

# NOTICE OF MEETING

Planning and Zoning Commission  
**November 10, 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 August 11, 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-09-08A:** The Applicant, Elder Care for Life, currently operates a Residential Care Institution on the property, as allowed by Special Use pursuant to Section 707.06 of the Zoning Regulations. The Planning and Zoning Commission authorized the Special Use in March of 2009, with approval conditions requiring the Applicant to direct associated traffic to use Calle de Naranja, a County-maintained road West of the property. Specifically, the condition required the Applicant to:

- A. Require all traffic accessing the site to use the Calle de Naranja route;
- B. Post a sign at the property line along Labrador Lane, instructing visitors to use the Calle de Naranja route; and

- C. Inform employees, delivery drivers, and residents' family members in writing to access the site through the Calle de Naranja route.

The Applicant now seeks a Special Use Modification, to have these approval conditions removed from the Special Use and allow traffic to access Calle de Mango, a County-maintained road East of the property.

The subject parcel (Parcel # 104-02-006F) is located at 5605 E Labrador Lane in Hereford, AZ.

**Applicant:** Nathan Yarborough of Elder Care for Life

- 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 96)**

**Not a Public Hearing, Docket S-07-01:** A request for approval of an additional one-year extension for the Rio Mesa Subdivision.

- Call for PLANNING DIRECTOR'S REPORT
- Call for APPLICANT'S STATEMENT
- 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 (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors meeting at the same location as the Commission meeting.)

**Item 3 (page 101)**

**Not a Public Hearing, Docket S-10-02:** Copper Hills is proposed as a 67-lot Conservation Subdivision, located Northwest of the intersection of S.R. 92 with Rio Vista Road, West of Bisbee.

**FOLLOW FORMAT OF ITEM 2**

ANNOUNCE ACTION TAKEN (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors meeting at the same location as the Commission meeting.)

**Item 4 (page 126)**

**Not a Public Hearing, Northwest Cochise County Long Range Transportation Plan:**

The County Transportation Planner will provide the Commission with a short briefing on the growth projections and potential roadway network for the northwest area based on a recently completed Northwest Area Transportation Plan.

**FOLLOW FORMAT OF ITEM 2**

**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, October 13, 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.

**ROLL CALL**

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, Lee Basnar, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

**Absent/Excused:** Duane Brofer, Rusty Harguess, Cruz Silva.

**APPROVAL OF THE MINUTES**

**Motion:** Approve minutes as mailed, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Gary Brauchla.

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 2).

**Yes:** Jim Martzke, Lee Basnar, Jim Lynch, Gary Brauchla.

**Abstain:** Pat Edie, Ron Bemis.

**Absent:** Cruz Silva.

**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**

**SU-10-17:** Interim Planning Manager Michael Turisk presented the application for a Special Use Permit to establish a residential care institution in unincorporated Sierra Vista, per Section 906.06 of the Zoning Regulations. The property is zoned SR-43 (Single-Household Residential; one dwelling unit per one-acre) and accommodates the Golden Oaks Assisted Living residential care home that currently provides care for six residents. Residential care homes (six residents or less) are permitted uses in the SR-43 Zoning Districts; however, residential care institutions (seven residents or more) require a Special Use Permit; the Applicants wish to expand in order to provide care for 10 residents. The subject parcel (Parcel No. 105-89-020) is located at 5433 S. Calle Metate in Sierra Vista, AZ. Mr. Turisk presented maps and photos of the surrounding properties, and explained the zoning of the area, and the proposed expansion. He further explained the factors in favor and against the project; he stated staff had received 1 letter in opposition.

Commissioner Silva joined the meeting at 4:12 p.m.

Trudy Altamirano, Agent for Applicant, stated they want to expand the home to provide better care for the residents.

Chair Basnar opened the meeting to the public.

Debra Runyan stated she is opposed to the expansion to the residential care home. She further listed her concerns to the proposal.

Debbie Ebert stated she is concerned about water usage, and lighting. She further stated the area is residential and feel the expansion would create more traffic.

James Ebert stated he is concerned about emergency vehicles being called to the site which creates more traffic, to the area. Also he is concerned about having more caregivers working there would also create more traffic.

Patricia Kent, Owner and Operator, stated the fire was started by a neighbor hitting a pole. She further stated that there is a need for places for people with dementia.

Chair Basnar closed the meeting to the public.

Mr. Lynch asked if the water supply is public.

Ms. Kent stated she has a private well.

Mr. Silva asked if the total number of 15 persons includes visitors.

Mr. Turisk stated it did not.

Mr. Turisk stated staff recommends conditional approval of the proposal, with the conditions, modification, and waivers.

**Motion:** Motion to approve SU-10-17 with the conditions as recommended by staff, and the modification and waivers. , Action: Approve, Moved by Jim Martzke, Seconded by Cruz Silva.

Vote: Motion passed (summary: Yes = 4, No = 3, Abstain = 0).

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

No: Cruz Silva, Jim Lynch, Ron Bemis.

## Item 2

**County-Wide Transportation Model Briefing:** Transportation Planner Karen Lamberton presented a short briefing about the QRS II transportation model, growth projections and how the model can help inform future decision making. She stated the County had received to ADOT funded grants in 2008 for a County wide model development, and for a Northwest Area Plan.

She presented the QRS II model projections to the Commission from the base year of 2007 to 2020 and 2040.

### **PLANNING DIRECTOR'S REPORT**

1. Interim Planning Manager Michael Turisk announced the hiring of an Interim Building Official Jack Holden, and Community Development Director Carlos De La Torre.
2. Next Month there will be 1 SUP modification Docket, a presentation on the NW Transportation Plan & possibly one tentative plat for the Copper Hills 67 lot subdivision near Bisbee.

