the proposed modular building.

B. Compliance with the Zoning District Purpose Statement: Does Not Comply

R (Residential) zoning districts are established to achieve the following purposes:

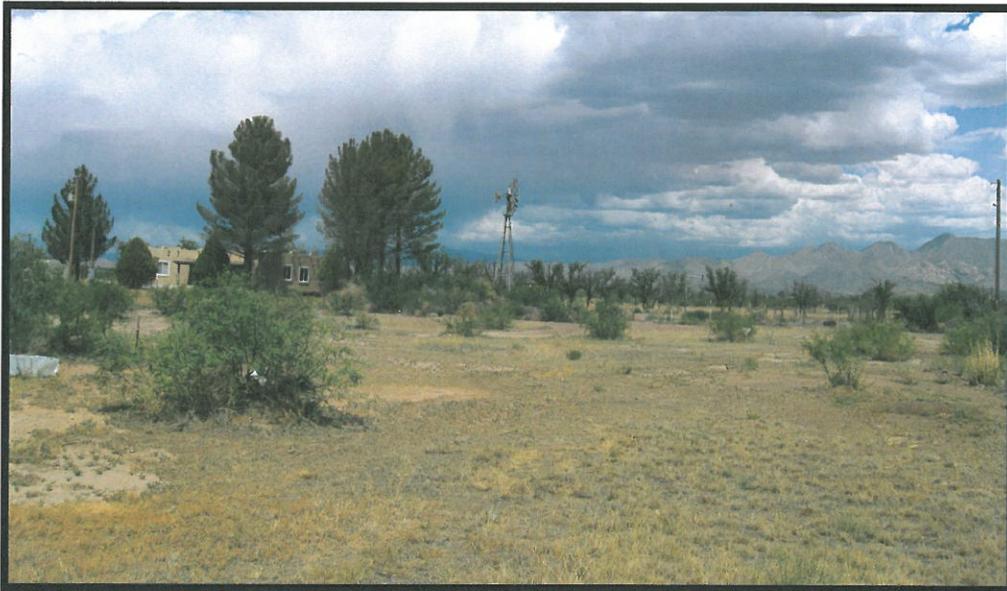
- To provide an area for family living at a variety of low to medium densities;
- To provide an area where single-household dwellings, rehabilitated mobile homes and manufactured homes can co-exist; and
- To provide a transition between higher residential densities found in urbanized areas and very low densities found in the County's rural, unincorporated areas.

Although the Article 7 Purpose Statement does not provide a rationale for any non-residential use, a number of such uses are allowed as permitted and Special Uses.

C. Development Along Major Streets: Complies (Subject to Condition #2)

This factor analyses impacts to major streets generated by new points of access. The property takes access from US Highway 191. Although staff has not received official comment from ADOT, staff understands that the Applicant is aware of ADOT requirements with regard to commercial access to US 191. Such requirements may include, per the County Transportation Planner: *"It is likely they will need a full commercial driveway, at minimum 28 feet and possibly 40 feet wide, asphalt-concrete and likely a cattle-guard. There will also be guidelines for how close this driveway can be to other access points. A legitimized and approved driveway will be a requirement for a Certificate of Occupancy; proof of a permit application to ADOT for this driveway required for permit issuance."* Staff recommends, as Condition of Approval #2, that prior to permit issuance, the Applicant provide County staff with a copy of a submitted ADOT

permit application for the commercial access to 191. The access must be constructed to ADOT standards and approved prior to issuance of a certificate of occupancy.



Above: Northeast view at the closest neighboring home site, which is approximately 300 feet from the site of the proposed modular building. Below: Southwest view of the existing entrance to the property on US 191; the Chiricahua Clinics is in the background on the left. Condition #2 would require this driveway entrance to be improved to ADOT standards.



D. Traffic Circulation Factors: Complies

The Comprehensive Plan Transportation Policies (Section 102.B.3) suggest that non-residential uses should have access to arterial and/or collector roads. The project does comply with this policy, and does not result in non-residential traffic through residential-serving streets.

E. Adequate Services and Infrastructure: Complies

The site is served by an on-site septic system; Elfrida Domestic Water is to provide water services. SSVEC provides electricity, and the Elfrida Fire Department provides fire protection. The project takes access from a road that is adequate for the use.

F. Significant Site Development Standards: Complies (Subject to Requested Modifications)

The Applicant requests a number of modifications/waivers to site development standards; these are provided below, along with the Applicant's justification for each request. The request is included as Attachment E to this Memorandum.

- A waiver to the 12' x 45' loading space requirement for non-residential uses. The Applicant maintains that no trucks or any vehicles larger than personal vehicles will access the site;
- A waiver from the requirement that non-residential uses be screened from adjacent residentially-zoned properties with a six-foot high screening device. The Applicant indicates that other non-residential uses in the area are not screened, and that the proposed land use will not generate the kinds of off-site impacts that would necessitate screening; and
- A modification to the required 40-foot setback for Special Uses in a TR District, due to site constraints imposed by the presence of the existing building.
- A waiver from the requirement that internal driveways and parking areas be covered with a 2-inch deep gravel surface; the Applicant states that "the native soil is very good for driving and parking on."

G. Public Input: Complies

The Applicant completed the required Citizen Review Report prior to submitting the Application, and received no response. The Department also completed the required legal advertizing, property owner notices and site posting. The Department has received no response from neighbors regarding the project.

H. Hazardous Materials: Not Applicable

Per the Applicant, no hazardous materials would be stored on the property.

I. Off-site Impacts: Complies

Apart from passenger vehicle traffic entering and exiting Highway 191, the proposed office land use would have minimal off-site impacts. The property would be occupied during typical business hours only; the proposed use would consist of relatively quiet office/administrative operations, and no external lighting is to be used. Headlight glare, dust, noise and vibrations are not expected during normal business operations.

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

As a non-residential development larger than one acre, the project is considered a "major development" with regard to the Comprehensive Plan Water Conservation Policies (Section 102.E). Staff recommends, as Condition of Approval #3, that the Applicant utilize low-flow fixtures in the proposed building, in order to conserve water.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,000 feet. Staff posted the property on June 28, 2010 and published a legal notice in the *San Pedro Valley News-Sun* on June 24, 2010. To date, the Department has received no letters of support or opposition to the Special Use request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use

1. The project proposal is a result of the growth of the Chiricahua Community Health Centers. The project thus represents an expansion of the business, which is anticipated to increase the Clinics' efficiency and quality of service to the community.
2. With the recommended Conditions of Approval and the requested modifications, the project would conform to eight of the nine applicable Special Use Factors listed in Section IV of this Memo.
3. The project would generate minimal off-site impacts.

Factors Against Approval

None Apparent.

VII. RECOMMENDATIONS

Based on the factors in favor of approval as findings of fact, Staff recommends **conditional approval** of the Special Use request, with the following conditions:

1. Within thirty (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 submit and obtain a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified/waived) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, 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 issuance of a permit, the Applicant shall provide staff with a copy of a submitted ADOT application for a permit for a commercial driveway access to US 191; the access must be constructed to ADOT standards and approved by ADOT as built, prior to issuance of a certificate of occupancy.

3. The modular building shall be equipped with low-flow fixtures as a water conservation measure.
4. 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.
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

VIII. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

The Applicant requests the following modifications/waivers to site development standards:

1. A waiver to the 12' x 45' loading space requirement for non-residential uses (Section 1804.10)
2. A waiver from the requirement that non-residential uses be screened from adjacent residentially-zoned properties with a six-foot high screening device (704.07);
3. A modification to the required 40-foot setback for Special Uses in a TR District (704.04); and
4. A waiver from the requirement that internal driveways and parking areas be covered with a 2-inch deep gravel surface (1804.07.D).

IX. ATTACHMENTS

- A. Special Use Application
- B. Location/Surrounding Zoning Map
- C. Site Plan and Building Elevations
- D. Citizen Review Report
- E. Requested Modifications to Site Development Standards



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

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

TAX PARCEL NUMBER: 403-21-010

APPLICANT: Desert Springs Construction

MAILING ADDRESS: PO Box 968 Sierra Vista AZ 85636

CONTACT TELEPHONE NUMBER: 520-266-2433

PROPERTY OWNER (IF OTHER THAN APPLICANT): Chiricahua Community Health Center

ADDRESS: 1205 F Ave Douglas AZ 85607

DATE SUBMITTED: 5-25-10

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

	\$	<u>300</u>
	\$	<u>0</u>
	\$	<u>30000</u>

PAID 5/25/2010
(FD)

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

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? Web method The property is

NOT BEING USED

2. What is the proposed use or improvement? Temporary office space

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? There will be

six people working in building machine = Friday

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)

Factory Built modular Building.

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

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 5 Hours (from 9 AM to 6 PM)

B. Number of employees: Initially: 6 Future: 10
Number per shift Seasonal changes 6 To 10

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
Six Vehicles per day

(2) Total trucks (e.g., by type, number of wheels, or weight)
None

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

(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

9 AM & 5 PM

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 APP 30621 per year 10950

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	<u>CITY WATER</u>	
Sewer/Septic	<u>DAVIS EXCAVATING</u>	
Electricity	<u>SSUEC</u>	
Natural Gas	<u>NONE</u>	
Telephone	<u>DAILY TELECOM</u>	
Fire Protection	<u>ELI RIVERA FIRE</u>	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

None

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

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

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

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

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

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

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

A. *Freestanding* 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)

Asphalt

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

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

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

N/A

2. How many acres will be cleared? 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 X 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 *John L. [unclear]*

