

NOTICE OF MEETING

Planning and Zoning Commission
August 11, 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 July 14, 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-10-15: A request for Special Use approval to establish a winery with tasting room and associated structures in Kansas Settlement, AZ. The property would be developed in four phases; Phase 1 would include a 4,200 square foot winery/storage area and temporary residence. Phase 2 includes a single family residence and garage/workshop. Phase 3 would be an 840 square foot tasting room, and Phase 4 would consist of an additional 4,200 square foot winery expansion. The land use category is Agricultural Processing, per Section 607.37 of the Zoning Regulations. The subject parcel (Parcel No. 305-32-019R) is not addressed, and is located near the intersection of Arzbergers Road and Lucky Lane in Kansas Settlement, AZ.

Applicant: Rona MacMillan.

- 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-10-16: A request for Special Use approval to legitimize and expand an existing dry pinto bean packing plant. The plan is to add an additional 4,500 square feet of warehousing capacity. The land use category is Manufacturing, Wholesaling, Warehousing, Distribution or Storage of Agricultural-related Products, per Section 607.15 of the Zoning Regulations. The subject parcel (Parcel No. 204-31-004B) is located at 7750 S. Kansas Settlement Road in Kansas Settlement, AZ.

Applicant: Bonita Bean Company.

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)

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, July 14, 2010

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

ROLLCALL

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

Roll Call

Present: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

APPROVAL OF THE MINUTES

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

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 3).

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

Abstain: Rusty Harguess, Cruz Silva, Ron Bemis.

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 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.

Motion: Motion was made to table to a time uncertain. **Action:** Table, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

Docket SU-10-13: Planner Keith Dennis presented the docket for 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. He further described the modifications requested by the applicant. Mr. Dennis presented maps and photos of the area and explained the factors in favor.

Applicant stated they are keeping the building because of its historic value to the community; however, it will not be used for occupancy.

Chair Basnar opened the meeting to the public.

Helene Jackson stated she is in favor of the Special Use.

Mike Jackson stated he too is in favor of the Special Use.

Chair Basnar closed the meeting to the public.

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

Motion: Motion was made to approve SU-10-13 subject to the conditions in the memo, with the modifications requested. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Cruz Silva.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

Docket SU-10-14: Planner Michael Turisk presented the docket for 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. Mr. Turisk presented maps and photos showing the location of the property and explained the zoning in the surrounding areas. Mr. Turisk presented factors in favor and against, and received 1 letter in support, and 2 in opposition; however, they were located outside the notification area.

Commissioner Brofer asked if the applicant had planned to enter and exit through State Route 92, or use Ramsey Rd.

Mr. Turisk stated that the entrance will be from Hwy 92, and that the apron will need improvements in the future.

Chair Basnar asked for the applicant's statement.

Brett Van Gorp stated his proposal is for small amounts of concrete, for homeowners and small contractors. He stated the apron would be upgraded by ADOT because it was cut by them to install the stoplight.

Chair Basnar opened the meeting to the public.

Mr. Penrose stated he is not against the proposal but is concerned about the noise.

Chair Basnar closed the public hearing.

Mr. Van Gorp stated that trailers are loaded in two minutes, and the only noise is from a small engine that handles the hydraulics that run the plant.

Mr. Turisk stated that staff recommends conditional approval with the conditions stated in the memo. He further stated there was one waiver and one modification requested as presented in the memo.

Motion: Motion to table SU-10-14 until the August meeting, **Action:** Table, **Moved by** Jim Martzke, **and Seconded by** Duane Brofer.

Vote: Motion failed (**summary:** Yes = 4, No = 5, Abstain = 0).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Jim Lynch.

No: Rusty Harguess, Cruz Silva, Pat Edie, Ron Bemis, Gary Brauchla.

Motion: Motion made to approve SU-10-14 with the conditions, modifications and waiver.

Action: Approve, **Moved by** Ron Bemis, **Seconded by** Gary Brauchla.

Vote: Motion passed (**summary:** Yes = 5, No = 4, Abstain = 0).

Yes: Rusty Harguess, Cruz Silva, Pat Edie, Ron Bemis, Gary Brauchla.

No: Jim Martzke, Duane Brofer, Lee Basnar, Jim Lynch.

PLANNING DIRECTOR'S REPORT

1. The August 11, 2010 meeting includes 2 Special Use Dockets.
2. Director Benny Young informed the Commission of his resignation.

CALL TO COMMISSIONERS

Chair Basnar stated it is very cold in the hearing room.

Commissioner Brauchla will not be present at the August meeting.

Commissioner Silva would like to bring his laptop to meetings.

ADJOURNMENT

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

Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.



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-10-15 (MacMillan)
DATE: July 30, 2010, for the August 11, 2010 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant seeks a Special Use Permit to establish a winery with tasting room and associated structures in Kansas Settlement, AZ. The property would be developed in four phases; Phase 1 would include a 4,200 square foot winery/storage area and temporary residence. Phase 2 includes a single family residence and garage/workshop. Phase 3 would be an 840 square foot tasting room, and Phase 4 would consist of an additional 4,200 square foot winery expansion. The land use category is Agricultural Processing, per Section 607.37 of the Zoning Regulations.

The subject parcel (Parcel No. 305-32-019R) is not addressed, and is located near the intersection of Arzberger Road and Lucky Lane in Kansas Settlement, AZ. The Applicants are Rona MacMillan and Mark Jorve.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

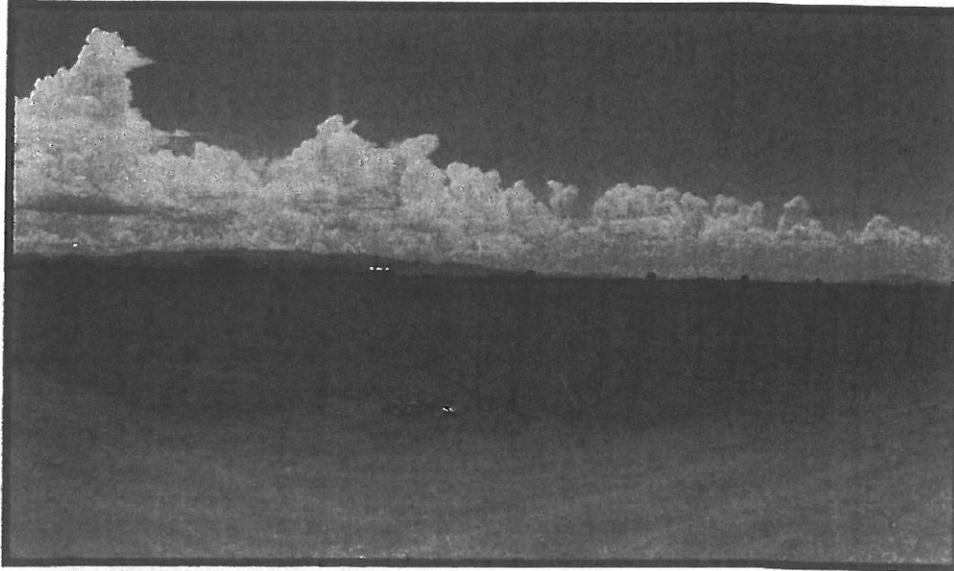
Size: Approximately 20.07 Acres
Zoning: RU-4 (Rural, 1 dwelling per 4 acres)
Growth Area: Growth Category D
Plan Designation: Rural
Area Plan: None Applicable
Existing Uses: Vineyard
Proposed Uses: Winery and tasting room, single family residence and accessory structures

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped Land
South	RU-4	Undeveloped Land
East	RU-4	Agriculture
West	RU-4	Agriculture

II. PARCEL HISTORY

The subject parcel is a newer parcel, having been split in 2009 from a larger parent parcel (305-32-019H). That parcel was the subject of a Special Use approval in 2005 for two airstrips and a hangar. The airstrip and hangar were constructed but the Special Use has since discontinued as the parent property was subsequently split. The current Application concerns one of these parcels (019R). There are no violations, code enforcement actions nor permits for the subject property.



Southwest view of the vineyard as seen from the center of the property.

III. PROJECT DESCRIPTION

The Applicants seek to develop a winery with a tasting room and associated structures. The property would be developed in four phases; Phase 1 would include a 4,200 square foot winery/storage area and temporary residence. Phase 2 includes a single family residence and garage/workshop. Phase 3 would be an 840 square foot tasting room, and Phase 4 would consist of an additional 4,200 square foot winery expansion. Also planned is a tennis court for use by the Applicant and guests. Staff considers this use subordinate/accessory to the overall project.