### **CALL TO COMMISSIONERS**

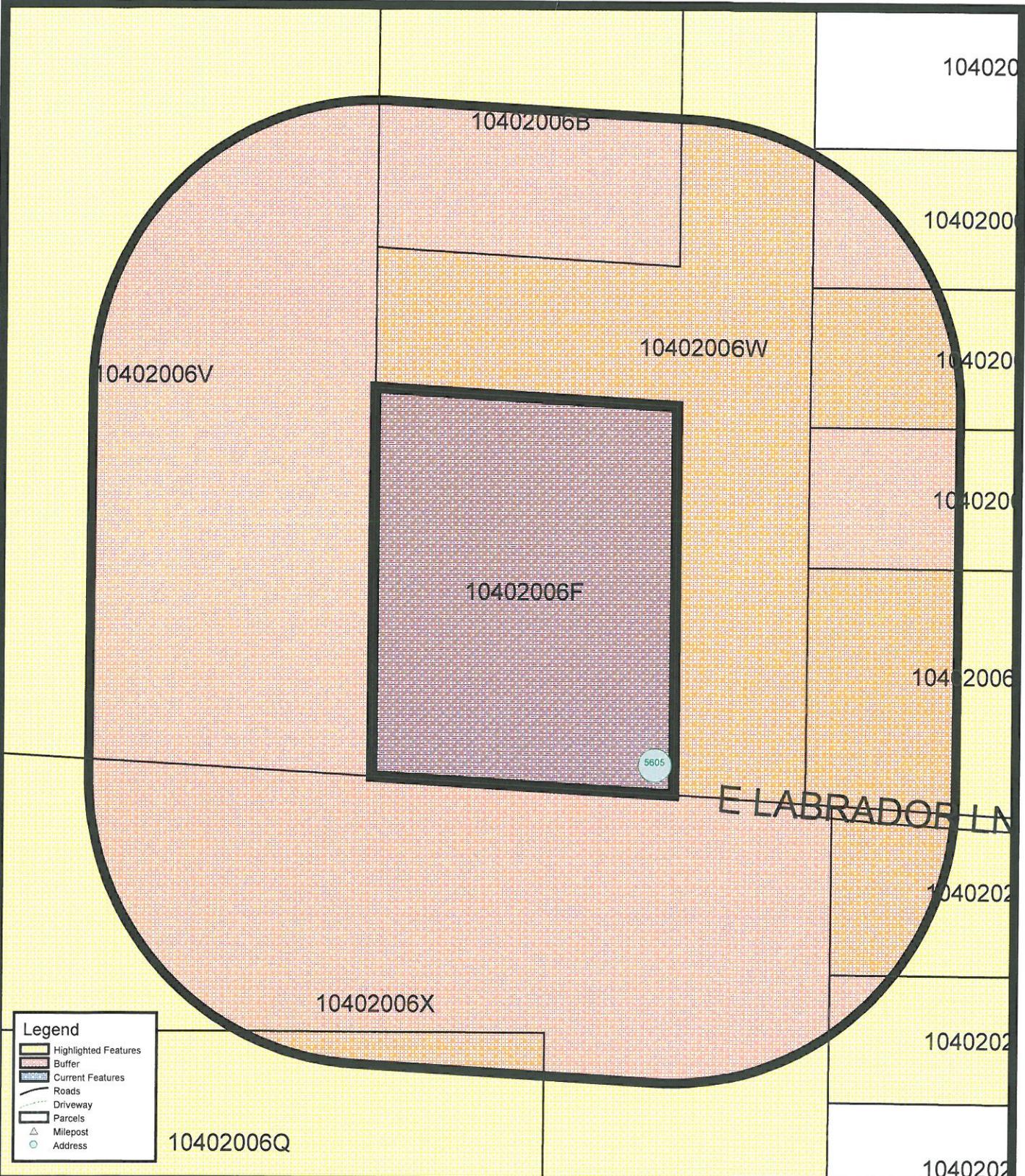
### **ADJOURNMENT**

**Motion: Adjourn**

**Action: Adjourn, Moved by Jim Martzke, Seconded by Jim Lynch.**

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

**Yes: Jim Martzke, Lee Basnar, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.**



**Legend**

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



SU-09-08A  
 Elder Care For Life  
 104-02-006F  
 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

Carlos De La Torre, P.E., Director

## **MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission

**FROM:** Keith Dennis, Senior Planner

For: James E. Vlahovich, Planning Director

**SUBJECT:** Docket SU-09-08A (Elder Care for Life)

**DATE:** October 28, 2010, for the November 10, 2010 Meeting

### **REQUEST TO MODIFY AN APPROVED SPECIAL USE**

**Docket SU-09-08A (Elder Care for Life):** The Applicant, Elder Care for Life, currently operates a Residential Care Institution on the property (Windmill Ranch), as allowed by Special Use pursuant to Section 707.06 of the Zoning Regulations. The Planning and Zoning Commission authorized the Special Use in March of 2009, with approval conditions requiring the Applicant to direct associated traffic to Calle de Naranja, a County-maintained road West of the property.

The Applicant now seeks a Special Use Modification, to have these approval conditions removed from the Special Use and allow traffic to access Calle de Mango, a County-maintained road East of the property.

The subject parcel (Parcel # 104-02-006F) is located at 5605 E Labrador Lane in Hereford, AZ. The Applicant is Nathan Yarborough of Elder Care for Life.