Date signed 5-25-10

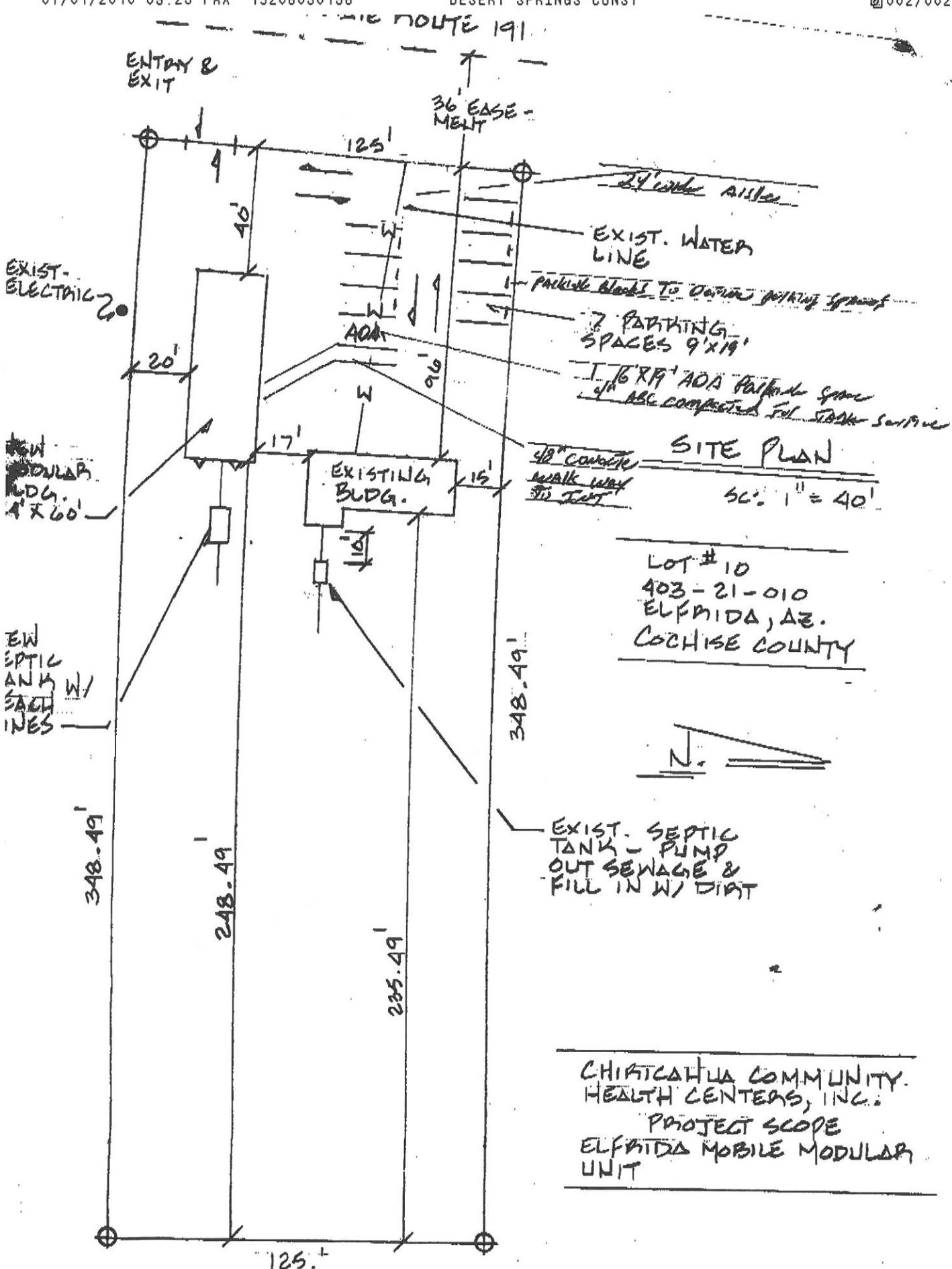


Docket SU-10-13
 Chiricahua Community
 Health Centers, Inc

This map is a product of the
 Cochise County GIS



16
 B



SITE PLAN

LOT # 10
 403-21-010
 ELFRIDA, AZ.
 COCHISE COUNTY

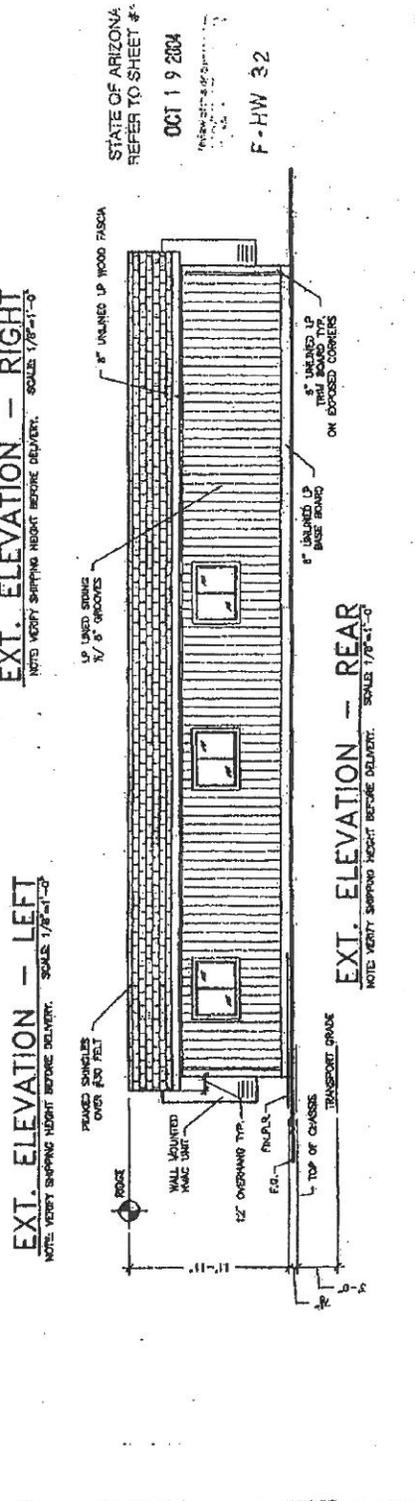
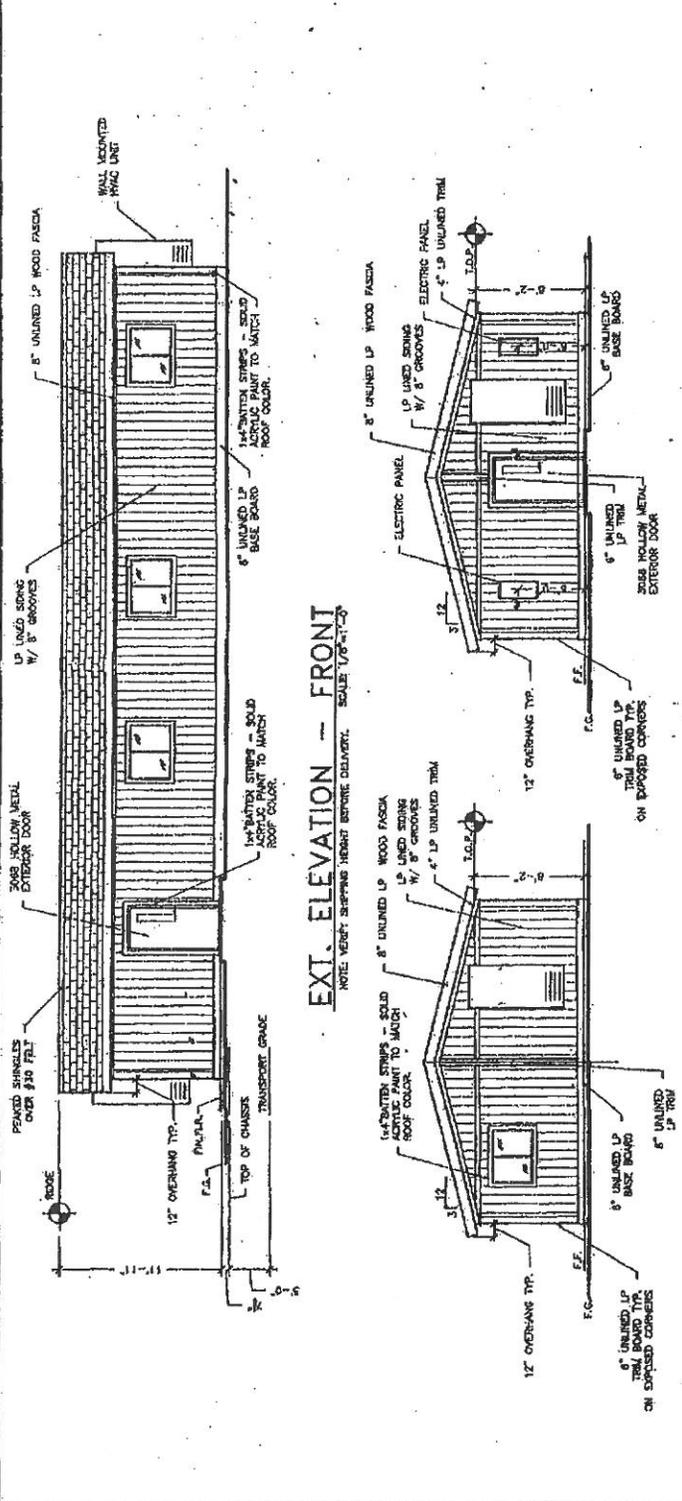
CHIRICAHUA COMMUNITY HEALTH CENTERS, INC.
 PROJECT SCOPE
 ELFRIDA MOBILE MODULAR UNIT

Modular Facility for the Arizona Game and Fish Department
 Serial# CM-1025-042450 A & B

SALES & LEASING, INC.
 Custom Modular Dealer Lic #2-13 5270
 5444 E. Sun Boulevard Dr., Ste. 101
 Scottsdale, AZ 85258-0540
 Tel (480) 314-8444
 Fax (480) 314-8444
 AZ Contractor Lic #2-13 488162



PROJECT: AZOF
 DRAWN: RR
 CONTACT: EWH
 DATE: 10-11-04
 SHEET: 4 OF 6

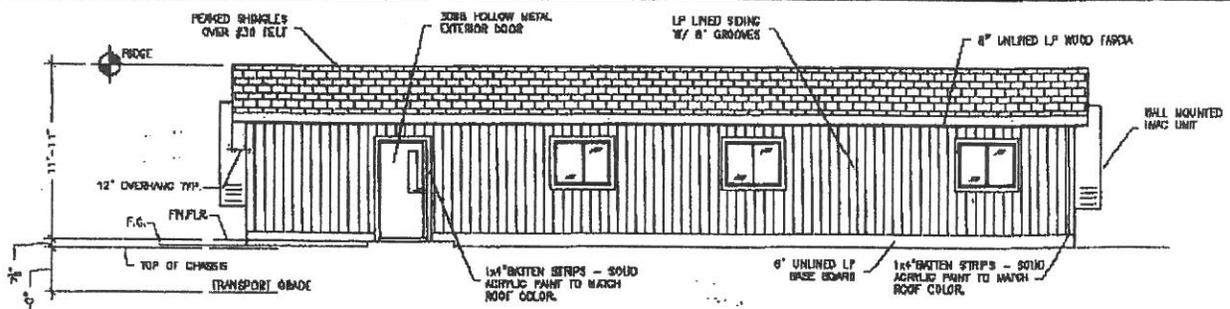
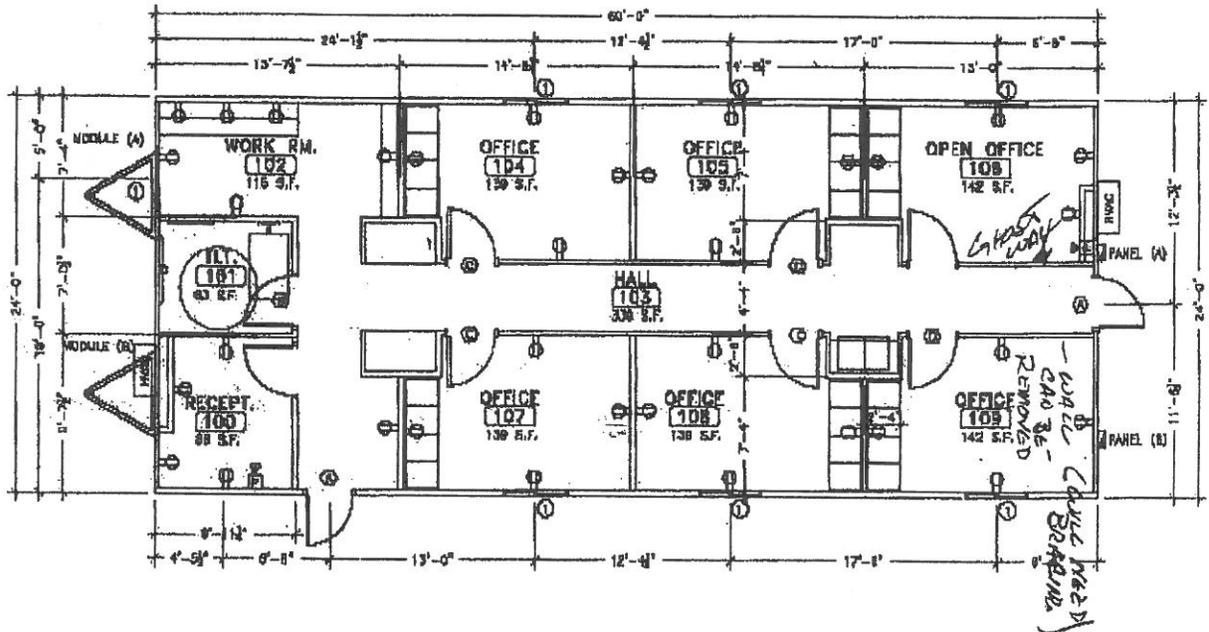


STATE OF ARIZONA
 REFER TO SHEET #:
 OCT 19 2004
 F-HW 32

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Modular Building

24' x 60' modular/portable office building, commercial office space Ready to go. Includes six offices, reception area, restroom and work room all systems electrical, plumbing and hvac. Building just needs to be "plugged in" at your site. Total square footage is 1440 constructed in 2005. Building has been cared for and is in like new condition. We are able to provide transportation and installation. Will consider lease/options. Have provided floorplan and elevation. Contact Everette or Bill 480-314-5814



19
C

Chiricahua Community Health Centers, Inc.