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 to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Eight of the 10 criteria apply to this request. The project complies with six of the eight factors as submitted; with the recommended Conditions of Approval and requested modifications/waivers to site development standards, the project would comply with each of the eight applicable criteria.

A. Compliance with Duly Adopted Plans: Complies

As a primarily agricultural use that would also provide small-scale tourism opportunities, the project would comply with the policy guidelines of both the Growth Category (D) and Plan Designation (Rural) of the Comprehensive Plan.

B. Compliance with the Zoning District Purpose Statement: Complies

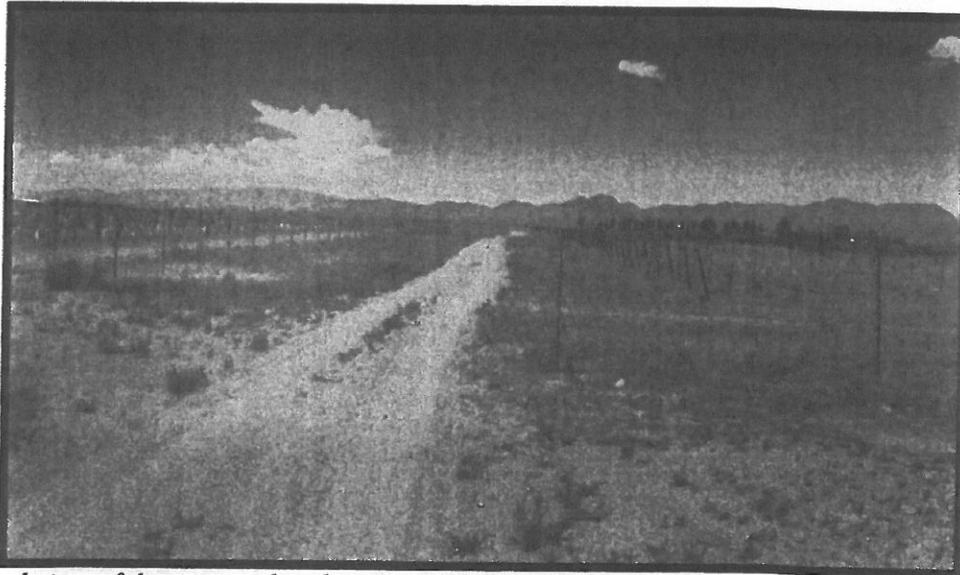
The project would comply with Section 601.02 of the Zoning Regulations, which calls out non-residential uses compatible with rural living. Additionally, as an agricultural land use, the project would also comply with 601.03, which calls for the preservation of agricultural lands.

C. Development Along Major Streets: Not Applicable

This factor examines the number of additional access points that a project would create along major County roads. The project is accessed via Lucky Lane, which is a private access easement along County-maintained Arzberger Road.

D. Traffic Circulation Factors: Complies

Section 102.B.3.a of the Comprehensive Plan discourages non-residential development from directly accessing streets that primarily serve residential areas. The nature of development in the area would be characterized agricultural, which means the proposed use is compatible with the surrounding area.



Eastward view of the vineyard and central driveway, as seen from the proposed developed area of the site.

E. Adequate Services and Infrastructure: Complies (Subject to Conditions #2 and #3)

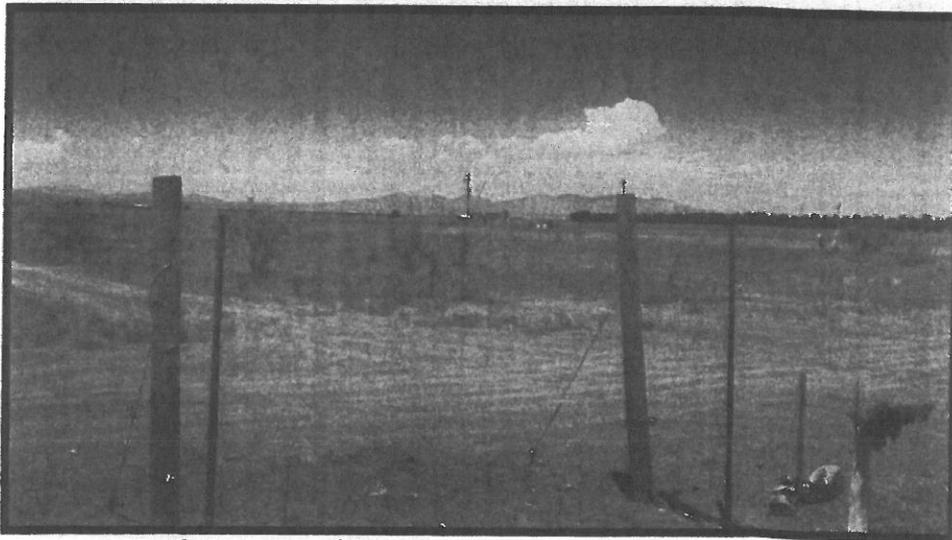
The subject property utilizes an on-site well and septic system, and is within the Willcox Rural Fire District. Sulphur Springs Valley Electric provides electricity.

The project site takes access from a private easement off Lucky Lane, which is a private farm road. The Applicant has provided documentation of easements granting access along the private easements connecting the property to County-maintained Arzberger Road to the South. Condition #2 would require the Applicant to enter into a private maintenance agreement with County staff, to ensure that this path to the nearest County-maintained road is maintained in a safe, passable condition.

As the attached Memo from the County Transportation Planner indicates, once the Applicants seek to complete phase 4 of the development, the County will require some off-site improvements, namely to the Lucky Lane/Arzberger Road intersection (See Attachment E). Condition #3 would require the Applicant to enter into a delay agreement with County staff prior to the issuance of a certificate of occupancy for phase 1. The delay agreement requirements for off-site improvements would come into effect during phase 4 of the development. The Applicant has also requested to delay the required gravel surfacing of interior driveways, parking and loading areas. The delay agreement required by Condition #3 would allow the Applicants to delay this improvement until Phase 3, the phase during which the tasting room would be built and the property opened to the public.

F. Significant Site Development Standards: Complies (Subject to Condition #3)

The Applicant intends to comply with all applicable site development standards. The site plan as submitted meets with all standards save one: the gravel surfacing requirement for interior driveways, parking and loading areas. The Applicant has requested that these improvements be delayed until the project site is open to the public, which would occur at phase 3. Condition #3, which would require the Applicant to enter into a delay agreement with County staff for on-site and off-site improvements, would ensure that the surfacing requirement is met at that time.



Northwest view of the project site as seen from the vineyard.

G. Public Input: Complies

The Applicant completed the required Citizen Review as part of the Special Use Application process, and received two favorable responses. The County has also completed its required legal noticing and property owner notification. To date, the Department has received no response from neighbors for or against the Special Use.

H. Hazardous Materials: Not Applicable

Per the Applicant, hazardous materials would not be used or stored on the site.

I. Off-Site Impacts: Complies

Apart from a small amount of non-residential traffic associated with tasting room appointments in phase 3, the project is not anticipated to generate any noticeable off-site impacts. The most intense use to take place on the property will be agricultural, which is characteristic of the area.

J. Water Conservation: Complies

The vineyard is on a private well, and the Applicant estimates water use at approximately 500 gallons per day. The highest volume of water used will be for the grapevines, which are a low-water crop relative to other agricultural uses. The Applicant would also utilize a lesser amount of water during the harvest season, for bottling the wine and cleaning equipment.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500 feet. Staff posted the property on July 15, 2010 and published a legal notice in the *San Pedro Valley News-Sun* on July 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. As an agricultural processing facility situated in an agricultural production area, the land use would be compatible with the surrounding neighborhood.
2. The proposal would comply with the applicable Comprehensive Plan Growth Category and Plan Designation policy guidelines, and with the Rural District purpose statements.
3. With the recommended Conditions of Approval, the project would comply with each of the eight applicable Special Use factors.