### **I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES**

**Size:** 2.98 Acres

**Zoning:** TR-36 (1 dwelling per 36,000 square feet)

**Growth Area:** Category B (Community Growth Area)

**Plan Designation:** NC – Neighborhood Conservation

**Area Plan:** Sierra Vista Sub-Watershed Plan

**Existing Uses:** Residential Care Institution

**Proposed Uses:** Unchanged

#### **Surrounding Zoning**

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	Undeveloped Land
South	TR-36	Single Family Residence
East	TR-36	Undeveloped Land
West	TR-36	Undeveloped Land

## II. SPECIAL USE MODIFICATION REQUEST

Labrador Lane is a private road, approximately 1,300 feet in length. It is flanked by two County-maintained roads: Calle de la Mango to the East (paved) and Calle de la Naranja to the West (dirt). The subject property is slightly closer to Calle de la Naranja. Elder Care for Life staff maintain Labrador Lane as required under a Private Maintenance Agreement to which the Applicant agreed in 2009.



*Aerial photo of the project site. The roadway lines represent the extent of County-maintenance.*

During the Citizen Review and subsequent public process leading up to the March 11, 2009 Commission hearing, staff received statements from neighbors concerned about traffic along Labrador Lane. In an effort to alleviate neighbor concerns, staff offered traffic-related approval conditions to the Commission. Specifically, Condition #2 required the Applicant to:

- A. Require all traffic accessing the site to use the Calle de Naranja route;
- B. Post a sign at the property line along Labrador Lane, instructing visitors to use the Calle de Naranja route; and
- C. Inform employees, delivery drivers, and residents' family members in writing to access the site through the Calle de Naranja route.

The Applicant seeks to have these conditions removed from the Special Use. They claim that Calle de la Naranja is subject to monsoon washouts; that Calle de la Mango is the more "intuitive" route to the facility; and that Calle de la Mango provides a more accessible route to Windmill Ranch. They have included written statements of support from the fire department, ambulance and mortuary services.

## III. WINDMILL RANCH HISTORY

In 2007, the Applicant obtained a permit for a Residential Care Home with up to six residents ("Windmill Ranch"). Residential Care Homes are a permitted principal use in a TR District, and may be established without a public process or hearing. The facility opened in January of 2008.

After the home opened, neighbors East of the project became concerned about an increase in traffic associated with Windmill Ranch. In response to this concern, the Applicant agreed to clear a path along Westbound Labrador Lane to connect with Calle de la Naranja. The idea was to reduce traffic by allowing multiple routes to the home. Many in the neighborhood, including the Applicant and neighbors concerned about traffic, agree that the plan did not work; much of the Windmill Ranch-related traffic continued to use the paved Calle de la Mango, and residential traffic from Calle de la Naranja began to traverse Labrador Lane en route to Calle de la Mango. The result was more traffic, some of which was residential through traffic.

In March of 2009, the Planning and Zoning Commission granted a Special Use, to upgrade the facility to a Residential Care Institution, defined as having seven or more residents. At that time the Commission imposed the condition of approval, recommended by staff and noted in Section II of this Memo, that is the subject of the present modification request.

In May of 2010, staff issued a Certificate of Occupancy for Windmill Ranch, as the Applicant had met all applicable requirements. Per the approved Special Use, there are now eight people living on the property. A gate across Labrador Lane at the Applicant's Eastern property line was removed around this time.

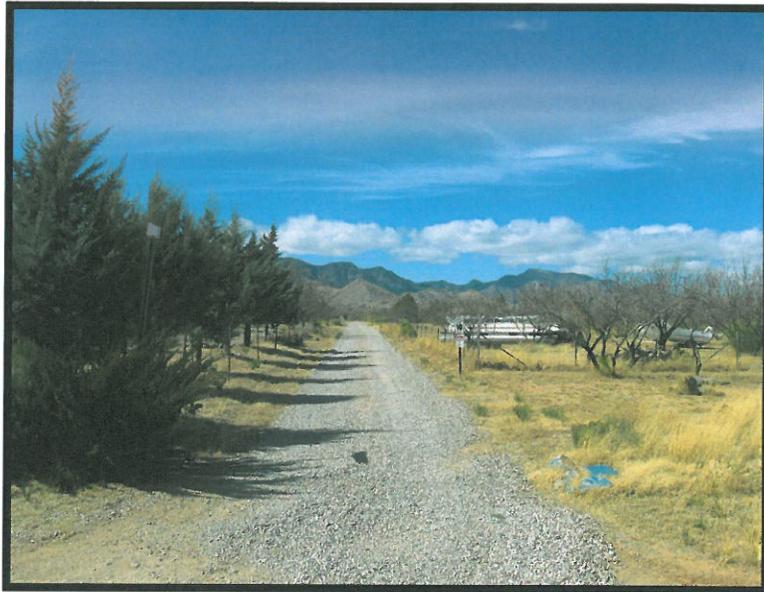
Traffic-related concerns about Windmill Ranch have been the subject of controversy and tension in the neighborhood since the Residential Care Home was first established. Some neighbors were unaware that the business had moved into the area. As the public comments attached to this Memo indicate, some felt that Windmill Ranch should never have opened on Labrador Lane, due to a desire to preserve the character of what is described as a "rural" or "residential" neighborhood as well as deed restrictions limiting commercial activity in the area.

Evidence of the on-going dispute can be physically observed along Labrador Lane. In the past year, neighbors have installed two gates along the Eastern portion of the road, placed "no trespassing" signs on the gates, dug trenches meant to impede traffic, and planted cactus in strategic points along the easement. There have been heated altercations between neighbors on Labrador Lane over the traffic issue, and law enforcement has been involved in these disputes more than once.