"The Clinic with a Heart"

Chiricahua Community Health Centers, Inc.
10566 North Highway 191
PO Box 263
Elfrida, Arizona 85610

Dear Property Owners,

To be in compliance with the Cochise County Planning and Zoning department we have been asked to contact our neighbors to inform you of temporary Modular Unit to be placed on the property located at 10567 North Highway 191 Elfrida Arizona 85610. The Modular Unit will be used as temporary office space for Chiricahua Community Health Centers, Inc. The existing Septic system which is out of date will be being collapsed and a new system is to be installed in its place.

You are invited to submit comments on our request to place a temporary Modular Unit on the property listed.

- Project Location:
 - 10567 North Highway 191
Elfrida, Arizona 85610
- Project Description:
 - Collapsing existing Septic System
 - Installing new Septic System
 - Setting of a temporary 24' X 60' Double Wide Modular Unit to be used for offices for Chiricahua Community Health Centers, Inc.

Your input is important to us, we would be happy to discuss this with you; if you have any questions please contact us before June 25, 2010. Make sure your questions are answered.

- ✓ Submit written comments to: Chiricahua Community Health Centers, Inc.
PO Box 263
Elfrida, AZ 85610
- ✓ Email comments to: lnoga@cchci.org
- ✓ To talk to someone ask for Linda: (520) 642-2222

Thank you for your time.

Sincerely,

Chiricahua Community Health Centers, Inc.

Jennifer 'Ginger' Ryan Clinic
1100 F Avenue
Douglas, Arizona 85607
520-364-3285 • fax 520-364-3378

Cliff Whetten Clinic
10566 Highway 191, PO Box 263
Elfrida, Arizona 85610
520-642-2222 • fax 520-642-3591

Bisbee Clinic
108 Arizona Street
Bisbee, Arizona 85603
520-432-3309 • fax 520-432-3717

20 D

Name

Address

Respons Contact Returned

AZ Express Conduit LLC	2861 N. 50th Place Cave Creek, AZ 85331		
Bismark Mortgage Investors LLC	8987 E. Tanque Verde Rd #309-293 Tucson, AZ 85749		
Bomes Lela	PO Box 357 Willcox, AZ 85644		
Bowling Raymond f & Robbie R	PO Box 147 Elfrida, AZ 85610		
Brown Charles Arthur	4012 N. 40th PI Phoenix, AZ 85018		
Chiricahua Comm Health Centers, Inc			
Collett Patricia	10591 N. Highway 191 Elfrida, AZ 85610		
Collett Robert h & Mildred F	10591 N. Highway 191 Elfrida, AZ 85610		
Corp of the Presiding Bishop	50 E. N. Temple, 12th Floor Salt Lake City UT 84150		
DeLaCruz Guadalupe & Jacqueline	10475 N. Mormon Rd. Elfrida, AZ 85610		
Gipson Floyd Eugene & Ida M	PO Box 607 Elfrida, AZ 85610		
Hunt Alex G & Peggy B	1644 Lehi Rd. Mesa, AZ 85203		
Jimenez Patricia	PO Box 607 Elfrida, AZ 85610		
Klewer Stacey E	1142 N McKemy Ave Chandler, AZ 85226		
Law Glenn I & M L Penny	PO Box 146 Elfrida, AZ 85610		
Renova Guillermo & Roxane	PO Box 1274 Elfrida, AZ 85610		
Scott Frances A	PO Box 265 Elfrida, AZ 85610		
Scott John Owen	10549 Highway 191 Elfrida, AZ 85610		
Sierra Mario	PO Box 102 Elfrida, AZ 85610		
Sierra Rita A	PO Box 102 Elfrida, AZ 85610		
Spear Gloria Gene LIV Trust	163 N. Abrego Dr. Green Valley, AZ 85614		
Taylor Charlotte W	520 S. 5th West Snowflake, AZ 85937		
TFP Enterprises LLC	19820 W. Pinnacle Peak Rd. Surprise, AZ 85387		
Valley Recreation Council	PO Box 614 Elfrida, AZ 85610		
Wallace Henrietta	248 S. Cholla St. Florence Jct., AZ 85233		
Zamora Manuel P REV TR	10669 N. Highway 191 Elfrida, AZ 85610		



Name	Address	Response	Contact	Returned
AZ Express Conduit LLC	2861 N. 50th Place Cave Creek, AZ 85331			
Bismark Mortgage Investors LLC	8987 E. Tanque Verde Rd #309-293 Tucson, AZ 85749			
Bomes Lela	PO Box 357 Willcox, AZ 85644			Returned N X
Bowling Raymond f & Robbie R	PO Box 147 Elfrida, AZ 85610			
Brown Charles Arthur	4012 N. 40th PI Phoenix, AZ 85018			
Chiricahua-Gemm-Health-Centers, Inc				
Collett Patricia	10591 N. Highway 191 Elfrida, AZ 85610			
Collett Robert h & Mildred F	10591 N. Highway 191 Elfrida, AZ 85610			
Corp of the Presiding Bishop	50 E. N. Temple, 12th Floor Salt Lake City UT 84150			
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Sierra Mario	PO Box 102 Elfrida, AZ 85610			Returned A X
Sierra Rita A	PO Box 102 Elfrida, AZ 85610			Returned A X
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Valley Recreation Council	PO Box 614 Elfrida, AZ 85610			
Wallace Henrietta	248 S. Cholla St. Florence Jct., AZ 85233			
Zamora Manuel P REV TR				

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Dennis, Keith

From: joe Eveningred [desertspringsconstruction@msn.com]
Sent: Tuesday, July 06, 2010 7:34 AM
To: Dennis, Keith
Subject: RE: SU-10-13 Comments

Hi Keith,

we are asking for modification for these items.

- #1. Setbacks for modular unit from 40' to 20' on west side only.
- #2. Property screening the only activities at this site will be inside modular.
- #3. 12'x45' loading space there will be no receiving at this location.
- #4. Gravel parking the native soil is very good for driving and parking on.

Thank you for all your help Keith.
 Joe Eveningred

Subject: SU-10-13 Comments
 Date: Wed, 30 Jun 2010 12:36:02 -0700
 From: KDennis@cochise.az.gov
 To: desertspringsconstruction@msn.com

Joe, here are my comments with regard to the site plan. Sorry I was unable to get to this yesterday. Remember that you can ask for a modification/waiver of any of these site development standards, but if you do, please do so in writing with a justification for why you are asking for the modification. Here are the deficiencies:

Screening is required along the North, South and East sides of the property.

If you want to put the building 20 feet from the Southern property line, you should ask for a modification to the site development standards requiring a 40-foot setback for Special Uses in a TR District; Unless the existing building is not to be used (which you should indicate in writing), then the setback for that building would need to be modified/legitimized as well.

One 12' x 45' loading space is required. Show this on the site plan and label it as having a 2-inch deep gravel surface, or ask for a modification to this requirement.

With 10 or more parking spaces adjacent to a residentially-zoned site (to the North in this case), a 30-foot setback is required for the parking area. You can eliminate this requirement by providing a 6-foot screen wall along this area, or by reducing the parking spaces required (only 5 are required - 1 per 350 square feet rounded up, assuming the existing building is not to be used). If the existing building is to be used, then a total of 9 spaces are required. I would recommend that the easiest course of action would be to reduce the parking spaces to 9 or less to avoid the setback requirement.

Please revise the site plan to show the required ADA parking space, labeled as 16' x 19' with a firm stable path/sidewalk to the bldg entrance.

Label the parking spaces as 9' x 19', and as having a 2-inch deep gravel surface. Label the driveway and parking space aisle as 24' wide with the gravel surface.

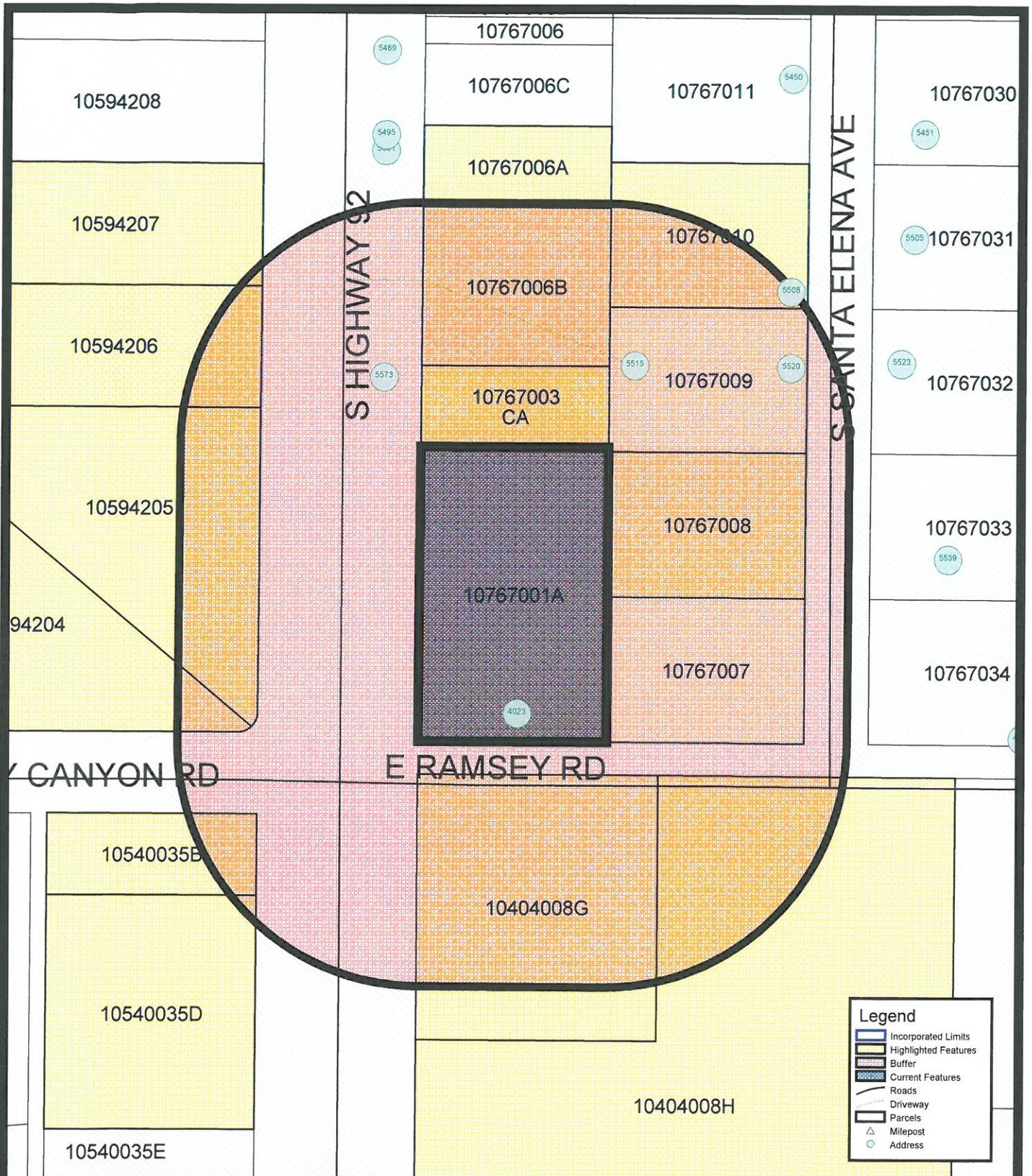
Label the ends of the parking rows as having a defined dead-space, such as with landscaping or other feature, in order to keep parked vehicles in the defined parking area.

If you have any questions, please let me know.

Thanks,

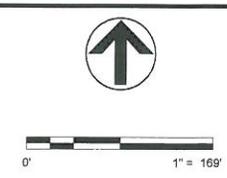
23

7/7/2010



SU-10-14
 Van Gorp
 107-67-001A
 300' Buffer

This map is a product of the Cochise County GIS





COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240
Fax 432-9278

MEMORANDUM

To: Planning and Zoning Commission
From: Michael Turisk, Interim Planning Manager *MT*
For: Benny J. Young, P.E., Planning Director
Subject: Docket SU-10-14 (Van Gorp)
Date: July 2, 2010 for the July 14, 2010 meeting.