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.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-10-15, with the Conditions of Approval recommended by staff; the Factors in Favor of approval as presented by staff being considered findings in fact.*

Staff recommends the following approval 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 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 certificate of occupancy, the Applicant shall enter into a private maintenance agreement with County staff, to ensure the travel way along the private easements connecting the property to County-maintained Arzberger Road is maintained in a safe, passable condition.
3. Prior to issuance of a certificate of occupancy for phase 1, the Applicant shall enter into a delay agreement with County staff for future on-site and off-site improvements. The delay agreement shall stipulate that the Applicant shall: a) improve internal driveways, parking and loading areas with a 2-inch deep gravel surface prior to issuance of a certificate of occupancy for phase 3, and b) improve the apron at the Lucky Lane/Arzberger Road intersection prior to issuance of a certificate of occupancy for phase 4.
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. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan and Related Project Information
- D. Citizen Review Letter and Comments
- E. Transportation Planner Memo



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

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

TAX PARCEL NUMBER: 305-32-19R-6

APPLICANT: MARK JORVE AND RHONA MACMILLAN

MAILING ADDRESS: 1905 E. MOUNTAIN SKY AVE, PHOENIX, AZ 85048

CONTACT TELEPHONE NUMBER: 602-904-3088 (RHONA)
602-885-8903 (MARK)

PROPERTY OWNER (IF OTHER THAN APPLICANT): —

ADDRESS: _____

DATE SUBMITTED: 6-22-10

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300.00</u>
Building/Use Permit Fee	\$ _____
Total paid	\$ <u>300.00</u>

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.

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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. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. 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.
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. 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? 20 ACRES WITH 10 ACRES
PLANTED WITH GRAPE VINES. REMAINING 10 ACRES
UNDEVELOPED (PREVIOUSLY CLEARED AND FARMED)
2. What is the proposed use or improvement? WINERY BUILDING TO PROCESS
GRAPES HARVESTED FROM OUR VINEYARD OR OTHER
LOCAL VINEYARDS. FUTURE DEVELOPMENT OF A
WINE TASTING ROOM FOR THE PUBLIC (SEE ATTACHMENT FOR
DESCRIPTION OF PROJECT)
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? SEE ATTACHED

DESCRIPTION OF PROJECT

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

WINE WILL BE PRODUCED AND SOLD ON THE PREMISES

WE MAY ALSO SELL GIFTS IN THE TASTING ROOM.

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)

STEEL BUILDING

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.

SEE ATTACHED DESCRIPTION OF PHASES.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 3 Hours (from 11 AM to 5 PM) FOR TASTING ROOM

B. Number of employees: Initially: 0 Future: 2 PLUS CONTRACT LABOR
Number per shift Seasonal changes FOR HARVESTING

C. Total average daily traffic generated:

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

PHASE 1 - OCCASIONAL DELIVERIES.

PHASE 3 (TASTING ROOM) - 20 CARS PER DAY (PRI, SAT, SUN)

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

OCCASIONAL DELIVERIES ONLY

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
TRAFFIC WILL ACCESS THE VINEYARD VIA ARZBERGER ROAD, AND LUCKY LAKE,

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

AS ARZBERGER RD IS PAVED, WE ANTICIPATE THAT ALL TRAFFIC WILL ACCESS THE VINEYARD FROM THIS DIRECTION

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

EXPECT MOST VISITORS TO THE VINEYARD ON SAT AND SUN BETWEEN 11AM AND 4PM. WE ANTICIPATE THAT SPRING AND FALL WILL BE BUSIER THAN SUMMER AND WINTER.

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 500 g per year _____

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

D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one): private road or easement**
 County-maintained road
 State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached _____ NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	PRIVATE WELL	WATER LINES FROM WELL TO BUILDINGS
Sewer/Septic	PRIVATE SEPTIC SYSTEM	TO BE INSTALLED
Electricity	SSVEL	3 PHASE POWER - UNDERGROUND
Natural Gas	N/A	
Telephone	N/A	
Fire Protection	WILCOX FIRE DEPT	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

CRUSHING GRAPES ON WINERY CRUSH PAD.

WINE TASTING ON TERRACE OUTSIDE TASTING ROOM.

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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. FARM EQUIPMENT, ETC.

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?

AT HARVEST TIME FLIES WILL BE ATTRACTED TO

THE CRUSHED GRAPES, HOWEVER WINE MAKING REQUIRES THAT THE WINE BE COVERED AND PROTE FROM CONTAMINATION

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. OUTDOOR LIGHTING WILL BE UNDER PORCH OR CANOPY ROOFS AND FULLY SHIELDED TO COMPLY WITH COCHISE COUNTY LIGHT POLLUTION CODE

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. FIXTURE SPECIFICATIONS WILL BE SUBMITTED WITH BUILDING PERMIT DOCUMENTS

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

9. Will any new signs be erected on site? Yes No If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and FILL OUT A SIGN PERMIT APPLICATION (attached). SIGN WILL BE ERECTED IN PHASE 3. ESTIMATED SIZE - 4' x 6'. WILL SUBMIT SIGN PERMIT APPLICATION ONCE LOGO IS DESIGNED.

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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)

SEE ATTACHED DESCRIPTION OF PROJECT FOR PLANS FOR ACCESS TO PROPERTY AND DRIVEWAYS

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.)

SEE SITE PLAN

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.

SEE ATTACHED DESCRIPTION OF PROJECT

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.

DEVELOPED AREA IS LESS THAN 1 ACRE

2. How many acres will be cleared? NONE. LAND WAS PREVIOUSLY CLEARED FOR FARMING

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

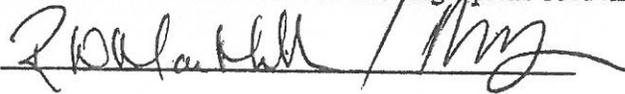
Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the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

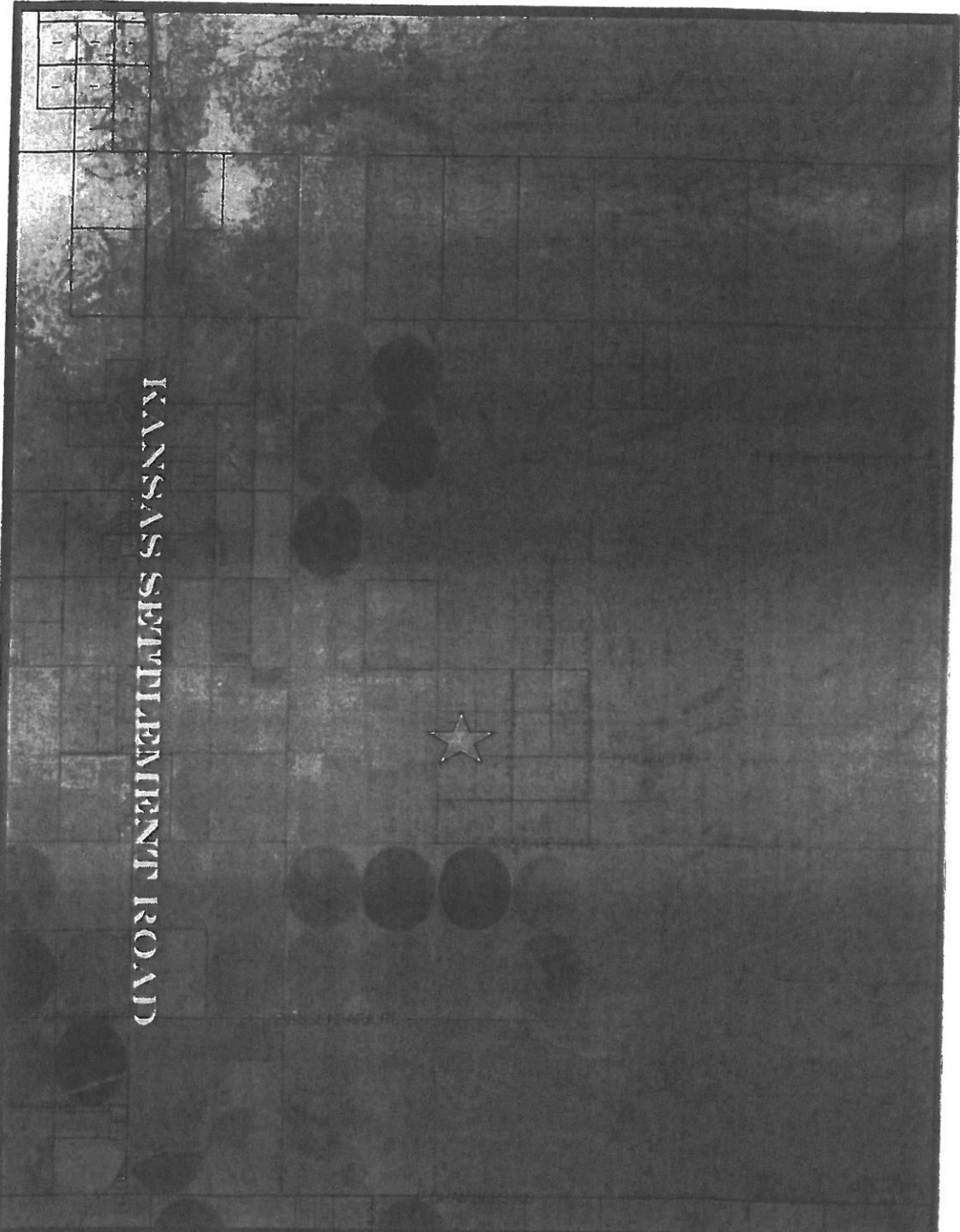
Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous 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 6-22-10