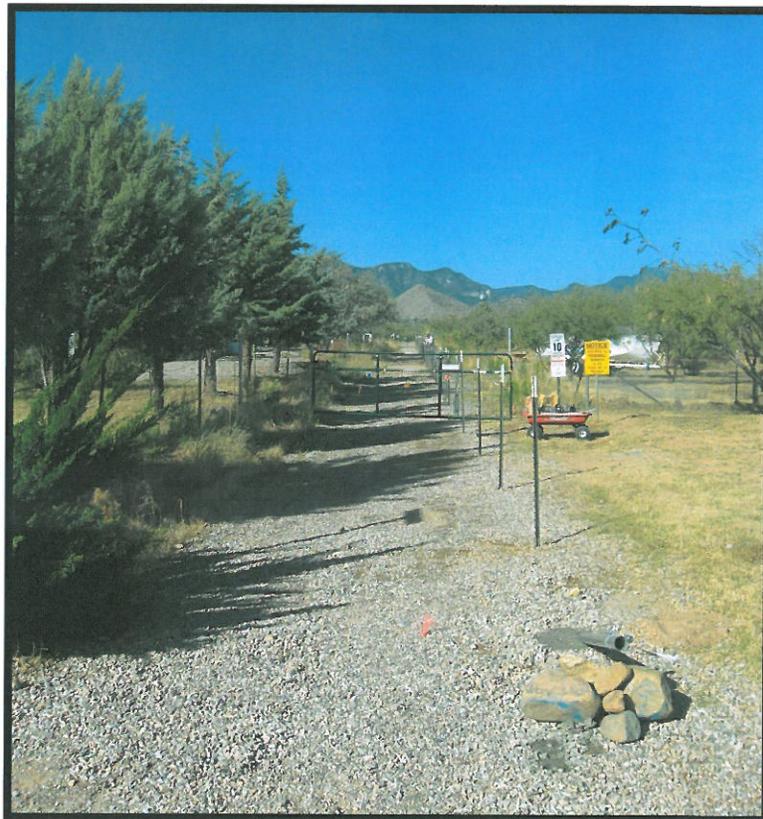
More recently, the neighbor at the Northwest corner of Calle de la Mango and Labrador Lane commissioned a survey of the property lines and easement boundaries in the area. The survey determined that the road travelway of Labrador Lane did not align with the recorded access easement. The road travelway in fact lay to the North of the easement boundary; the fence and possibly the well belonging to the Southern neighbor have been determined to encroach into the easement. The Northern neighbor has begun construction of a fence reflecting the true property/easement boundary. As of this writing, the fence construction has impeded the operation of the gates. Because the gates cannot fully open, Labrador Lane is essentially closed to through traffic. Unless and until the road travelway is realigned to conform to the easement location, and unless and until the gates can be re-adjusted, travel along the portion of the road East of Windmill Ranch is impossible.

As mentioned in Section II of this Memo, the Applicant has signed a Private Maintenance Agreement with the County, for the length of Labrador Lane (the condition did not specify Eastbound or Westbound). This agreement requires that the Applicant maintain the length of this

road in a "safe, passable condition." Before the easement was blocked, the Applicants did regularly mow and attempt to remove the ditches and berms from the roadway. These trenches would often reappear after being graded over; staff observed four such trenches along Labrador Lane East of Windmill Ranch during the site visit.



*Above: Westbound Labrador Lane, photo from 2009. Below: October 2010 photo showing new fence construction along Labrador Lane travelway. The gate in the background cannot, as of this writing, be opened due to the fence placement.*



As a recorded, private, unrestricted access easement, it seems likely that Labrador Lane will re-open to through traffic at some point in the future, whether or not the Commission grants the Applicant's request.



*Closeup of Westbound Labrador Lane, showing a trench dug across the travelway. Another trench is in the background.*

#### **IV. ANALYSIS OF IMPACTS**

Impacts associated with the request are limited to traffic. The Applicant's estimates regarding traffic are unchanged from the original Special Use process: an average of 11-25 trips per day for passenger cars, as well as twice-weekly trash pickup and a weekly truck delivery of medical supplies.

#### **V. PUBLIC AND AGENCY COMMENT**

The Department mailed notices to neighboring property owners within 1,000 feet. Staff posted the property on October 26, 2010 and published a legal notice in the *San Pedro Valley News-Sun* on October 21, 2010. The Applicant received one letter in support of the request during the Citizen Review process; the Department has, however, received numerous letters and a petition opposing the Modification request. These public comments are attached. Most consist of a property owner's signature on one or more pre-written letters, or on the petition circulated by opposing neighbors. Generally, these comments are concerned with a perception that the Windmill Ranch facility was initially allowed to begin operation without a public process, and a concern for the volume of traffic in the neighborhood.

To date, the County is aware of one supporter and 36 neighbors opposing the request. The one supporting, and 27 of the opposing neighbors are within the 1,000 required notification buffer.

Staff has also received correspondence from the Fry Fire Department, Arizona Ambulance Transport and Jensen's Sierra Vista Mortuary Service in support of the request. Their statements, which are attached to this Memo, are in favor of accessing the site via Calle de la Mango. All expressed concern about what they consider obstruction of Labrador Lane, and the condition of Calle de la Naranja.

## **VI. SUMMARY AND CONCLUSION**

### **Factors in Favor of Allowing the Modification**

1. Emergency Services providers including ambulance, fire and mortuary services have expressed support in writing for the request.
2. One neighbor, along Calle de la Naranja, supports the request.

### **Factor Against Approval**

1. The Department has received statements of opposition from 36 neighbors, 27 of which are within the 1,000 foot notification buffer.

## **VII. RECOMMENDATIONS**

Under normal circumstances, opposition from 24 neighbors within the 1,000 foot notification buffer would become the leading factor against approval of a Special Use or Modification request. Such strong opposition would normally override any factors in favor of approval, and staff would recommend denial as a result.