APPLICATION FOR A SPECIAL USE PERMIT

This is a request for a Special Use to establish and operate a construction equipment rental and mini-mix concrete manufacturing and sales facility in a General Business District, per Section 1205.01 (manufacturing, wholesaling, warehousing, distribution or storage of goods) of the Zoning Regulations. The two-acre property is located at the northeast corner of E. Ramsey Road and State Route 92 in Hereford, AZ. The Applicant is Mr. Brett Van Gorp.

I. Description of Subject Parcel

Parcel Size: 2-acres (*the project site would be approximately 1/3 of the parcel size*)
Parcel Number: 107-67-011A
Parcel Location: 4023 E. Ramsey Rd. (northeast corner of E. Ramsey Rd. and State Route 92)
Zoning: GB (General Business)
Area Plan(s): Sierra Vista Sub-watershed
Growth Area: Category B (Community Growth)
Plan Designation: Enterprise
Existing Use(s): The property is currently idle

Zoning/Use of Surrounding Properties

Direction	Zoning	Use(s)
North	GB	commercial
South	GB	E. Ramsey Rd./vacant
East	GB	vacant
West	GB	SR92/residential

II. Parcel History

11/92; Permit issued for 160 sq.-ft. office for Mosier Machinery;
1/2002; Permit issued for an electrical service upgrade; and
5/09; Permit issued for demolition



Fig 1; Project site located at the northeast corner of SR92 and E. Ramsey Rd.

III. Project Description

This is an application for Special Use approval in a GB (General Business) Zoning District in Hereford to establish and operate a small construction equipment rental, tool rental and mini-mix concrete manufacturing and sales facility on a two-acre site at the northeast corner of E. Ramsey Rd. and State Route 92 in Hereford. The site is currently idle with various debris and several small and vacant structures on site. Although the subject property is zoned General Business, because of the potential for more intense off-site impacts generated by the manufacturing component of the proposed project, a Special Use Permit is required for the use. If approved, the project would use approximately one-third, or 29,000 sq.-ft. of the site where an existing 160 sq.-ft. office trailer would serve as office space. The hours of operation would be seven days per week from 7am to 4pm, with up to four employees to operate and maintain the facility. The overall project is intended to primarily serve small-scale contractors, builders and owner-builders. Concrete would be loaded into small trailers and secured to customers' light pickups.

IV. Analysis of Impacts

Compliance with Special Use Factors (Section 1716.02)

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 or not to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Nine of the 10 criteria apply to this request. As proposed, the project complies with six of the nine factors, and with the recommended conditions of approval and requested modification and waiver to site development standards, the project would comply with all applicable factors.

A. Compliance with Duly Adopted Plans: Complies

The subject property lies within a Category B Growth Area. The area is and the proposed uses would be in accord with the characteristics of Category B Growth Areas described in Article 4 of the Zoning Regulations. For example, Category B Growth Areas serve as a transition between urban growth and rural areas and support a moderate level of commercial development by having improved arterial or collector streets. Furthermore, the Comprehensive Plan indicates that this area of the County is designated Enterprise, areas that typically have noticeable concentrations of commercial or non-residential uses.

B. Compliance with the Zoning District Purpose Section: Generally Complies

Per Article 12, the GB districts serve the following purposes:

- *To provide appropriate areas for office uses, retail stores and service establishments in which the market area extends beyond the nearby neighborhoods;*
- *To provide wholesale or distribution activities in locations with adequate access to major streets and highways;*
- *To encourage concentrated development of commercial activities or the convenience of the public;*
- *To provide adequate space to meet the needs of commercial development, with adequate off-street parking and minimal traffic congestion; and*
- *To protect commercial uses from objectionable influences of industrial uses as well as incompatible residential development.*

The project as proposed would comply with the overall intent of the General Business zoning districts. The project site has adequate access to a State highway and is in an area with a concentration of established commercial uses. However, the project would include a concrete manufacturing component that could be characterized as an industrial-type activity, one that might be considered an atypical General Business use. Addressing this point, the Applicant has indicated that the concrete manufacturing component would be on a scale and scope that would not generate significant off-site industrial-type impacts, such as excessive dust and noise and significant heavy truck traffic.

C. Development Along Major Streets: Complies

The proposed use would not result in the creation of any additional access points to any street in the area.

D. Traffic Circulation Factors: Complies with Condition

Access to the site is possible via SR 92 and E. Ramsey Rd. The SR 92 access is approximately 330-feet north of the intersection of E. Ramsey Rd. and SR 92. According to the County Transportation Planner, the design of the SR 92 apron at the connection appears to be to ADOT standards, but the apron and driveway but will soon require resurfacing. Furthermore, ADOT will need to determine if the proposed location of the existing access onto SR 92 is suitable or if an alternate driveway location will be needed given the proximity to the Ramsey Rd. intersection. Condition 2 speaks to the need for the Applicant to contact ADOT about obtaining an encroachment permit prior to doing any work on the highway access driveway. Preference is given to using the SR 92 access exclusively. Should access from Ramsey Rd. be needed it will need to be located as far to the east on the parcel as practical and constructed to commercial County standards prior to certificate of occupancy (see Condition 3 on pg. 6).

E. Adequate Services and Infrastructure: Complies

Adequate services and infrastructure are available, including power (SSVEC) and emergency services (Fry Fire). The Applicant would provide a portable toilet for employees and patrons (Environmental Health and the Department's Building Division have indicated preliminary approval).

F. Site Development Standards: Complies with Approved Modification and Waiver

One waiver of and one modification to site development standards is requested, including:

1. A waiver from the outdoor storage screening requirement, per Section 1203.05 -- In Category B Areas, screening is not required because the GB property does not abut a residential zoning district. However, the Zoning Regulations indicate that outdoor storage shall be screened *regardless of abutting zoning district*. Staff supports a waiver of this site development standard because the outdoor storage area would be comparatively small. Other non-residential uses in the area are not screened. Furthermore, the Applicant has suggested that the proposed use will not generate disproportionate of off-site impact that would necessitate screening.
2. A modification to the required 80-foot setback for Special Uses in a GB District, per Section 1204.02 -- The minimum setback for Special Uses in GB districts that abut other GB districts is 80-feet. Staff recommends modifying this site development standard to allow the existing setbacks because the site abuts other GB properties and the overall lack of residential uses in the immediate in area. Furthermore, existing structure intended as office space is well within the minimum setback area.

Section 1804.08 indicates that areas of a site reserved or used for the outdoor storage and display of vehicles, materials or equipment, shall be improved with at least a dust-free, gravel surface, or with an equivalent or better surface. The Applicant has indicated that crushed aggregate would be applied to all driveways, parking and loading areas.

The project would meet the minimum standards for site coverage, among other requisite site development standards

G. Public Input: Complies

Prior to submittal, the Applicant mailed letters to over 60 neighboring property owners within 1,000-feet of the property. The submitted citizen review report indicates that no responses were received. The Department mailed letters to neighboring property owners within 300-feet, published a legal ad in the *San Pedro Valley News-Sun* and posted a legal notice on the property. To date, staff has received letters of opposition from two property owners. Respondents cite concerns about aesthetics, noise, reduced property values and increased traffic.

H. Hazardous Materials: Not Applicable

Per the Applicant, there would be no use and/or storage of hazardous materials on the site.

I. Off-site Impacts: Complies

The primary concerns associated with the proposed use are the potential for excessive noise and dust generation from the concrete manufacturing activities. The Applicant indicates that small engines would be employed during approximately two-minute concrete loading operations.

Regarding noise generation, Section 1203.07 of the Zoning Regulations states:

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites to the unaided human senses for 3 minutes or more duration in any 1 hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30 seconds or more duration in any 1 hour between the hours of 7:00 p.m. and 7:00 a.m.

The project site is not adjacent to any residential use, is adjacent to a State Highway and located in an area with established General Business zoning; therefore, the Applicant would not have to adhere to this standard. The Applicant has indicated that noise generation would be minimal, however. It is important to note that the use must not generate odorous gases or other odorous matter in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries. Furthermore, emissions shall not be permitted which can damage health, animals or vegetation or other forms of property or which can cause any nuisance or hazard. The Applicant has indicated that noxious odors or emissions would not be generated and crushed aggregate would be applied to all parking, loading and driveway areas to mitigate transient dust.

J. Water Conservation: Complies with Condition 1

Water plays a critical role in the manufacturing or mixing of concrete. The Applicant's Special Use application indicates that estimated daily total water use would be 300 gallons. The project site is located within the Sierra Vista Sub-Watershed; therefore the project is subject to the commercial water conservation measures detailed in the Water Conservation and Management Policy Plan. Policy 2.7 of the Plan states:

Any new commercial development proposed as a special use or in rezonings wherein on-site use of ground water is integral to the processes, function or product of the commercial development is discouraged. Car wash operations, commercial water bottling operations, recreational water activities or industrial processes consuming large amounts of water are not appropriate for development under this plan.

If approved, Condition 1 would require the Applicant to demonstrate compliance with the applicable water conservation policies outlined in the Plan.

V. Summary and Conclusion

Factors in Favor of Approval

1. The subject parcel lies within a Category B Growth Area. These areas are characterized as having established or planned commercial development. In addition, this area of the County is designated "Enterprise;" areas typically home to numerous commercial uses;
2. The site is located within an established commercial corridor;
3. If approved, the site would be improved from an aesthetics standpoint; and
4. No residential uses exist in the immediate area of the project site.

Factors Against Approval

1. Per, the Sierra Vista Sub-watershed Water Conservation and Management Policy Plan any new commercial development proposed as a special use wherein on-site use of ground water is integral to the processes, function or product of the commercial development is discouraged; and
2. To date, the Department has received two letters in opposition to this request.

VI. Recommendation

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use request with the following conditions:

1. Prior to permit issuance, the Applicant shall demonstrate compliance with the applicable policies of the Sierra Vista Sub-Watershed Water Conservation Policy Plan;
2. The Applicant shall secure an Arizona Department of Transportation (ADOT) Encroachment permit and/or Right-of-Way permit for the SR92 access prior to performing any work on the highway access driveway;
3. The Applicant shall secure a right-of-way permit for access via E. Ramsey Rd. access. This access point must be located as far to the east on the parcel as is practical with a driveway constructed to County commercial standards completed prior to issuance of the certificate of occupancy;
4. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject properties within thirty (30) days of approval of the Special Use Permit Modification. Prior to permit issuance, the Applicant shall submit and obtain building/use permits within 12 months of approval, including a completed joint permit application. The building/use permit(s) shall include a site plan in conformance with this approval and meeting all site development standards (except those specifically waived or modified by the Planning Commission as part of this approval), the completed special use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of approval, otherwise the approval may be deemed void upon 30-day notification to the Applicant;
5. It is the Applicant's responsibility to obtain any additional permits or meet additional conditions, if any, that may be applicable to the proposed activities pursuant to other federal, state, or local laws or regulations; and
6. Any changes to the approved Special Use shall be subject to review by the Community Department and may require additional modification and approval by the Planning and Zoning Commission.

VII. Requested Modifications and Waivers to Site Development Standards:

The Applicant requests the following waiver and modification to site development standards:

1. A waiver from the outdoor storage screening requirement (Section 1203.05); and
2. A modification to the required 80-foot setback for Special Uses in a GB District (1204.02).

VIII. Attachments

- A. Special Use Permit Application
- B. Site Plan
- C. Zoning Map
- D. Staff Comments
- E. Citizen Review Letter
- F. Citizen Review Report
- G. Public Comments



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

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

TAX PARCEL NUMBER: 107-67-001-A

APPLICANT: BRETT VAN CORP

MAILING ADDRESS: PO BOX 4584 Bisbee Az 85603

CONTACT TELEPHONE NUMBER: 520-266-0514

PROPERTY OWNER (IF OTHER THAN APPLICANT): Hon, Jack Nelson Hill, Linda Rae

ADDRESS: PO Box 1063 Redding Center Ct. 06875-1063

DATE SUBMITTED: _____

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

\$ 300 - ^{NE}
\$ _____
\$ _____

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

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? Mogier Machinery
Rentals
2. What is the proposed use or improvement? Small equipment rentals,
mini mix concrete trailers
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? Equipment Rentals
including small mixer trailers, hand tools,
mini mix concrete

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

Equipment Rentals, Mini Mix Concrete

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)

Factory built 8x20 office trailers - existing

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

Site cleanup & Equipment set should be less than one year

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 7 AM to 4 PM)

B. Number of employees: Initially: 2 Future: 4
Number per shift Seasonal changes _____

C. Total average daily traffic generated:

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

15-20

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

One pickup truck 4-6 wheels

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

North & South from Hwy 92

(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

Don't know yet

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 300 MAX per year 10,000 month 100k YR.