KANSAS SETTLEMENT ROAD



Docket SU-10-15
(MacMillan)
Location Map

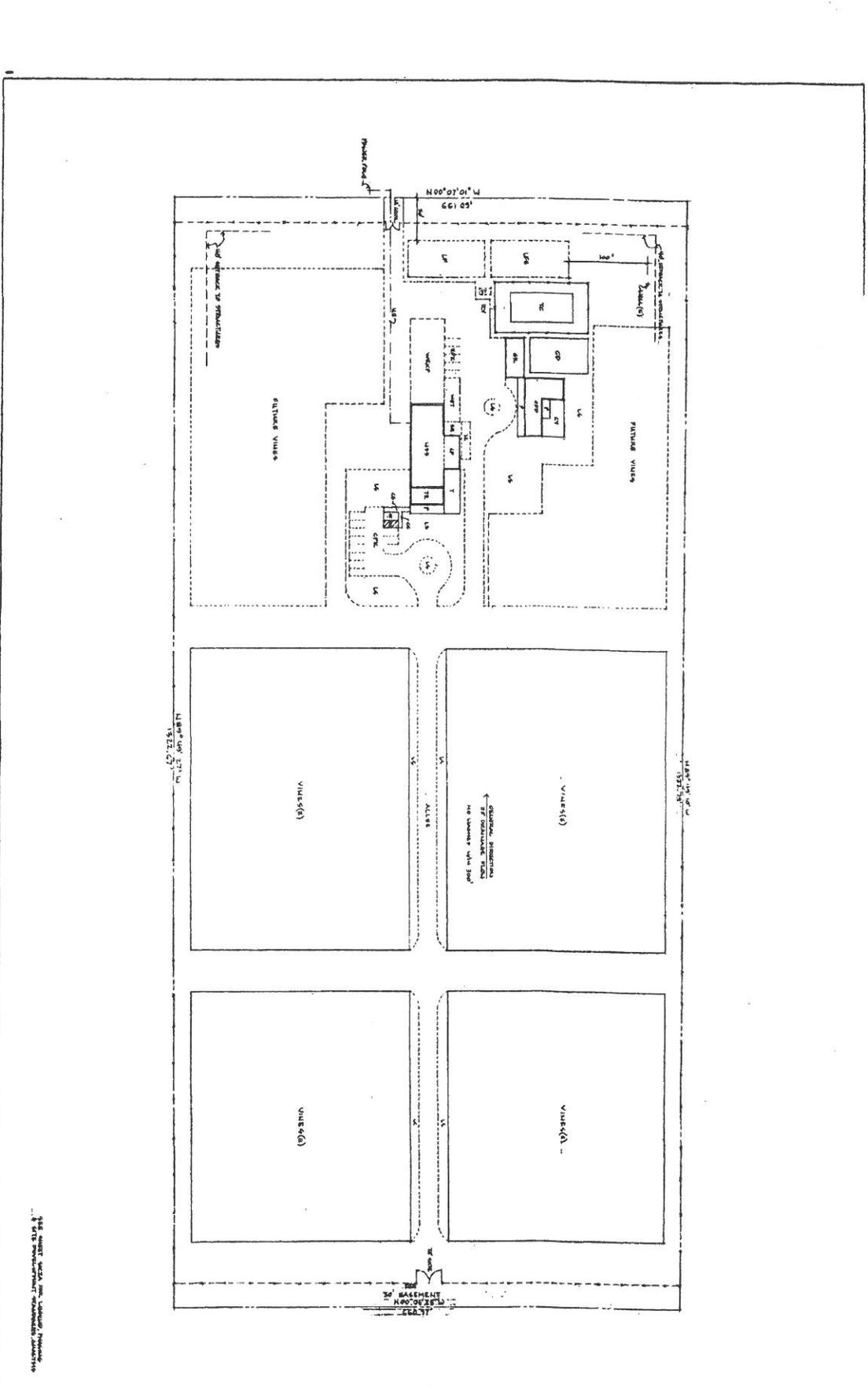
This map is a product of the
Cochise County GIS



ISSUE: 2010-07-02 10:01:42
Cochise County (c:\apps\GIS\Geodatabase\workspace\maps\10-15.mxd)

This document is a graphic representation only of best available sources. Cochise County assumes no responsibility for any errors.

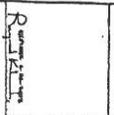
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THESE ARE THE ORIGINAL RECORD DRAWINGS FOR THE PROJECT. ANY CHANGES TO THE ORIGINAL RECORD DRAWINGS SHALL BE MADE BY A SEPARATE SET OF RECORD DRAWINGS.

NO. 1	DATE	DESCRIPTION
1	11/11/11	PRELIMINARY
2	11/11/11	FINAL

ZARPARA VINEYARDS
 MARK JORVE & RHONA MACMILLAN, OWNERS
 PARCEL 305-32-19R
 COCHISE COUNTY, ARIZONA



RAYMOND KLUGE ARCHITECT
 871 NORTH FRONTAGE ROAD
 PO BOX 121
 PEARCE, AZ 85455
 PHONE: 520-850-0001
 FAX: 520-850-0002
 ALL RIGHTS RESERVED. P.L. 0002



110

**ZARPARA VINEYARDS
CONCEPT PLAN LEGEND
CONCEPT PLAN SK-2 DATED 06-23-2010**

Symbol/Mark	Description
	Fence Existing except proposed at Tennis court
	Edge of driveway 2-way driveways are 25' wide minimum; 1-way driveways are 20' wide
CP	Crush pad 20' x 42' concrete pad with roof
CPK	Customer parking (11) 9' x 19' spaces including 1 accessible space
CS	Concrete sidewalk
CY	Courtyard
EPK	Employee parking (5) 9' x 19' spaces
EQ	Equipment (HVAC, dumpster, etc.)
GD	Garden
GR	Garage/Workshop See Phasing of Structures
HC	Accessible parking space 9' x 19' concrete pad
LF	Leach field 60' x 100'
LFE	Leach field expansion 60' x 100'
LS	Landscaped area
LZ	Loading zone 12' x 45'
OFD	One-Family Dwelling See Phasing of Structures
NP	No parking 9' x 19' concrete pad to access HC parking and concrete sidewalk
P	Porch
RV	Recreational Vehicle Owner proposes use RV as temporary living quarters during construction of WSS structure
SIGN	Sign; 4x6±
ST	Septic tank
T	Terrace
TC	Tennis court
TR	Wine Tasting Room See Phasing of Structures
UE	Underground electric
WET	Constructed wetlands Designed to capture waste water created by wine-making operation and recycle to irrigate landscaping
WEXP	Future winery expansion See Phasing of Structures
WSS	Mixed-use Facility Winery, Owner's temporary residence, equipment storage See Phasing of Structures

C 17

**ZARPARA VINEYARDS
PHASING OF STRUCTURES AND CONSTRUCTION
CONCEPT PLAN SK-2 DATED 06-23-2010**

Symbol/Mark	Description
WSS	<p>Phase 1 Mixed-use Facility: Winery, Temporary Owner residence, equipment storage 1-story, 4200 SF building containing winery, equipment storage and Owner's temporary residence Height: 25'± to ridge Construction also includes 840 SF crush pad (CP), 420 SF porch (P), septic tank (ST)/leach field (LF), service driveways and employee parking (EPK)</p>
OFD	<p>Phase 2 One-Family Dwelling 1-story, 2500 SF, 3BR-2BA building with 840 SF of porches Height: 20'± to ridge Construction also includes circular driveway at OFD and courtyard (CY)</p>
GR	<p>Phase 2 Garage/Workshop 1-story, 1200 SF building Height: 20'± to ridge</p>
TR	<p>Phase 3 Wine Tasting Room 1-story, 840 SF building addition with 420 SF porch and 1000 SF Terrace Height: 23'± to ridge Note: WSS porch will be demolished before Tasting Room is constructed Construction also includes circular driveway at TR and customer parking (CPK); all special use related driveways will be surfaced with gravel at this time</p>
WEXP	<p>Phase 4 Future winery expansion 1-story, 4200 SF building Height: 25'± to ridge</p>

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18

Description of Project

Rhona MacMillan and Mark Jorve
Tax Parcel #: 305-32-19R-6

Lucky Lane, Willcox, AZ 85643
South ½ of SW ¼ of NW ¼ of Sec 20, Tn 15 S, Rg 26 E

Phase 1

Phase 1 of the project is the construction of a 4,200 SF building to function as a winery for the processing of grapes from our vineyard and potentially other local vineyards. Around 3,500 SF will be dedicated to the winery with the remaining space functioning as temporary living accommodation.