What is different about this case are the statements from emergency services providers, who have expressed their support for the request due to a desire to access the site via the routes to which they are accustomed, along routes with better surface quality (paved as opposed to dirt/gravel). They maintain that accessing the site as requested would provide, under normal circumstances, a quicker, safer route to the site. When ambulances or other first responders are called to Windmill Ranch, they are being called in to save lives. The Community Development Department cannot in good conscience make a recommendation that would conflict with the needs of emergency service providers, whose needs and concerns can literally be matters of life and death.

Based on the factors in favor of approval, staff recommends approval of the Special Use Modification request.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-09-08A, granting the Special Use Modification as requested by the Applicant and as recommended by Staff; with the factors in favor of approval constituting findings of fact."*

## **VIII. ATTACHMENTS**

- A. Docket SU-09-08 Staff Memo
- B. Location Map
- C. Recorded September 2010 Survey
- D. Transportation Planner's Comments

- E. Citizen Review
- F. Public Comment
- G. Other Agency Comments
- H. Support/Protest Map



## **COCHISE COUNTY PLANNING DEPARTMENT**

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

*Susan Buchan, Director*

### **MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission

**FROM:** Keith Dennis, Planner

For: Susan Buchan, Planning Director

**SUBJECT:** Docket SU-09-08 (Elder Care for Life)

**DATE:** February 26, 2009, for the March 11, 2009 Meeting

### **APPLICATION FOR A SPECIAL USE**

The Applicant requests a Special Use Permit to allow a Residential Care Institution on a 3-acre parcel in a TR-36 District, pursuant to Section 707.06 of the Zoning Regulations. The Applicant intends to add two additional residents in an existing, permitted Residential Care Home. No expansion to the existing home is proposed.

The subject parcel (Parcel # 104-02-006F) is located at 5605 E Labrador Lane in Hereford, AZ. It is further described as being situated in Sections 5 and 8 of Township 23, Range 21 East of the G&SRB&M, in Cochise County, Arizona.

Applicant: Monica Vandivort of Elder Care for Life

### **I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES**

**Size:** 2.98 Acres

**Zoning:** TR-36 (1 dwelling per 36,000 square feet)

**Growth Area:** Category B (Community Growth Area)

**Plan Designation:** NC – Neighborhood Conservation

**Area Plan:** None Applicable

**Existing Uses:** Residential Care Home

**Proposed Uses:** Residential Care Institution

### **Surrounding Zoning**

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	Undeveloped Land
South	TR-36	Single Family Residence
East	TR-36	Undeveloped Land
West	TR-36	Undeveloped Land

A<sub>9</sub>

**II. PARCEL HISTORY**

There are no violations associated with the subject property.

Per the Applicant, the structures on the property were constructed in the 1960s. The County has no record of permits for the construction of any structure on the site.

In 2007, the Applicant obtained a permit for a Residential Care Home with up to six residents ("Windmill Ranch"). The facility opened in January of 2008. The Application did not include any new construction or interior modifications to the home.

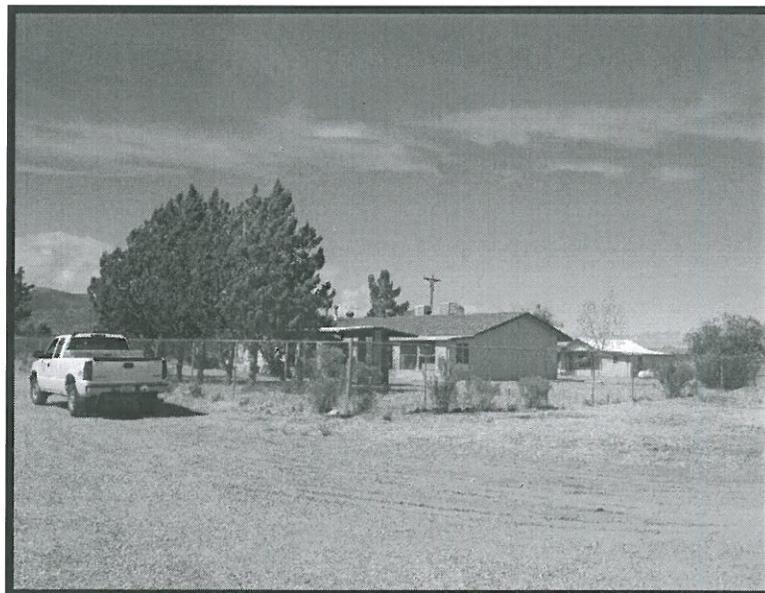
**III. PROJECT DESCRIPTION**

As defined in Article 2 of the Zoning Regulations, a Residential Care Home is intended to provide housing, supervisory personal or custodial care for up to six residents; with caretakers, the operator of the home, and family members who may reside in the home, the maximum number of residents allowed is 10.