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

F. Does your parcel have permanent legal access*? Yes X 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		
Sewer/Septic	SEPTIC/PORTABLE	toilets
Electricity	SSVEC	
Natural Gas	NONE	
Telephone	Internet - C.I.S.	
Fire Protection	FRY FIRE	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

LOADING SMALL TRAILERS, SECURING TO
CUSTOMER TRUCKS - PICK UPS.

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? _____

Trailer have small Honda engines during loading (Apprx - 2 minutes) some noise - not much

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. SF. 72'

A. Free standing 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). using existing sign

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

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

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

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

Less than one acre

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

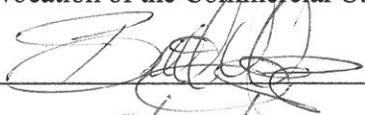
Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the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

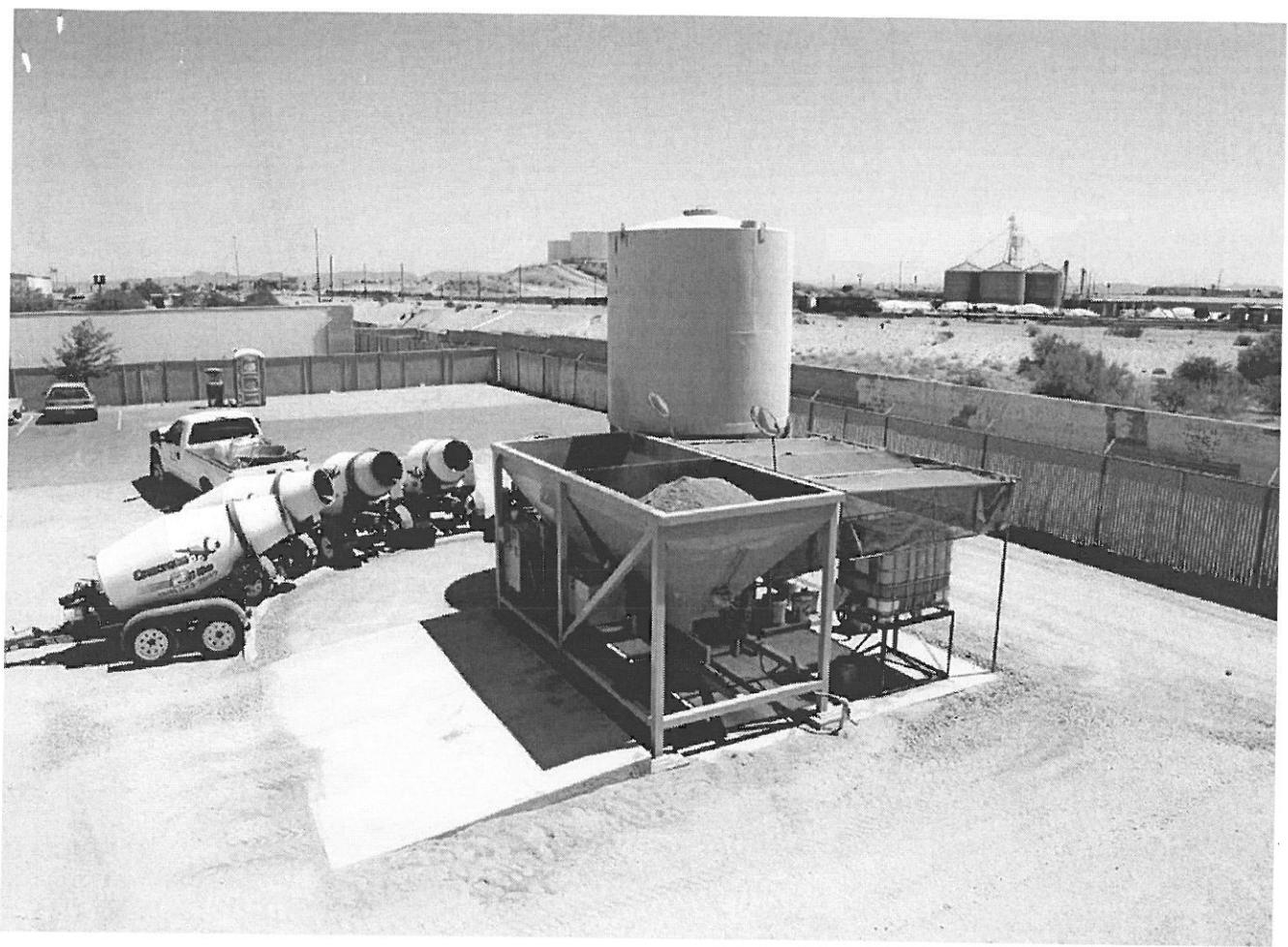
Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous 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  _____

Date signed 5/27/10 _____



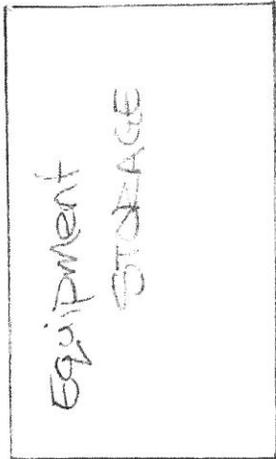
5587 S. Hwy 92

← 100' office setback from front site line

100'
225'

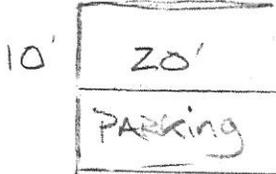
OUTDOOR
Display Area

Existing
Sign
Ground

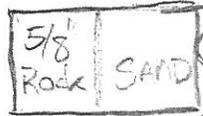


MFG. OFFICE
TRAILER
8' X 20'

10'



Aggregate
bins



TRAILERS
swivel conveyor

GRAVEL

88'

24'

24'

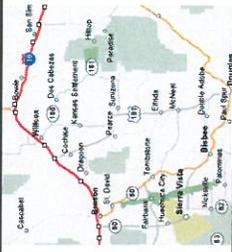
N. →

225'

Drainage consistent slope

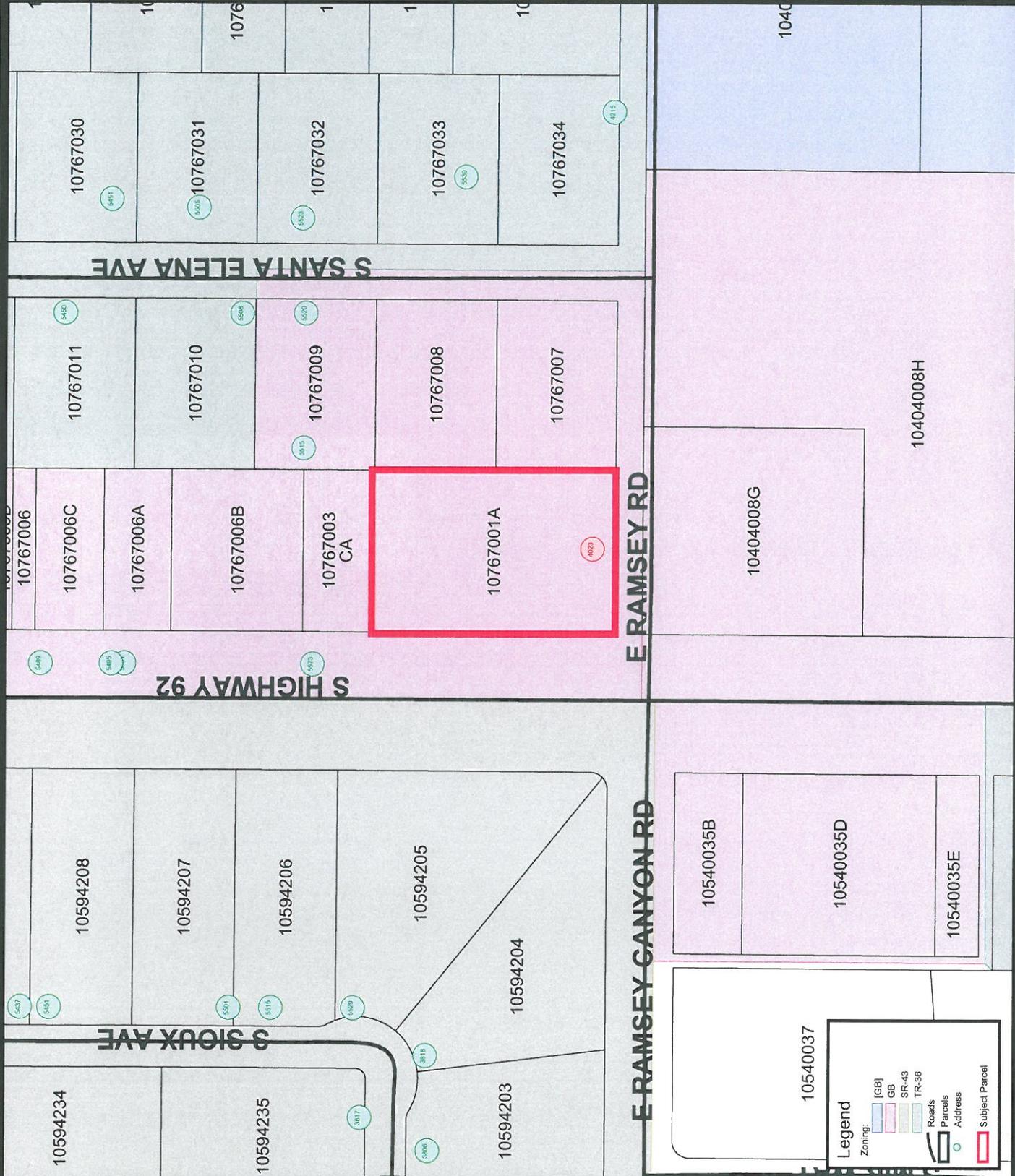
Level Grading

Scale 1 sq" = 100'
Portion of
107-67-001-A
07'



SU-10-14 (Van Corp)
Parcel # 107-67-001A

This map is a product of the
Cochise County GIS



Legend

Zoning:

- [GB]
- GB
- SR-43
- TR-36

Roads

Parcels

Address

Subject Parcel

maurisk_2010-06-16 12:51:51
(\\cappm13\Geodesy\Encompass\Admin\Meta\view.Mxd)
This document is a graphic representation only of best available sources.
Cochise County assumes no responsibility for any errors.

Turisk, Mike

From: McGee, Michael
Sent: Wednesday, June 16, 2010 1:39 PM
To: Turisk, Mike
Subject: RE: Special Use Permit application for mini-mix concrete in Hereford

Mike,

The applicant shows that they will not be using a septic system. Then shows in the box below, septic/portable toilet for sewer. If the applicant can specify either septic or portable toilet then I can go from there. If he plans on using portable toilets is this approvable by the building division?

Mike

Michael McGee, RS
Environmental Health Director
Cochise County Health Dept.
mmcgee@cochise.az.gov
Benson 520-586-8206
Bisbee 520-432-9444

From: Turisk, Mike
Sent: Wednesday, June 16, 2010 1:03 PM
Subject: Special Use Permit application for mini-mix concrete in Hereford
Importance: High

All,

Your comments are requested for a proposed mini-mix concrete and small manufacturing equipment rental facility on a two-acre site in Hereford. Please see the attached transmittal packet for additional details.

This Special Use Permit request will be considered by the Planning and Zoning Commission at the regular meeting on July 14, 2010.

Thank you in advance.