We do not anticipate any impact to our neighbors. Grapes will be harvested from the vineyard in the August/September timeframe and immediately crushed and pressed. Fermentation and storage of wine will be contained within the winery building.

The only additional traffic to the property will be occasional deliveries of wine making equipment and supplies.

Phase 2

In phase 2, we will build our permanent residence and garage/workshop on the property.

Phase 3

The third phase of the project will be the construction of a wine tasting room. Our current thinking is for the tasting room to be open to the public on Friday, Saturday, Sunday and some holidays with other days by appointment only. Visitors will most likely access the vineyard and tasting room via the legal access from Arzberger Road and Lucky Lane.

We will offer wine tasting on the premises and also sell wine to visitors. On a busy day we anticipate around 20 cars visiting the vineyard.

Property Access

In phases 1 and 2, we would like to *not* have to address the roads (from Arzberger to the property) since the public will not be accessing the property. At phase 3, when the tasting room opens, we would like to revisit the roads. Given that there is a full mile of roadway to and adjoining the property, and given the anticipated low public traffic, we would like to have the option to simply blade and smooth the roads, with the possible exception of Lucky Lane (off Arzberger) which is already graveled. Also, if the decision is that the roadways need to be improved, we anticipate having more neighbors at that time who would be willing to share the cost.

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12

Zarpara Vineyards

1905 E. Mountain Sky Ave
Phoenix, AZ 85048

June 1, 2010

Dear xxxx,

We invite you to submit comments on our request to Cochise County to build a winery and tasting room on our property. Our 20 acre vineyard (parcel 305-32-19R) is located ½ mile north of Arzberger Road, 2 miles east of Kansas Settlement Road with legal access to the property from Arzberger Road at Lucky Lane.

We plan to build a 3,500 sq ft winery where we will produce wine using the grapes harvested from our vineyard or other local vineyards. The winery will, subsequently, be extended to include an 800 sq ft tasting room with parking space for 9 cars. Visitors to the vineyard and tasting room will enter and exit our property via Lucky Lane.

In the future, we also plan to build a family residence.

Please see the attached master site plan for details of the layout of the vineyard, winery and tasting room.

If you have any questions or concerns about the site plan, we would be very happy to discuss those with you. You can call us at:

Rhona MacMillan
Tel: 602-904-3088

Mark Jorve
Tel: 602-885-8903

Submit written comments to:

Rhona MacMillan and Mark Jorve
1905 E. Mountain Sky Ave
Phoenix, AZ 85048

Alternatively, email us at: macjorve@aol.com

The public meeting to review our request will be held at 4 pm on August 11 at:

Board of Supervisors Hearing Room
Melody Lane, Building G
Bisbee, AZ

Sincerely,

Rhona MacMillan
Mark Jorve

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20

From: Josh Moffitt <josh@arizonalandbaron.com>
To: macjorve@aol.com
Subject: Special Use Permit
Date: Mon, Jun 21, 2010 12:45 pm

To Whom it May Concern,

In regard to the application for Special Use Permit for Mark Jorve and Rhona MacMillan.

I am a real estate broker specializing in vineyard land in the Willcox area. I have been selling land in the area (about a 2 mile radius) of the subject property known as the "Willcox Bench" for the last 5 years. I have sold over 755 acres in this area to people who are actively pursuing a vineyard operation or plan to start a vineyard operation in the future. Since RW Webb planted Arizona's first commercial vineyard in the 1970s (then Dos Cabezas, now Arizona Stronghold), the bench area has been known as the best area in the state of Arizona for growing wine grapes. I still own about 240 acres in the Bench area myself. All of which I intend to sell to parties interested in developing vineyards. One parcel I intend to develop for my own vineyard some day.

I am also a founding member of the Willcox Wine Country Association. This group's goal is to promote the growth of the Agro-Tourism of wine tasting and visiting of vineyards, similar to the area's largest tourism attraction, Apple Annie's. Our Chairperson is Willcox City Councilperson, Monika Cronberg. Our membership also counts members of the Cochise County Economic Development, Willcox Chamber of Commerce, Local Farm Bureau, and countless local farmers and of course winemakers and other supporters.

I think it is also safe for me to say that all of my clients that have purchased land in the bench area, (including Mark and Rhona) are all in support of the growth of the industry here and will support Mark and Rhona's application for the special use permit.

I also publish a magazine about Arizona's Wine Country called Arizona Vines and Wines Magazine. See the summer 2010 issue here: <http://view.digipage.net/?id=summer2010-issue%20>

My wife, Rhonni Moffitt is also the Executive Director of the Arizona Wine Growers Association.
www.ArizonaWine.org

In summary, it is my opinion that the overwhelming majority of property owners in the subject area are in support of this application. Also, there will be tremendous economic gain to the Willcox area because of this and other existing and future vineyard and winery operations.

Please contact me at the number below if I can be of any assistance or answer any questions.

Thanks,

Josh Moffitt



Cell (602) 363-5674
Fax (602) 357-3466
josh@arizonalandbaron.com
www.ArizonaLandBaron.com

Turisk, Mike

From: macjorve@aol.com
Sent: Friday, June 25, 2010 10:39 AM
To: Turisk, Mike
Subject: Fwd: Winery Comments

Michael,
I understand that Keith is out today and that Mark is meeting with you. Wanted to make sure that you have the information below.

Thanks.

Rhona MacMillan

-----Original Message-----

From: macjorve@aol.com
To: kdennis@cochise.az.gov
Sent: Fri, Jun 25, 2010 10:13 am
Subject: Fwd: Winery Comments

Keith,
This letter of support arrived this morning from Steven Robbs. My husband (Mark Jorve) is on his way to Bisbee with the application for our special use permit, but I wanted to make sure that you had this additional letter as part of the package. Regards,

Rhona MacMillan

-----Original Message-----

From: Steven Robbs <stevenrobbs@hotmail.com>
To: macjorve@aol.com
Sent: Fri, Jun 25, 2010 8:31 am
Subject: Winery Comments

Rhona and Mark,

Thank you for giving me the opportunity to comment on your winery proposal. I own a house at 4915 Arzberger road which I rent out and may eventually live in. Additionally I own @ 500 acres of farm land nearby.

The wine industry in the Kansas Settlement has tremendous potential and I fully support your plans to build a winery and tasting room on your property. I hope to plant wine grapes on my property and may build a winery there as well. A winery would boost tourism to the area which would benefit hotels, restaurants and other businesses in Willcox. Visitors to wineries are usually affluent, educated and considerate so they would be welcome guests in our neighborhood.

The only concern I have is the width of Arzberger road. It is a bit narrow and it would be beneficial to have it widened if traffic is increased. I'm not sure if that road is maintained by Cochise County or not.

Best of luck with your vineyard and winery!

Steven Robbs
1727 R St. NW # 203
Washington DC 20009

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started. =

6/25/2010

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77



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: Keith Dennis, Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Winery on Lucky Lane/SUP 10-15/305-32-019R

DATE: July 9, 2010

The applicants are proposing a four phased development of a winery with a tasting room and a residential unit. Trip generation for the combined uses would likely range from 17 to 44 potential trips, most of these during off-peak hours and lower than if the site developed out as a RU-4 residential lots, as zoned. There may be additional trucks accessing this site; especially if the site develops as planned and attracts other vineyards to the site. Seasonable peaks could be expected and some impact on the nearest county-maintained road is possible.

There may an issue with legal access to the site. Easements do exist but they do not always exist equally on both sides of the roadway and they also do not clearly indicate that they are for public use. The applicants are advised to ensure that they have legal access to their site via the private roads that exist at this time. It is advised that the driveway to this site conform, at minimum, to the county's standards for native surfaced roadways (D-120) which is at least an 18 foot cross-section with 2 foot drainage ways.