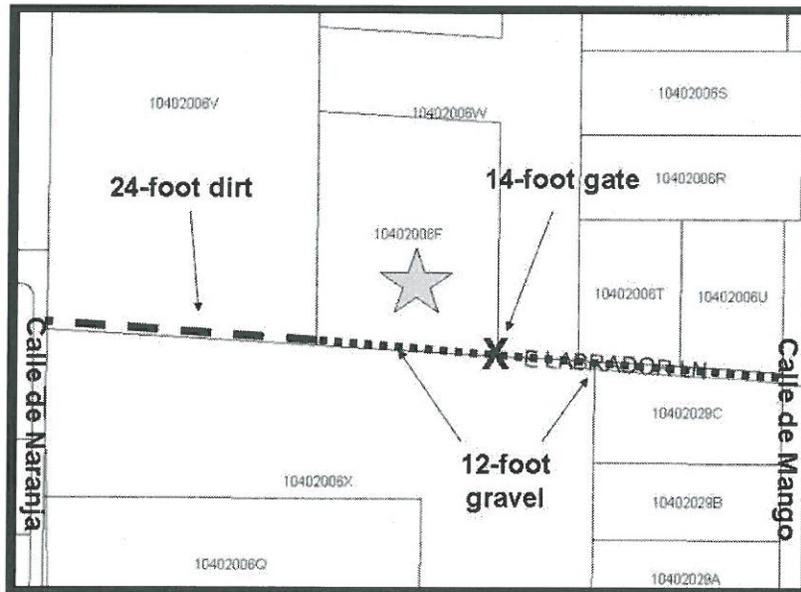
For applicable site development standards, the Zoning Regulations treat Residential Care Homes as single-family dwellings not subject to non-residential site development standards.

The Applicant seeks to expand the number of residents at the existing facility from six to eight. The Zoning Regulations would then define the project site as a Residential Care Institution, subject to non-residential site development standards; in a TR Zoning District, such Institutions are allowed by Special Use, per Section 707.06.

As with the initial Residential Care Home permit, no new construction is proposed as part of this expansion. The Applicant maintains that there is adequate space to provide residency for two additional persons without the need for a building addition.



*Northwest view of Windmill Ranch.*



*The Labrador Lane roadway is 24 feet wide between Calle de Mango and Calle de Naranja, both of which are County-maintained roads.*



*Westward view of Labrador Lane as seen from the Calle de Mango entrance. This private easement is improved with a 12-foot gravel surface, surrounded by 6 feet of native vegetation on either side.*

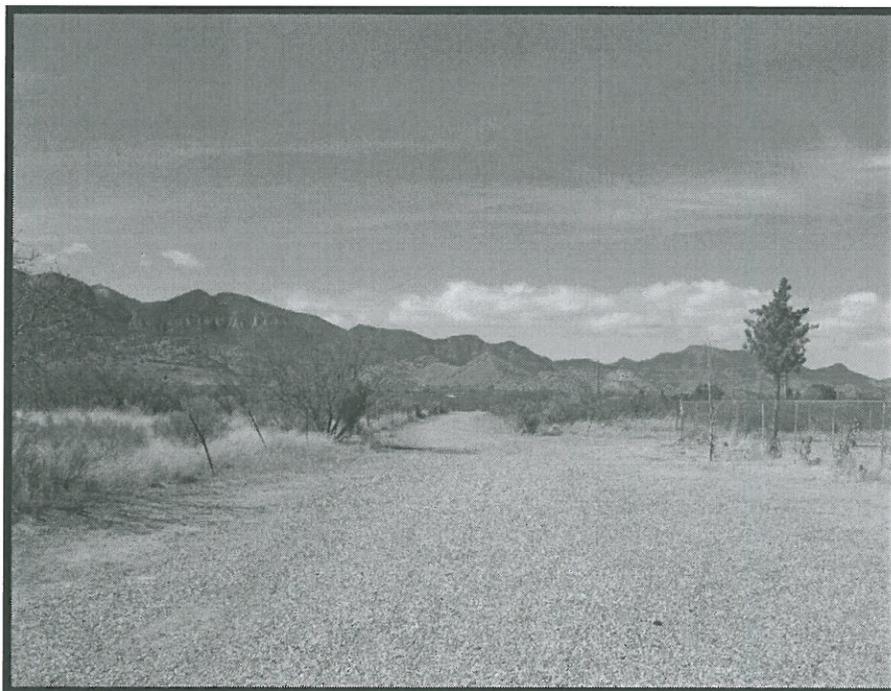
**IV. ANALYSIS OF IMPACTS (SEE CONDITIONS #2 AND 3, REQUESTED MODIFICATIONS)**

Impacts associated with the proposal are limited to traffic. The Applicant estimates an average of 11-25 trips per day for passenger cars, as well as twice-weekly trash pickup and a weekly truck delivery of medical supplies.

Labrador Lane is a 24-foot wide private easement running between Calle de Mango on the East side and Calle de Naranja on the West. On the East side, the easement features a single, 12-foot wide drive lane with 6 feet of vegetation on either side. Westbound traffic along this route passes through a 14-foot wide gate at the property entrance, and the gravel roadbed continues along the Southern length of the property. Continuing West and off the property towards Calle de Naranja, the easement is improved with a 24-foot wide dirt road.

As the attached Citizen Review and Public Input letters indicate, neighbors East of the property have indicated concern over traffic along the Calle de Mango route. The Applicant has responded to these concerns by requiring employees and delivery trucks to use the Calle de Naranja route. Staff recommends that the Applicant address traffic concerns in the following ways:

- A. Enter into a private maintenance agreement with the County, to ensure that Labrador Lane is maintained in a safe, passable condition;
- B. Require all traffic accessing the site to use the Calle de Naranja route;
- C. Post a sign at the intersection of Calle de Mango and Labrador Lane, instructing visitors to use the Calle de Naranja route; and
- D. Inform employees, delivery drivers, and residents' family members in writing to access the site through the Calle de Naranja route.



*Looking West on Labrador Lane, as seen from the subject property. The gravel surfacing ends at the property line, after which the easement becomes a 24-foot wide dirt road.*

While it seems clear that some drivers, especially those accessing the site for the first time, will use the Calle de Mango route in error, the above conditions are anticipated to be effective in directing traffic away from the more developed portions of the neighborhood.