Sincerely,

Michael Turisk, Interim Planning Manager
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278
email: mturisk@cochise.az.gov

"Public Programs; Personal Service"

6/17/2010

41



***Cochise County Planning Department &
Fry Fire District***

**Joint Project Review Approval for Commercial Permits &
Subdivisions.**

Attn:

Date: 6-21-10
Brett Van Gorp
Project Name: _____
Project Address: 4023 E. Ramsey Rd
Sierra Vista
107-67-011A
Project Tax ID #: SU 10-14

Scope of Project: _____
Machinery rental and mini mix concrete manufacturing facility

- APPROVED
- APPROVED with CONDITIONS
- DENIED
- APPROVAL NOT REQUIRED
- FRY FIRE FEES PAID

Remarks: _____
The fire district has no concerns. Applicant must comply with fire code regulations
during permit process.

Fire Prevention Officer: Thanks, Mike McKearney (520) 249-5078

Fry Fire District
Attention: Fire Prevention Office
4817 Apache AVE
Sierra Vista, AZ. 85650

Turisk, Mike

From: Lamberton, Karen
Sent: Tuesday, July 06, 2010 12:36 PM
To: Turisk, Mike
Cc: 'Dee Crumbacher'; 'Armando Membriola'
Subject: Mini-Concrete Sales SU 10-14

Attached is a memo regarding what is likely to be ADOT conditions related to this site. In this case, if access is not taken from the highway, the County would require that access be taken as far east on the parcel as possible and have a commercial standard apron. In either case the applicant is likely to need some maintenance or driveway apron work prior to issuing a certificate of occupancy. Please let me know if you or the applicants have any questions.

Dee and Armando: This use permit will be heard by the commission on July 14th. Conditions will need to be in place prior to our issuing a commercial permit; it would be helpful to know prior to the commission meeting if this site does have a legitimate access driveway onto highway 92 or not. Certainly one exists at this time and although in need of some maintenance it is not falling apart at this time – I do not know if the utility company is responsible for repairing the utility cut in the driveway or not...although fairly recent it wasn't brand-new and probably should have been repaired by now.

Northbound has an old traffic count...2007. This segment may be reaching LOS C if I am reading the LOS ADOT charts right. However, this use will be fairly minimal and will clean up the site which is currently a hazard and a mess...but not large enough to reach to any substantive improvements beyond the apron repair...at least in my mind. We are familiar with these applicants and they run a fairly clean operation here in Bisbee...this site is planned to stage up some of their mix and supplies for the Sierra Vista area but their main operations will remain over here at the Bisbee location.

Karen L. Lamberton, AICP

County Transportation Planner
Community Development Department
1415 Melody Lane, Building E
Bisbee, Arizona 85603

520.432.9240 FAX 520.432.9278

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



COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240
Fax 432-9278

Benny J. Young, P.E., Director

MEMORANDUM

TO: Mike Turisk, Senior Planner

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Concrete Manufacturing and Sales at Ramsey/92: SU 10-14/Parcel #107-67-011A

DATE: July 6, 2010

The applicant is proposing leasing a site on the northeast corner of Ramsey Rd. and Highway 92 (MP 327.23) for a mini-mix concrete construction yard that would include a small office building (existing trailer on site); concrete mixers and trailers and equipment rentals. Employees would work both on and off site and it is anticipated that customers would rent equipment at this site. Access is proposed directly from the highway from an existing driveway apron located about 330 feet north of the intersection. This apron appears to be about 28 feet wide with about a 35 foot return radii at the highway connection; the driveway is in current need of resurfacing but is not yet completely deteriorated. A recent utility cut has not yet been repaired at the ADOT ROW line. Existing access points to the county-maintained Ramsey Rd. located on the southern boundary of the parcel appear to be closed off with fencing on the preliminary site plans with sole access taken from the highway.

Per the ITE Manual, 8th ed., this type use is classified a light industrial use (Land Use 110) and, based on the number of proposed employees, would generate an estimated range of trips between 6 and 12 per day; based on the proposed two acre site would have a range from 10 to 318 trips. Given the rural location and proposed use the lower of this range is more likely for this site and in keeping with the range estimated by the applicant of 15-20 trips per day. Most trips will occur during off-peak hours. It is likely that most trips will be generated from the metro Sierra Vista area located to the north of the site. Traffic counts taken in 2007 show an estimated 21,000 AADT traveling north on Highway 92 from the Ramsey Rd. intersection and counts taken in 2008 show an estimated 10,500 AADT traveling south from the intersection. Although northbound traffic is reaching the point where level of service could be expected to decline, especially during peak hour travel, this proposed use is not substantive enough to make a noticeable difference to the existing travel patterns along this segment of the highway.

Recommendation

Given the proximity to Ramsey Rd. and Highway 92 intersection and future proposed expansion

of a dedicated right turn lane along the Ramsey Rd. corridor it is preferred that no access be taken from Ramsey Rd. if the alternative highway access point can be used. However, should access from Ramsey Rd. be needed this access point will need to be located as far east on the parcel as practical and a paved driveway constructed to commercial county standards completed prior to Certificate of Occupancy. The applicant would need to discuss these standards and obtain a right-of-way permit from the County's Highway and Floodplain Dept. at 520.432.9300 prior to permit issuance.

ADOT will need to determine if the proposed location of the existing access onto Highway 92 is suitable or if a different driveway location will be needed given the proximity to the Ramsey Rd. intersection. The applicants are also advised to contact ADOT Safford District's Permit office for an Encroachment Permit and to obtain appropriate commercial ADOT driveway standards prior to doing any work on the highway access driveway. Should ADOT require resurfacing of the existing apron access to Highway 92 proof of final inspection and acceptance of the driveway apron by ADOT prior to issuing a Certificate of Occupancy is recommended. Permit information is available on-line at: <http://www.dot.state.az.us/Highways/Districts/Safford/index.asp> or the applicant may contact Armando Membrila, Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or call 928.432.4915

The applicants are also advised that if ownership of the parcel has changed hands since the last ADOT Right-of-Way permit was issued the records will need to be updated with the ADOT Permit office to reflect current ownership. The applicants for this proposed use indicate that they are leasing, not purchasing this site, and the current owners may or may not own current access rights from Highway 92 to this parcel. Owners of right-of-way access driveways onto the state highway system are required to maintain their access driveways in a safe and adequate condition.

cc: Docket SU-10-14; ADOT Tucson and Safford District

To Whom It May Concern:

My name is Brett Van Gorp. My wife Alison and I are planning to open a business in your area. Our proposed location is the center lot of the three lots located on the N.E. corner of Ramsey Canyon Rd. and S. Hwy. 92. We would like to offer a small inventory of construction related equipment rentals, as well as mini mix concrete. The concrete would be dispensed in small mixing trailers to be hauled behind customer vehicles. We believe our company would be a service to the community, homeowners, and small contractors as well. Cochise County has determined that we need a special use permit for our project. We are asking that you send a letter to the below listed address with any concerns you may have with our plan. Thanks for your consideration.

Regards,

Brett Van Gorp
P.O. Box 4584
Bisbee AZ. 85603

Brett & Alison Van Gorp
PO 4584
Bisbee, AZ 85603
520-266-0514
vangorp@cableone.net

May 26, 2010

Cochise County
Planning and Zoning
1415 Melody Lane
Bisbee, AZ 85603

RE: Special Use Business Permit Application – Required Citizen Review Letters

To Whom It May Concern,

Per your request, we mailed out 60 plus Citizen Review letters 12 days ago to residences in the vicinity of parcel # 02 107 67 001 A 8. As of the writing of this letter we have not received any responses.

Sincerely,

Brett Van Gorp

Brett Van Gorp
PO Box 4584

Page 1 of 3
Attn. Michael TURISK

To Whom It May Concern:

My name is Brett Van Gorp. My wife Alison and I are planning to open a business in your area. Our proposed location is the center lot of the three lots located on the N.E. corner of Ramsey Canyon Rd. and S. Hwy. 92. We would like to offer a small inventory of construction related equipment rentals, as well as mini mix concrete. The concrete would be dispensed in small mixing trailers to be hauled behind customer vehicles. We believe our company would be a service to the community, homeowners, and small contractors as well. Cochise County has determined that we need a special use permit for our project. We are asking that you send a letter to the below listed address with any concerns you may have with our plan. Thanks for your consideration.

Regards,

Brett Van Gorp
P.O. Box 4584
Bisbee AZ. 85603

No Objections
Dad & Suzie
5333 S. Son Blvd
S.V.G. 85650

COCHISE COUNTY
JUN 18 2010
PLANNING

05/28/10

Brett and Alison Van Gorp
P.O. Box 4584
Bisbee, AZ 85603

RE: NE Corner of Ramsey Rd.

Dear Mr. and Mrs. Van Gorp.

Thank you for your letter advising us of you plans to open a business on the NE Corner of Ramsey Rd. However we are a bit concerned about the effects of your business at the location. We have concerns regarding the cosmetic effect you will have on that corner, noise pollution and safety with respect to construction type vehicles and equipment that will be accessing the Highway on an on going basis. It is already a dangerous intersection and we suspect it will become even more dangerous if the speed limit is increased after road construction on South Hwy 92 is completed. As for the aesthetic effect, our little neighborhood already has its challenges in regards to appeal and market value without added construction type businesses that are running loud equipment and adding fuel pollution as well. Please consider our concerns while moving forward with your plans.

Sincere Regards,

Mr. and Mrs. Samuel Smith
4307 E. Ramsey Rd.
Sierra Vista, AZ
85650

COCHISE COUNTY
JUN 18 2010
PLANNING

Brett Van Gorp
PO Box 4584
Bisbee, AZ 85603

Dear Mr. Van Gorp,

I received your letter in which you plan to file for a special use permit for a new business at the NE corner of Ramsey and Hwy 92. Although not stated in your letter, I assume this is a requirement for application for the special use permit.

I am opposed to any use wherein mini-mix concrete would be compounded on site and offered to your customers. Such use is better served for an industrial zoning area. I object to the industrial use of the property and predict that such use would cause a general depreciation of the surrounding commercial lots.

I am not opposed to a rental business.

Sincerely,


John S. Pruitt
President, Chasm Investments
PO Box 1425
Hereford, AZ 85615

COCHISE COUNTY
JUN 18 2010
PLANNING

Brett Van Gorp
PO Box 4584
Bisbee, AZ 85603

Dear Mr. Van Gorp,

I received your letter in which you plan to file for a special use permit for a new business at the NE corner of Ramsey and Hwy 92. Although not stated in your letter, I assume this is a requirement for application for the special use permit.

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I am not opposed to a rental business.

Sincerely,


John S Truitt
President, Chasm Investments
PO Box 1425
Hereford, AZ 85615

6/1/10
Cochise County Zoning & Planning
1415 Melody Lane, BLDG E
Bisbee, AZ 85603

To whom it may concern:

I am the owner of several commercial lots located near the intersection of Ramsey Road and HWY 92 S. I have received a letter from a Mr. Van Gorp in which he intends to file for a special use permit to allow mixing and dispensing of concrete on a nearby lot. A copy of his correspondence and my reply is enclosed.

I wish to state that the proposed use is better suited to an heavy industrial area and not a commercial lot. The proposed business use would be unsightly, produce dust and require an interruption of traffic due to trucks entering and leaving the grounds. It would greatly diminish the value of the surrounding lots, including mine.

Although there is an industrial use in the area, Greer Cabinets, it is not the same as the unsightly piling of sand, concrete dispensing silos, heavy equipment and all the rest that goes with a concrete mixing plant. The fact that it is initially for small batches does not lessen my concerns.

Please notify me as to when a zoning hearing may be scheduled on this issue so that I may formally object in a public forum.

Very truly yours,


John S. Truitt,
President, Chasm Investments.
PO Box 1425
Hereford, AZ 85615

COCHISE COUNTY
JUN 07 2010
PLANNING



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

TO: Planning & Zoning Commission

FROM: Rick Corley, Zoning Administrator
FOR: Benny J. Young, P.E., Planning Director

DATE: July 6, 2010 for the July 14, 2010 Study Session

SUBJECT: Docket R-09-02, County Hazard Abatement Ordinance—amendment to the whole.