Recommendation

For the first three phases of this proposed development a Private Maintenance Agreement for Lucky Lane would be adequate. The applicants should also keep their own access driveway/private road in a good and safe condition. At the fourth phase of this project an upgrade and/or maintenance will be needed on the apron from Lucky Lane to Azberger Rd. Although typically we would ask the applicants to make these improvements before issuing a commercial permit in this case we believe that the improvement will not be needed until and unless the applicants fully develop their proposal. Therefore, we would request that the applicant enter into a delay agreement with the County to make this improvement in coordination with the County's highway dept. prior to issuing a Certificate of Occupancy in Phase 1. The delay agreement would then trigger at the fourth phase of this development. At the time the applicants request their first commercial permit the Highway Dept will make a determination of what the costs of improving the apron at that location would be, what percentage of traffic is currently using the site and work with the applicants to agree on appropriate mitigation for the fourth phase of this proposed development.



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-10-16 (Bonita Bean Company)
DATE: July 30, 2010, for the August 11, 2010 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant seeks a Special Use Permit to legitimize and expand an existing dry pinto bean packing plant. The plan is to add an additional 4,500 square feet of warehousing capacity. The land use category is Manufacturing, Wholesaling, Warehousing, Distribution or Storage of Agricultural-related Products, per Section 607.15 of the Zoning Regulations.

The subject parcel (Parcel No. 204-31-004B) is located at 7750 S. Kansas Settlement Road in Kansas Settlement, AZ. The Applicant is Brent Haas of the Bonita Bean Company.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 98,156 square feet (approximately 2.25 acres)
Zoning: RU-4 (Rural, 1 dwelling per 4 acres)
Growth Area: Growth Category D
Plan Designation: Rural
Area Plan: None Applicable
Existing Uses: Bonita Bean Company – Packing, storage, sales and distribution of beans
Proposed Uses: Unchanged, with the addition of one 4,500 square foot warehouse

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Kansas Settlement Road, Agriculture
South	RU-4	Rural Residence
East	RU-4	Agriculture
West	RU-4	Kansas Settlement Road, Agriculture

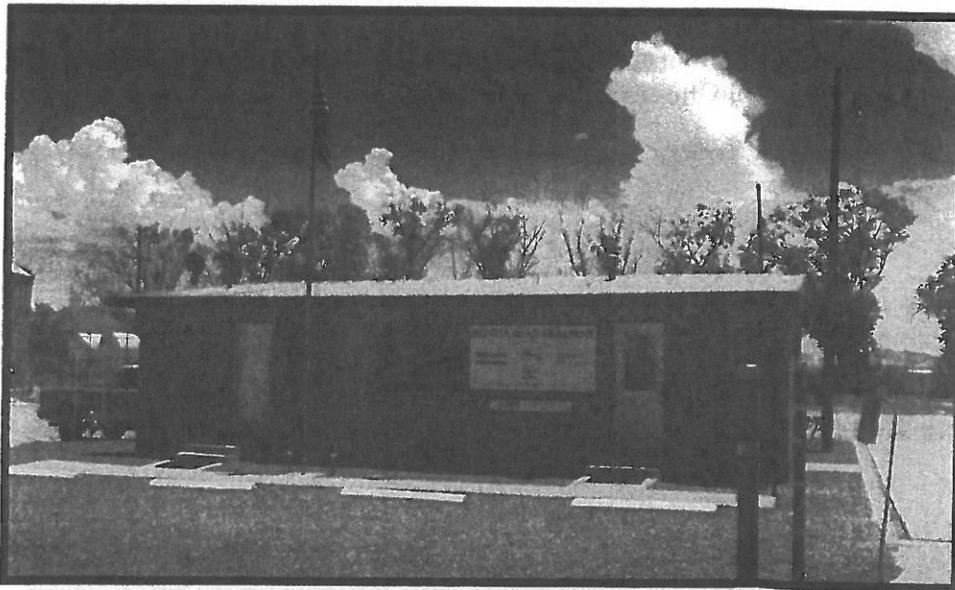
II. PARCEL HISTORY

County staff has no record of any permits for the subject parcel.

The property has been in use as an agricultural processing facility since the 1950s. Brent Haas of the Bonita Bean company bought the property in 1989 and has been operating the legal-nonconforming business at this location since that time.

The parcel has been deemed by the County Planning Director to be legal nonconforming with regard to parcel size and land use. However, the land use has been expanded beyond the allotted 100% expansion as prescribed in Section 2003.04. As such, the land use will no longer be considered legal nonconforming; the current Special Use application is thus an attempt to legitimize and expand the business.

Since purchasing the property, the Applicant has attempted to expand and legitimize the land use a number of times. In 2002, County Code Enforcement staff issued a violation for building a 4,155 square foot warehouse without a permit. The violation was later closed, but was never truly resolved in part due to the legal nonconforming issue described above. The warehouse was completed and is currently in use by the Bonita Bean Company.



Looking East at the Bonita Bean Company Office.

III. PROJECT DESCRIPTION

The Bonita Bean Company is a business that includes the growing, processing, sale and distribution of dry pinto beans. Mr. Haas has 1,000 acres in bean production North of Willcox, and members of his family have additional acreage in bean cultivation. Much of the business on the subject parcel consists of the processing and distribution of the family's bean production, but the facility also handles beans from other area growers. The business is a successful one, as is evinced by the growth in warehousing floor area since the Applicant took over operations in 1989.

The company primarily is a bean packing plant, but the operation is open to the public and customers may walk in and purchase beans directly from the business.

As described in Section II of this Memo, the Applicant seeks to legitimize a legal-nonconforming use that has grown beyond its allowed expansion area per Article 20, and to subsequently expand the land use to include an additional 4,500 square foot warehouse. The

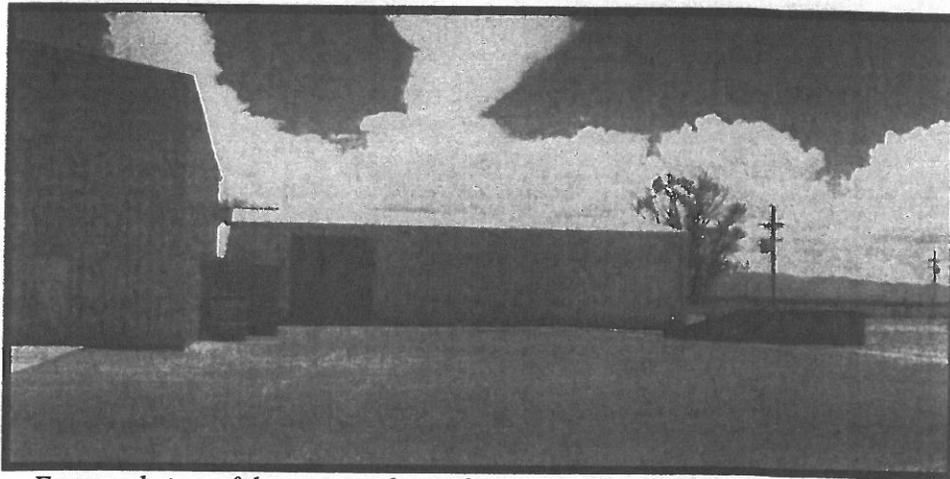
warehouse would be used to store and prepare pallets of dry pinto beans for distribution to market.

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 to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Eight of the 10 criteria apply to this request. The project complies with three of the eight factors as submitted; with the recommended Conditions of Approval and requested modifications to site development standards, the project would comply with each of the eight applicable criteria.

A. Compliance with Duly Adopted Plans: Complies (Subject to Condition #2)

As an agriculture-related activity, the land use is compatible with both the Category D Growth Area and Rural Plan Designation descriptions in the Comprehensive Plan. Section 102.A.19 of the Plan requires adherence to the adopted Cochise County Light Pollution Code; Condition #2 would require compliance with this code prior to issuance of a certificate of occupancy.



Eastward view of the proposed warehouse site. The loading dock is at right.