As shown on the site plan, the driveway running North from Labrador Lane to the parking area sits on the Western property line. Section 1804.06.F requires that driveways used to access parking areas be a minimum of 15 feet from an adjacent residentially-zoned property. The property immediately West of the project site is zoned TR-36. The Applicant has asked for a modification to this Section to allow the driveway to remain in its current location.

Section 704.07 requires that the developed area of non-residential land uses in a TR District be screened from adjacent residentially-zoned properties with a 6-foot high screening device. The Applicant has asked for a waiver of this site development standard as well.

The adjacent property is undeveloped at this time, but may be developed in the future. At that time, this neighboring property may experience off-site impacts related to traffic accessing the site along the property line. Such impacts could be mitigated by screening that portion of the Western property line along which the driveway and parking area are situated. Section 704.07 also carries a provision allowing the Zoning Inspector to defer screening "if the abutting residentially-zoned property is not yet developed with a residential use." While staff has no issue with the screening modification request overall, there remains concern about future off-site traffic impacts when the adjacent property to the West is developed. Staff recommends, as Condition #3, that the Applicant provide a 6-foot solid screen along the Western property line, from the driveway entrance at the Southeast corner of the property along the length of the driveway and parking area when the abutting TR-36 property is developed. This would screen the driveway and parking area from the abutting property to the West.

#### **V. DEED RESTRICTION**

The property and Labrador Lane are both subject to restrictions that took effect when the property was originally deeded. The deed, the applicable portions of which are attached to this Memo, dates from 1985, and covers the subject property and Labrador Lane. A map showing the affected area is also attached. The applicable language on the deed is as follows:

*Single family and private residence only. With construction of permanent nature attached to the property. Absolutely restricted against Mobile Homes single or double-wide, Modular Homes, single or double-wide and trailers. Pre-fab structures shall not be placed on the subject property.*

*No commercial businesses or pet businesses shall be operated from the premises of any of the lots, except for the boarding of horses within reason.*

The language on the deed, which applies to several parcels North of Labrador Lane and to the easement itself, thus restricts the use of the land and easement. Although this Memo deals primarily with the land use implications of the proposal, the restriction against businesses constitutes a strong factor in favor of denial.

**VI. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)**

Section 1716.02 of the Zoning Regulations provides a list of 10 criteria with which to evaluate Special Use applications. These are considered factors in determining whether or not to approve a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Seven of the 10 criteria apply to this request. The project complies with five of the seven criteria, subject to conditions of approval and requested modifications to site development standards where applicable.

**A. Compliance with Duly Adopted Plans: Does Not Comply**

The subject property is within a Category B, Neighborhood Conservation area on the Comprehensive Plan. Neighborhood Conservation areas are in part so designated when an area "is a developed residential neighborhood that warrants protection from non-residential land uses." From a zoning perspective, the proposal is for a non-residential land use, which generates a greater level of traffic than it would if the property were used as single family residential.

However, it should be noted that, as an assisted-living home, the purpose of the existing and proposed land use is to provide a home for individuals in need of supervisory care in a residential environment. Although in a strict sense the land use is a business and therefore non-residential, particularly with regard to site development standards and the necessity of the Special Use public process, the Applicant intends to maintain the residential scale of the property within its rural residential environs.

**B. Compliance with the Zoning District Purpose Statement: Complies**

Section 701.01 states that the purpose of the TR District is "to provide an area for family living at a variety of low to medium densities." Although, as discussed above, the proposal is non-residential from a land use perspective, the nature of the business is to provide a residential environment for long-term, end of life care for elderly persons. With a three-acre site, the proposal would be approximately the same density as would three single-family residences, assuming a family size of four persons.

**C. Development Along Major Streets: Not Applicable**

**D. Traffic Circulation Factors: Does Not Comply**

Compliance with this factor in part depends upon using streets according to their design and purpose. The proposal would generate non-residential traffic along streets designed to serve rural residential areas.

Prior to submitting the application the Applicant conducted traffic surveys on two separate dates in September of 2007: one in the morning hours and one in the afternoon. The results of this survey are attached to this Memo.

**E. Adequate Services and Infrastructure: Complies (Subject to Conditions #2 and 4)**

The site is served by the Southern Sunrise water company and Sulphur Spring Valley Electric Cooperative. An on-site propane tank provides natural gas, and the property is within the Fry Fire District.

The Health Department has determined that the existing septic system on the property may not be adequate for the proposed use. Their comments are also attached to this Memo. Staff

recommends, as Condition of approval #6, that the Applicant adhere to the requirements of the Health Department, prior to operation of the Special Use.

While, as discussed above, the project would result in non-residential traffic along residential streets, the actual impact of such traffic is consistent with the expected traffic volume of an otherwise residentially-developed site. The Transportation Planner's comments (attached) state that the site "would not be expected to produce much more in the way of traffic with the proposed use than would be on this parcel if it were built out to the full extent of the TR-36 zoning." Condition #2 would require the Applicant to enter into a private maintenance agreement for the length of Labrador Lane between Calle de Naranja and Calle de Mango, which are both County-maintained roads. This would ensure that the road remains adequate for the proposed use.

**F. Significant Site Development Standards: Does Not Comply (See Requested Modifications, Conditions #3 and #5)**

The proposal is deficient with regard to the following site development standards:

1. The required six parking spaces and one ADA space are not labeled on the site plan;
2. The driveway accessing the parking area is situated along the Western property line; the requirement is that the driveway be at least 15 feet from a residentially-zoned site (1804.06.F). The Applicant requests that the Commission waive this standard;
3. Screening, as required by Section 707.04, is not shown on the plan. The Applicant requests that the Commission waive this standard. Staff recommends that screening along the Western property line be deferred until the adjacent TR-zoned property is developed (see Condition #3);
4. Although Labrador Lane is 24 feet wide as required by Section 1804.06.F.3, a gate across the road, on the Eastern property line, is 14 feet wide. The Applicant requests that the Commission modify this standard to allow the gate to remain; and
5. The proposal does not include landscaping, which is required on no less than 5% of the developed site area (1806.02.B). The Applicant requests that the Commission waive this standard as well.