I. Background

Under ARS 11-268 (see attachment A) the State legislature gives counties the authority to abate hazards, establish a payment schedule for property owner to reimburse the County for abatement expenses, and place liens on properties to recoup County expenses when not voluntarily repaid by the owner(s). There has been a hazard abatement ordinance (Resolution 84-65) in effect in the County since October 19, 1984; this was amended in 1987 (Resolution 87-91) to allow liens to be placed on properties on which the County abated hazards. However, liens have not routinely been placed on properties. On June 11th, 2009, the Board of Supervisors gave staff direction to update Resolution 87-91 to reflect current County staffing and policies, and to provide a systematic approach to recovering County funds via the lien process. A work session with the Planning & Zoning Commission took place on May 12, 2010.

Attachment B is the proposed Hazard Abatement Ordinance which is intended to simplify and clarify definitions and processes while meeting the new requirements of Statute ARS 11-268:

II. Revisions to Hazard Abatement Ordinance Resolution 87-91:

Please note that the proposed Ordinance is an amendment to the whole of the currently adopted Ordinance. The entire Ordinance is new and would replace the existing Ordinance. **Suggested changes from the Planning & Zoning Commission work session on May 12, 2010 in this staff report are noted by strike-through text and additions are noted by underlined text in red.**

Differences between the 1987 Ordinance and the proposed Ordinance:

Chapter 1 Purpose and Scope of the 1987 Ordinance is deleted.

Chapter 2 of the 1987 Ordinance is now "Part I: DEFINITIONS" instead of ENFORCEMENT

The Ordinance deleted two definitions and added fifteen new definitions for clarity. The definitions chapter has been moved ahead the enforcement chapter for reader clarity.

Part I of the proposed Ordinance consists of definitions. Note that Dilapidated Building is defined as any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety, or property of the public.

Chapters 4 through 8 of the 1987 Ordinance have been streamlined and included in a new Part II which describes the definitions and processes for violations, notices of abatement orders, appeals of the notices of abatement orders, and the material removal process.

Part II is the main part of the proposed Ordinance, it establishes at subparagraph (noted below):

- A. that dumping on your private land, public land or other private land is a violation; that dumping on public or others' land is also a class 1 misdemeanor;
- At subparagraphs B & C, those cited have 30 days to remove;
- C. reasonable belief was changed to finding probable cause;
- D. spells out what is to be in the order, including an estimate of cost of clean-up, and notice that appeal must be taken within 15 days and that (D.4.) an affidavit attesting to the fact that said material was disposed of in a legal manner;
- E. provides the appeal process, hearing before board set within reasonable time (arbitrary deadlines difficult for scheduling, political pressure will force earliest reasonable time);
- F. spells out the process if the owner doesn't appeal (appeal stays enforcement per E.4) or abate; F.1. If it is determined by the Hazard Abatement Officer that abatement may feasibly be performed by a State Prison work crew, the cost assessed shall be the cost of said work crew plus any supplies provided to thereto. If it is determined by the Hazard Abatement Officer that use of a State Prison work crew is not feasible, then before undertaking the actual removal or abatement, the Hazard Abatement Officer shall attempt to obtain at least two written estimates from qualified contractors (if available locally), and shall accept the lowest such estimate that is otherwise satisfactory to the County.
- G. establishes that the actual cost of abatement becomes the amount of the assessment against the subject property;
- H. provides for notice of assessment and a chance to appeal;
- I. establishes the appeal right;
- J. provides for a report of assessment as a basis for imposition of assessment. This must be approved by the Board before being established as an assessment;
- K. establishes a right to hearing on the assessment;
- L. establishes that in the end, upon recordation, the assessment takes effect;
- M. establishes that the assessment also constitutes a lien against the property;
- N. notes that the county may foreclose on the lien by forcing a sale;
- O. establishes that more than one assessment may be imposed on the same property over time, for multiple violations;
- P. gives the Board of Supervisors the option of appointing a hearing examiner to hear all or some appeals, and
- Q. establishes the schedule for collection of assessments established by the legislature, incorporation of which in this ordinance was the motivating force behind this revision.

Chapter 3 of the 1987 Ordinance is now ENFORCEMENT instead of DEFINITIONS.

Part 3 of the proposed Ordinance reiterates that wildcat dumping is a misdemeanor, independent of any other enforcement provisions of this ordinance.

Part 4 notes that any remedies in the ordinance are in addition to any other enforcement measures that may be imposed under law.

III. Recommendation

Staff requests the Commission to forward the attached revisions of the Hazard Abatement Ordinance to the Board of Supervisors with a recommendation of approval.

Attachment A: ARS 11-268 State Statute

Attachment B: March 23 2010 proposed Hazard Abatement Ordinance—an amendment to the whole

Attachment A

11-268. Removal of rubbish, trash, weeds, filth, debris and dilapidated buildings; violation; classification; removal by county; costs assessed; collection; priority of lien; definition

A. The board of supervisors, by ordinance, shall compel the owner, lessee or occupant of buildings, grounds or lots located in the unincorporated areas of the county to remove rubbish, trash, weeds, filth, debris or dilapidated buildings which constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys. Any such ordinance shall require and include:

1. Reasonable written notice to the owner, any lienholder, occupant or lessee. The notice shall be given not less than thirty days before the day set for compliance and shall include the estimated cost to the county for the removal if the owner, occupant or lessee does not comply. The notice shall be either personally served or mailed by certified mail to the owner, occupant or lessee at his last known address, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall also be sent to the owner at the owner's last known address.

2. Provisions for appeal to the board of supervisors on both the notice and the assessments.

3. That any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation is guilty of a class 1 misdemeanor and, in addition to any fine which may be imposed for a violation of any provision of this section, is liable for all costs which may be assessed pursuant to this section for the removal of the rubbish, trash, filth or debris.

B. The ordinance may provide that if any person with an interest in the property, including an owner, lienholder, lessee or occupant of the buildings, grounds or lots, after notice as required by subsection A, paragraph 1, does not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings and abate the condition which constitutes a hazard to public health and safety, the county may, at the expense of the owner, lessee or occupant, remove, abate, enjoin or cause the removal of the rubbish, trash, weeds, filth, debris or dilapidated buildings.

C. The board of supervisors may prescribe by the ordinance a procedure for such removal or abatement and for making the actual cost of such removal or abatement, including the actual costs of any additional inspection and other incidental costs in connection with the removal or abatement, an assessment upon the lots and tracts of land from which the rubbish, trash, weeds, filth, debris or dilapidated buildings are removed.

D. The ordinance may provide that the cost of removal, abatement or injunction of the rubbish, trash, weeds, filth, debris or dilapidated buildings from any lot or tract of land located in the unincorporated areas of the county and associated legal costs be assessed in the manner and form prescribed by ordinance of the county upon the property from which the rubbish, trash, weeds, filth, debris or dilapidated buildings are removed, abated or enjoined. The county shall record the

assessment in the county recorder's office in the county in which the property is located, including the date and amount of the assessment and the legal description of the property. Any assessment recorded after the effective date of this amendment to this section is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages. A sale of the property to satisfy an assessment obtained under this section shall be made on judgment of foreclosure and order of sale. The county may bring an action to enforce the lien in the superior court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

E. Assessments that are imposed under subsection D run against the property until they are paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

F. A prior assessment for the purposes provided in this section is not a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

G. Before the removal of a dilapidated building the board of supervisors shall consult with the state historic preservation officer to determine if the building is of historical value.

H. If a county removes a dilapidated building pursuant to this section, the county assessor shall adjust the valuation of the property on the property assessment tax rolls from the date of removal.

I. As used in this section occupant does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or under federal law.

J. As used in this section, "dilapidated building" means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety or property of the public.

“Attachment B”

ORDINANCE 10 –

REQUIRING AN OWNER, LESSEE, OR OCCUPANT OF REAL PROPERTY WITHIN THE UNINCORPORATED AREA OF COCHISE COUNTY TO REMOVE RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED BUILDINGS CONSTITUTING A PUBLIC NUISANCE; PRESCRIBING THE PROCEDURE FOR NOTICE AND APPEAL; PROVIDING FOR THE REMOVAL THEREOF BY THE COUNTY AND THE ASSESSMENT OF THE COST THEREOF AS A LIEN AGAINST THE PROPERTY IN THE EVENT OF NON-COMPLIANCE; AND PRESCRIBING A PENALTY FOR THE PLACEMENT OF SUCH MATERIALS ON THE PROPERTY OF ANOTHER, ALL PURSUANT TO AUTHORITY OF A.R.S. § 11-268.

[Note: Where a provision is required or authorized by statute, the relevant statute section number is indicated in brackets.]

PART I: DEFINITIONS

As used herein, bold-faced terms shall have the following meaning:

1. **“Board”** means the Cochise County Board of Supervisors.
2. **“Building”** means any real property structure, movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human lodging or business purposes, or where livestock, produce, or personal or business property is located, stored or used.
3. **“Contiguous Sidewalks, Streets and Alleys”** means any sidewalk, street, or alley, public or private, adjacent to the edge or boundary, or touching on the edge or boundary, of any real property.
4. **“County”** means the unincorporated areas of Cochise County.
5. **“Days”** means calendar days unless otherwise noted.
6. **“Dilapidated Building”** means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety, or property of the public.
7. **“Grounds”** means any private or public land, vacant or improved.
8. **“Hazard Abatement Officer”** means the County employee(s) or other person(s) designated to discharge the duties of the County pursuant to this ordinance unless otherwise expressly provided herein.

9. **“Lessee”** means a person who has the right to possess real property pursuant to a lease, rental agreement, or similar instrument.
10. **“Lots”** means any plot or quantity of land, vacant or improved, private or public, as surveyed, platted or apportioned for sale or any other purpose.
11. **“Occupant”** means a person who has the actual use, possession or control of real property. The term does not include any corporation or association operating or maintaining right-of-way for and on behalf of the United States government, either under contract or federal law. [A.R.S. § 11-268.I]
12. **“Owner”** means a person who is a record owner of real property as shown in the public records in the office of the Cochise County Recorder, and includes a person holding equitable title under a recorded installment sales contract, contract for deed or similar instrument.
13. **“Person”** means an individual, partnership, corporation, association, trust, state, municipality, political subdivision, or any other entity that is legally capable of owning, leasing, or otherwise possessing real property.
14. **“Public nuisance”** means a dilapidated building or an accumulation of rubbish, trash, weeds, filth or debris that constitutes a hazard to the public health and safety as determined by the Hazard Abatement Officer.
15. **“Real Property”** means buildings, grounds, or lots, as well as contiguous sidewalks, streets, and alleys, located in the County.

PART II: VIOLATION OF ORDINANCE; REMOVAL OF PUBLIC NUISANCE BY OWNER, LESSEE OR OCCUPANT; SERVICE OF NOTICE TO ABATE; REMOVAL BY COUNTY; ASSESSMENT OF COSTS; RECORDATION AND PRIORITY OF LIEN.