B. Compliance with the Zoning District Purpose Statement: Complies

As a project involving agricultural processing from area farms, the project would comply with at least two of the purpose statements for RU Zoning Districts as listed in Article 6 of the Zoning Regulations, such as:

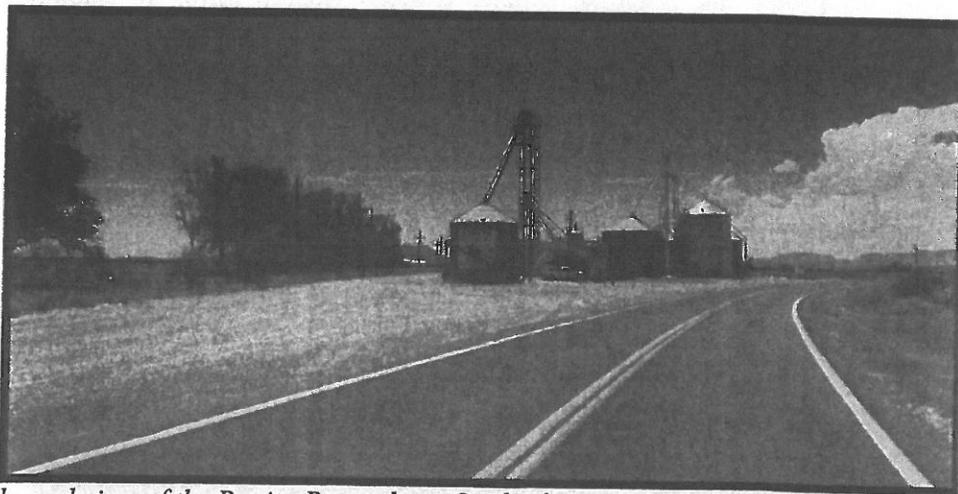
601.01 To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan; and

601.03 To preserve the agricultural character of those portions of the county capable of resource production;

C. Development Along Major Streets: Complies (Subject to Condition #4)

This factor analyses impacts to major streets generated by new points of access. The property takes access from Kansas Settlement Road. There is no specific designated point of access to this road from the property. Instead, as illustrated below, vehicles may enter and exit the property essentially anywhere from Kansas Settlement Road; the road abuts a maintained gravel surface along the property frontage.

Condition #4 is a standard condition applied to all Special Use approvals, and speaks to the Applicant's responsibility for meeting additional requirements as may be applicable from local, state or federal authorities. Upon further inspection of the property, the Highway and Floodplain Department may make a determination as to the adequacy of the existing access to Kansas Settlement Road. This could result in additional maintenance or improvements to the access. See Attachment E (Transportation Planner Memo) for more details.



Southward view of the Bonita Bean plant. On the foremost grain silo is a painted sign; the Applicant has asked for a modification to allow this sign to remain.

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 (subject to Condition #3)

The site is served by an on-site septic system and well share agreement with a neighbor. SSVEC provides electricity, and the Willcox Rural Fire Department provides fire protection. The project takes access from a road that is adequate for the use.

The building is open to the public. Non-residential structures open to the public are required to comply with the Americans with Disabilities Act, which mandates handicapped-accessible parking spaces, firm stable paths to building entryways, and accessible restroom facilities within those structures. Condition #3 would require that the Applicant demonstrate compliance with the ADA prior to issuance of a certificate of occupancy.

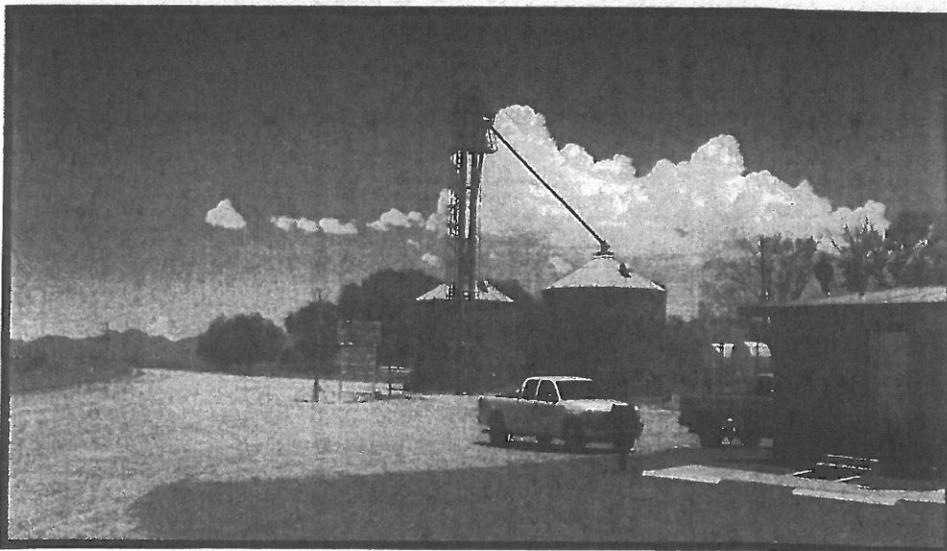
F. Significant Site Development Standards: Complies (Subject to Requested Modifications)

The project as it exists, and the proposed expansion would meet with most site development standards as submitted.

The Applicant nevertheless is requesting a number of modifications to site development standards. Most of the structures and some of the signs on the property predate the adoption of the County Zoning Regulations in 1975; as such, all but one of the requested modifications are requested to legitimize structures, land uses and signs that have existed for some time. The exception concerns the location of the proposed warehouse relative to nearby structures. The Applicant's requests are included as Attachment F to this Memorandum.

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.



Looking Northeast at the northernmost silos on the property. At center is one of two grain elevators that exceed the 30-foot height allowance in an RU-4 District. The Applicant has requested to allow these to remain.

H. Hazardous Materials: Not Applicable

Per the Applicant, no hazardous materials are stored on the property.

I. Off-site Impacts: Complies (Subject to Condition #2)

The operation does generate some off-site impacts. Such impacts include truck traffic entering and leaving the site, and noise generated as part of the bean cleaning and packing operation. However, these impacts have been a part of the landscape for over 50 years, and are in any case in keeping with the agricultural character of the area.

The project site is situated along a primary farm-to-market corridor (Kansas Settlement Road) and most of the land use activities, including homes, are related in some way to the agricultural character of the area.

The property does feature outdoor lighting for security purposes. It is not known if these lighting fixtures comply with the adopted Cochise County Light Pollution Code (CCLPC). Condition #2 would require compliance with the CCLPC, prior to issuance of a certificate of occupancy.

J. Water Conservation: Not Applicable

All fixtures and water sources are existing. There is minimal water use on the property, and the proposed warehouse would not include any new fixtures.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500 feet. Staff posted the property on July 15, 2010 and published a legal notice in the *San Pedro Valley News-Sun* on July 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 Bonita Bean Company, which is an important part of the agricultural economy of the Sulphur Springs Valley.
2. As an agricultural processing facility situated in an agricultural production area, the land use has been and remains a land use compatible with the surrounding neighborhood.
3. 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.

Factors Against Approval

1. The Applicant was cited in 2002 for a violation for building without a permit.

VII. RECOMMENDATIONS

Based on the factors in favor of approval as findings of fact, Staff recommends **conditional approval** of the Special Use request.

Sample Motion: Mr. Chairman, I move to approve Special Use Docket SU-10-16, with the Conditions of Approval recommended by staff, and the modifications requested by the Applicant. The Factors in Favor of approval as presented by staff being considered findings in fact.

Staff recommends the following approval 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) 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 certificate of occupancy, the Applicant shall demonstrate compliance with the Cochise County Light Pollution Code for all existing and proposed outdoor lighting fixtures.
3. Prior to issuance of a certificate of occupancy, the Applicant shall demonstrate compliance with the Americans with Disabilities Act. The site plan shall be revised to include one handicapped-accessible space with a firm stable path to the main office entryway; interior accessibility provisions within the building will also be required.
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 to site development standards:

1. A modification to the 25% site coverage cap in an RU-4 District (Section 604.04); the proposal is to allow a 37% site coverage, to include all existing structures as well as the proposed 4,500 square foot warehouse;
2. A modification to the 30-foot height limits in an RU-4 District (Section 604.02); The Applicant seeks to legitimize multiple structures (grain elevator legs) that exceed this height. The highest of these is 75 feet;
3. A modification to the required 15-foot building separation distance required by Section 604.05; this would legitimize a number of instances where the distances between structures does not comply, as well as to allow the proposed warehouse to be sited as proposed. The Applicant cites site constraints as the reason to request the modification for the proposed warehouse;

4. A modification to the Article 19 requirement that one identification sign is allowed per street frontage. The property has two frontages, and has three identification signs. The request is to allow the existing signage to remain as is on the property; and
5. A modification to the Article 19 requirement that identification signs be no more than 32 square feet. The free-standing sign in the parking area consists of two panels that are 32 and 34 square feet; the sign copy painted on the bean silo at the North side of the property is approximately 400 square feet (20' x 20').

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Citizen Review Letter
- E. Transportation Planner Memo
- F. Requested Modifications to Site Development Standards



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

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

TAX PARCEL NUMBER: 204-31-004 B9

APPLICANT: Bonita Bean Company INC.