- A. Violation.** A person, firm or corporation shall have created a public nuisance and committed a violation of this ordinance if such person, firm or corporation without lawful authority, and in a manner that constitutes a hazard to public health and safety:
1. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon property located in the County of which they are owner, lessee, or occupant. [A.R.S. § 11-268.A]
 2. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon contiguous sidewalks, streets and alleys in the County which are dedicated and open to the public. [A.R.S. § 11-268.A]

3. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon any other private or public property in the County not owned or under the control of the person, firm or corporation. [A.R.S. § 11-268.A.3]

B. Duty to remove. A person, firm or corporation shall remove or otherwise abate a public nuisance as defined herein within 30 days after mailing or personal service of a Notice and Order to Abate as provided herein. [A.R.S. § 11-268.A.1]

C. Notice and Order to Abate. Upon finding probable cause that a violation of this ordinance has occurred, the Hazard Abatement Officer shall issue a notice in writing which shall be served in person or by certified mail upon the owner, occupant or lessee at their last known address or at the address on file in the County Treasurer's Office to which the most recent tax bill was mailed. If the owner does not reside on the property, a copy of the notice shall be served upon the owner in person or by certified mail to the owner's last known address. Failure by any party to receive the notice shall not be a bar to abatement, assessment of costs or lien of assessment pursuant to this Ordinance. [A.R.S. § 11-268.A.1]

D. Notice and Order. The Notice and Order to Abate shall include the following:

1. The street address, parcel number and a legal description sufficient for identification of the premises on which the alleged violation occurred.
2. A statement that the Hazard Abatement Officer has determined that there is a reasonable belief that a violation of this ordinance has occurred on the premises identified in the notice.
3. An order that the owner, occupant or lessee shall have thirty (30) days from the date of mailing or personal service of the order to remove any rubbish, trash, weeds, filth, debris or dilapidated buildings upon the property or upon contiguous sidewalks, streets or alleys.
4. A statement that rubbish, trash, weeds, filth debris or dilapidated building materials constituting a public nuisance must be disposed of at an appropriate waste collection facility or by other legal means and that an affidavit attesting to the fact that said material was disposed of in a legal manner, to which a tipping fee receipt or other evidence of legal disposal may be attached, is to be submitted to the Hazard Abatement Officer prior to a determination of compliance with the Notice and Order to Abate.
5. A statement that the County may cause the violation to be abated if the owner, occupant or lessee fails to comply with the order within the specified compliance period.

6. An estimate of the cost of removal or abatement by the County, including incidental costs, to be based on an estimate provided by a qualified contractor or by the Hazard Abatement Officer. [A.R.S. § 11-268.A.1]
7. A statement that the owner, occupant or lessee shall have fifteen (15) days from the post mark date of mailing or personal service of the Notice and Order to Abate to appeal the issuance of the notice to the Board of Supervisors and that failure to appeal will constitute waiver of all rights to an administrative hearing and determination of the matter.
8. A statement that a party who places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated area of the county that is not owned or controlled by that party without authorized permission is guilty of a Class 1 misdemeanor and may be subject to criminal penalties in addition to the cost of abatement. [A.R.S. § 11-268.A.3]

E. Appeal of Notice and Order to Abate. Any person receiving a Notice and Order to Abate may appeal to the Board of Supervisors as follows[A.R.S. § 11-268.A.2]:

1. **Notice of Appeal.** A written Notice of Appeal shall be filed with the Clerk of the Board within fifteen (15) days after the Notice and Order to Abate was mailed or personally served. The date of receipt by the Board shall be the date of filing.
2. **Contents of Notice of Appeal.** The Notice of Appeal shall state in reasonable detail why the appellants should not be required to comply with the Notice and Order to Abate.
3. **Hearing on Appeal.** Upon receipt of the Notice of Appeal, the Board shall, within a reasonable time, place the matter on the agenda at a regular meeting or, if the Board has appointed a hearing officer pursuant to Paragraph II.P, refer the appeal to the hearing officer. The Hazard Abatement Officer shall appear and present evidence of the existence of the Public Nuisance. The appellant may present evidence controverting the existence of the Public Nuisance. The hearing shall be informal and without regard to the rules of procedure or evidence governing court proceedings. The Board shall decide the appeal, and its decision shall be final.
4. **Extension of Time for Compliance.** If the Board's decision is adverse to the appellant, the date of compliance set forth in the Notice and Order to Abate shall be extended by the number of days elapsed between the filing of the notice of Appeal and the rendering of the Board's decision.

F. Removal by Board. If the owner, lessee or occupant fails to remove or otherwise abate the Public Nuisance within thirty (30) days of mailing or personal service of the Notice and Order to Abate (or such extension thereof as may be granted in writing by the Board), the Board or its designee may, at the expense of the owner, lessee or occupant, order

removal or abatement of the Public Nuisance or cause it to be removed or abated; provided, however, that if such removal or abatement is not undertaken within one hundred and eighty (180) days after the right to do so first accrues, a new Notice and Order to Abate shall be served as provided in Paragraph II.C. [A.R.S. § 11-268.B]

1. **Cost of Removal.** The costs assessed for removal or abatement shall not exceed the actual costs and incidental expenses thereof. If it is determined by the Hazard Abatement Officer that abatement may feasibly be performed by a State Prison work crew, the cost assessed shall be the cost of said work crew plus any supplies provided to thereto. If it is determined by the Hazard Abatement Officer that use of a State Prison work crew is not feasible, then before undertaking the actual removal or abatement, the Hazard Abatement Officer shall attempt to obtain at least two written estimates from qualified contractors (if available locally), and shall accept the lowest such estimate that is otherwise satisfactory to the County. In the alternative, the removal may be performed by Cochise County personnel, and the actual cost shall be deemed to be the same as the lowest estimate obtained from a qualified contractor as determined herein. [A.R.S. § 11-268.C]
2. **Historical Review.** Before the removal of a dilapidated building, the Board shall consult with the state historic preservation officer to determine if the building may be of historical value. [A.R.S. § 11-268.G]
3. **Removal from Tax Rolls.** Upon the removal of a dilapidated building, the County Assessor shall adjust the valuation of the Real Property on the property assessment tax roll from the date of removal. [A.R.S. § 11-268.H]

G. Assessment. Upon the removal or abatement of Public Nuisance as provided in Paragraph II.F, the actual cost of removal or abatement, together with the actual cost of any additional inspections and other incidental costs, shall be an Assessment against the Real Property on which the Public Nuisance was located. [A.R.S. § 11-268.C]

H. Notice of Assessment. A written Notice of Assessment shall be served in the same manner as the Notice and Order to Abate. The Notice of Assessment shall list the common address, legal description and tax parcel number of the property. The Notice of Assessment shall set forth the facts supporting it as well as an itemized listing of the actual cost of removal or abatement, the actual costs of any additional inspections and other incidental costs. The Notice shall state that the entire cost is due and payable in full not later than thirty (30) days from the date of issuance of the Notice and that the assessment will become delinquent as of that date. The Notice shall be signed by the Hazard Abatement Officer. The Notice shall also contain the following statement in bold face print:

NOTICE: THIS NOTICE OF ASSESSMENT PURSUANT TO A.R.S. § 11-268 SHALL CONSTITUTE A LIEN UPON THE PROPERTY DESCRIBED IN THE NOTICE IN FAVOR OF COCHISE COUNTY. THE COUNTY MAY FORECLOSE THE LIEN AND SELL THE PROPERTY

DESCRIBED TO RECOVER THE COSTS STATED IN THE NOTICE OF ASSESSMENT.

The Notice of Assessment shall indicate that the owner, lessee or occupant shall have fifteen (15) days from the post marked date of the mailing or personal service of the Notice of Assessment to appeal the amount of the assessment imposed by the County.

- I. Appeal of Notice of Assessment.** All appeals of assessments shall be in writing and shall specify the grounds for appeal of the assessment. The date of receipt of the Notice of Appeal by the Board shall be the date of filing. No appeals of violations shall be heard upon appeal of an assessment. [A.R.S. § 11-268.A.2]
- J. Report of Assessment.** If an appeal of the Notice of Assessment is not timely filed, the Hazard Abatement Officer shall prepare a Report of Assessment for consideration by the Board of Supervisors. The Report shall list the common address, legal description and tax parcel of the property. The Report of Assessment shall set forth the facts supporting it as well as an itemized listing of the actual cost of removal or abatement, the actual cost of any additional inspections and other incidental costs. Upon acceptance of the Report by the Board, it shall be signed by the Chairman and thereafter, upon recordation pursuant to Paragraph II.L, become a lien of assessment against the property.
- K. Hearing on Appeal.** Upon receipt of the Notice of Appeal of Assessment, the Board shall, within a reasonable time, place the matter on the agenda at a regular meeting or, if the Board has appointed a hearing officer pursuant to Paragraph II.P of this ordinance, refer the appeal to the hearing officer. Written notice of the hearing shall be provided to the Hazard Abatement Officer, to other appropriate County departments and to the Appellant. The Hazard Abatement Officer shall appear and present the facts supporting the assessment as well as an itemized listing of the actual cost of removal or abatement, the costs of any additional inspections and other incidental costs. The Appellant may present evidence controverting the imposition of the assessment. The Board shall determine whether the assessment was made in accordance with the provisions of this ordinance and applicable state statutes, and whether the amount of the assessment is sufficient to cover the actual costs of abatement and related activities. After hearing all of the evidence presented, or after reviewing recommendations made by its hearing officer, the Board shall issue its findings in writing upholding or modifying the amount of the assessment. The decision of the Board of Supervisors shall be final.
- L. Recordation.** If the owner, lessee or occupant fails to pay the assessment within thirty (30) days after receipt of the Notice of Assessment (or any extension as may have been granted in writing by the County), and fails to timely appeal the assessment, that assessment shall be delinquent and may be recorded in the office of the Cochise County Recorder, upon preparation and approval of a Report of Assessment pursuant to Paragraph II.J. If a Notice of Assessment is appealed to the Board and the assessment is sustained in whole or in part in a written decision by the Board, and the owner, lessee or occupant fails to pay the amount of the assessment ordered by the Board within thirty (30)

days after receipt of the Board's decision, the assessment shall be delinquent and may be recorded in the office of the Cochise County Recorder. [A.R.S. § 11-268.D]

M. Lien of Assessment. The assessment shall be a lien against the real property from and after the date of recordation and shall accrue interest at the statutory judgment rate until paid. The lien of assessment shall be subject to and inferior to all prior recorded mortgages and encumbrances and to such other liens as specifically provided by law. [A.R.S. § 11-268.D]

N. Foreclosure. The Board may, but shall not be obligated to, bring an action to enforce the assessment lien in the Cochise County Superior Court at any time after the recordation of the assessment. The recorded assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.

O. Subsequent Assessments. A prior assessment shall not constitute a bar to a subsequent assessment or assessments for such purposes and any number of liens may be recorded and may be enforced in the same or separate actions by the County. [A.R.S. § 11-268.F]

P. Hearing Officer; Appointment and Duties. In fulfilling the responsibilities required of the Board of Supervisors pursuant to this ordinance, the Board may, by a majority vote of its members, appoint a hearing officer to review appeals of Notices to Abate and/or Notices of Assessment. The hearing officer shall hold hearings and take testimony, make findings and prepare recommendations to be reported for action by the Board of Supervisors.

Q. Assessment schedule. Assessments that are imposed pursuant to this ordinance run against the property until they are paid, and are due and payable in equal annual installments as follows [A.R.S. § 11-268.E]:

1. Assessments of less than five hundred dollars (\$500.00) shall be paid within one year after the assessment is recorded;
2. Assessments of five hundred dollars (\$500.00) or more but less than one thousand dollars (\$1,000.00) shall be paid within two years after the assessment is recorded;
3. Assessments of one thousand dollars (\$1,000.00) or more but less than five thousand dollars (\$5,000.00) shall be paid within three years after the assessment is recorded;
4. Assessments of five thousand dollars (\$5,000.00) or more but less than ten thousand dollars (\$10,000.00) shall be paid within six years after the assessment is recorded;
5. Assessments of ten thousand dollars (\$10,000.00) or more shall be paid within ten years after the assessment is recorded.

PART III: ADDITIONAL PENALTIES

A. Classification; Liability. In addition to the penalties imposed pursuant to the abatement and assessment provisions of this ordinance, any person, firm or corporation placing any rubbish, trash, filth or debris upon any private or public property located in the

unincorporated areas of the county not owned or under the control of the person, firm or corporation shall be guilty of a Class 1 misdemeanor and, in addition to any fine which may be imposed for a violation of any provision of this ordinance, shall be liable for all costs which may be assessed pursuant to this ordinance for the removal of the rubbish, trash, filth or debris. [A.R.S. § 11-268.A.3]

PART IV: NON-EXCLUSIVE REMEDY

The remedies provided for in this ordinance shall be in addition to any and all other remedies, civil or criminal, available to Cochise County pursuant to statute and common law, specifically including those set forth in A.R.S. §§ 13-2908, 36-602 and 49-143.

PASSED AND ADOPTED THIS ___ DAY OF _____, 2010.

Ann English, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Katie A. Howard
Clerk of the Board

Adam Ambrose
Deputy County Attorney