MAILING ADDRESS: 7750 S Kansas Settlement RD Willcox 85643

CONTACT TELEPHONE NUMBER: Brent Haus / 520-384-2811

PROPERTY OWNER (IF OTHER THAN APPLICANT): _____

ADDRESS: _____

DATE SUBMITTED: 6/7/2010

Special Use Permit Public Hearing Fee (if applicable)	PAID REC'D 6/29/2010 KD	\$ _____
Building/Use Permit Fee		\$ _____
Total paid		\$ <u>300</u>

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.

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27

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. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. 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.**
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. 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? Agricultural Processing
Plant for Dry Beans.
2. What is the proposed use or improvement? Warehouse to
store Product in.
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? _____
fork lift running inside of building

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

Dry Beans

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)

Metal

6. Will the project be constructed/completed within one year or phased? One Year X
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 8:00 AM to 4:30 PM)

B. Number of employees: Initially: 6 Future: 7?
Number per shift Seasonal changes

C. Total average daily traffic generated: Done call w/ applicant July 9, 2010

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

(5 full time employees) - up to 20 (4 employees daily SEASONAL)

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

4 per Day Average - AS few AS zero in off-season, AS MANY AS 15 DURING HARVEST SEASON

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

NORTH & SOUTH on KS Settlement Rd

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

~~50%~~ Most traffic coming from North (w/ Cox)

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

SEASONAL - HIGHEST TRAFFIC VOLUME IS DURING HARVEST SEASON - SEPT. TO NOV.

will share w/ Neighbor - water use for Re Stream only

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 ? per year ?

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
D. 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	will share	
Sewer/Septic		
Electricity	SSVEC	
Natural Gas	SW GAS	
Telephone	Qwest	
Fire Protection	private fire service	will call FD

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

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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? _____
No change in operation

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. Free standing 8' x 12' B. wall 4' x 8' 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).

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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)

None

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? N/A
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.)

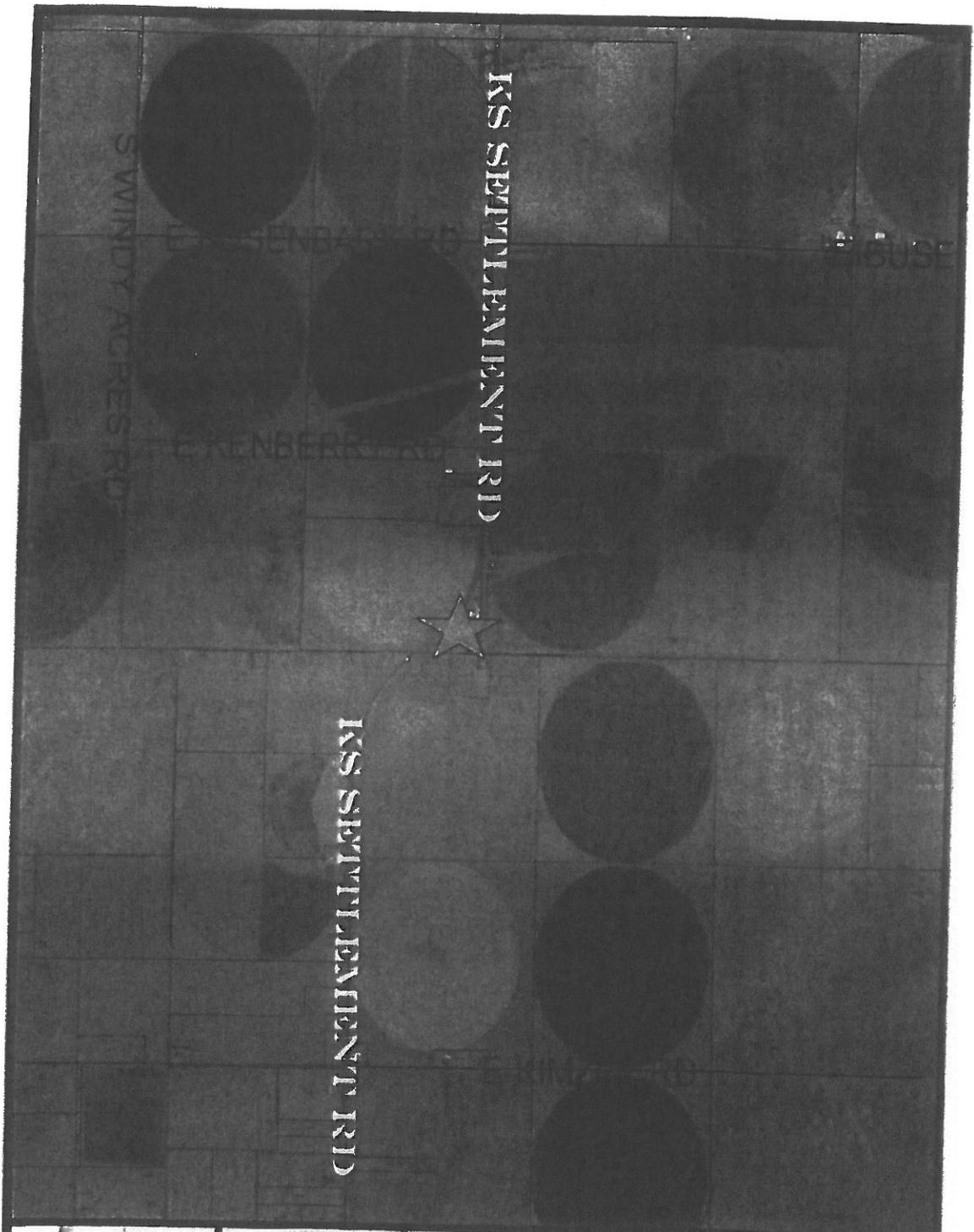
SECTION E - Applicant's Statement

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 Ble - p. Avon

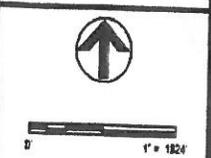
Date signed ~~2-20-10~~ 6-4-10

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Docket SU-10-16
(Bonita Bean Co)
Location Map

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Cochise County GIS



Source: 2010-07-26 10:28:25
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Cochise County assumes no responsibility for any errors

B

Bonita Bean Company

7750 S Kansas Settlement Road, Willcox AZ 85643

(520) 384-2811 Telephone

(520) 384-2261 Fax

March 26, 2010

Hello Neighbor's,

Bonita Bean Company plans to build a new warehouse on our property for pinto bean storage. When we went to Cochise County Planning and Zoning for the building permits, they informed us we have to get a special use permit and go before the planning and zoning board before we would be issued a building permit.

This process requires us to send a notice to all of our neighbors within 1500 feet of our property.

If you have any questions or concern's about us building a new 60'x75' metal warehouse for pinto bean storage same style and type we currently have, please feel free to contact me Brent Haas or stop by Bontia Bean and see us.

Sincerley,



Brent Haas, Owner

D



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: Keith Dennis, Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Bonita Bean Packing Plant: SU-10-16/Parcel 204-31-004B

DATE: July 9, 2010

The applicant is proposing to expand an existing dry pinto bean packing plant adding an additional 4,500 square feet of warehousing capacity. The site now includes a 925 square foot office with roughly 6,000 square feet of warehousing and other assorted bins and accessory buildings. The site takes access from Kansas Settlement Rd, a county-maintained, rural minor collector, 26 foot cross-section with an asphalt-concrete surface just north of mile post 12. Currently this business employs 5-6 full-time employees with up to 20 seasonal employees.

This type of use does produce seasonal traffic with a range of trips between 16 vehicles per day to an estimated 77 trips per day based on total number of employees and projected square footage of office and warehousing space (ITE Manual, 8th ed). This is consistent with the traffic information presented by the applicant.

Recommendation

This site is already taking access on one of the County's highest level roadway facilities constructed for the type of truck traffic this site does produce. Given the number of trucks there may be reconstruction or maintenance needed at the apron connecting to the county-maintenance roadway. The Highway Dept. will make a determination if any improvements are needed to the apron and/or this segment of roadway and these improvements would be needed prior to issuing a Certificate of Occupancy.

cc: Docket SU-10-16

U7 E

Bonita Bear Co.

7-27-10

To Whom It may Concern,

1. we are asking for a modification on site coverage of our property to be Allowed to remain as is.

2. we are asking for a height modification for a 75 foot Allowance

3. we are asking for a modification to keep our buildings as is on the 15' apart. rule.

4. we will install 1- HC parking space, or will close to Public.

5. we are asking to keep our 3- signs as is. on our property

Thanks, Brent R. Haas.

Brent R. Haas