Condition #3 would ensure that screening is provided along the Western property line when the abutting TR-36 property develops; Condition #5 would require that the Applicant revise the site plan to label the parking area.

**G. Public Input: Complies**

Prior to submittal, the Applicant engaged in a thorough Citizen Review process. Three of the five respondents indicated opposition to the proposal, primarily based on traffic concerns. The Applicant responded to traffic concerns along the Calle de Mango access by requiring that employees and delivery drivers instead use the Calle de Naranja access. Condition #2 would make the Applicant's voluntary changes to the traffic pattern into conditions under which the Special Use is allowed to operate.



*Northeast view of the subject property from the driveway entrance onto Labrador Lane. The driveway and parking area are situated along the Western property line.*

**H. Hazardous Materials: Not Applicable**

**I. Off-site Impacts: Complies (Subject to Conditions #2 and 3)**

Off-site impacts are discussed in Section IV of this Memo.

**J. Water Conservation: Not Applicable**

The project uses existing water fixtures in a single-family residence. No new construction is proposed, and the principal use on the property occupies less than one acre.

**VII. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1,000 feet. Staff posted the property on February 17, 2009 and published a legal notice in the *Sierra Vista Herald* on February 24, 2009. To date, the Department has received no letters of support and one letter of opposition to the Special Use request. However, the letter opposing the request indicates that the property owner could support the proposal if project traffic were made to use the Calle de Naranja entrance.

**VIII. SUMMARY AND CONCLUSION**

**Factors in Favor of Allowing the Special Use**

1. The business provides a valuable and needed service to the elderly population of Cochise County. Per the Applicant, there is a waiting list for persons seeking care at the facility.
2. The Applicant has addressed the traffic concerns of neighbors East of the property, along Calle de Mango, by requiring employees and delivery drivers to access the property through the Calle de Naranja access.

**Factors Against Approval**

1. The property and the easement by which it obtains access are restricted by the warranty deed to single-family residential use only, with a specific prohibition on business land uses.
2. One neighbor would oppose the Special Use request, but would support it if Condition #2 were applied to the approval.

**IX. RECOMMENDATIONS**

The deed restriction language limiting the property and easement to single family residential use constitutes a strong factor in favor of denial. The Commission may decide that this factor alone is sufficient to warrant a denial of the request.

Staff's analysis is concerned with the land use implications of the proposal; based on the land use analysis, 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 this approval and with Section 1705 of the Zoning Regulations, and meeting all site development standards (except as modified), 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 operation of the Special Use, the Applicant shall:
  - A. Enter into a private maintenance agreement with the County, to ensure that Labrador Lane is maintained in a safe, passable condition;
  - B. Require all traffic accessing the site to use the Calle de Naranja route;
  - C. Post a sign at the intersection of Calle de Mango and Labrador Lane, instructing visitors to use the Calle de Naranja route; and
  - D. Inform employees, delivery drivers, and residents' family members in writing to access the site through the Calle de Naranja route.
3. When the abutting TR-36 zoned property to the West develops, the Applicant shall screen the Western property line along the length of the driveway and parking area with an approved 6-foot high, opaque screening device.
4. Prior to operation of the Special Use, the Applicant shall abide by the requirements of the County Health Department.

5. Prior to the issuance of a building or use permit, the Applicant shall revise the site plan to label the location and dimensions of the six required parking spaces, and the one required ADA parking space. The ADA space shall be labeled as having a firm, stable surface, with a firm and stable path from the parking space to the nearest building entrance.
6. 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.
7. Any further changes to the approved Special Use Modification shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

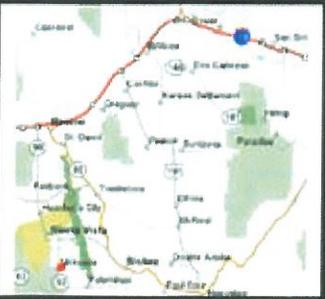
**X. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS**

The Applicant requests the following modifications to site development standards:

1. To Section 1804.06.F, to allow the existing gravel driveway along the Western property line to remain at the property line;
2. To Section 707.04, which would require that the use be screened from adjacent, residentially-zoned properties with a 6-foot high, solid screening device. (Staff recommends that screening along the Western property line be instead deferred until the adjacent TR-zoned property is developed – see Condition #3);
3. To Section 1804.06.F.3, in order to allow the existing 14-foot wide gate to remain on Labrador Lane, rather than the required 24 feet;
4. To Section 1806.02.B, which would require landscaping on no less than 5% of the developed site area.

**XI. ATTACHMENTS**

- A. Special Use Application
- B. Location/Surrounding Zoning Map
- C. Site Plan
- D. Property Deed and Map
- E. Health Department Comments
- F. Transportation Planner's Comments
- G. Applicant's Traffic Study
- H. Request for Modifications to Site Development Standards.
- I. Citizen Review
- J. Public Comment



SU-09-08 (Elder Care  
for Life)  
Location Map

This map is a product of the  
Cochise County GIS

↑

1" = 375'







## **COMMUNITY DEVELOPMENT DEPARTMENT**

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

(520) 432-9240 Fax 432-9278

*James Vlahovich, Deputy County Administrator  
Interim Planning Director*

### **MEMORANDUM**

**TO:** Keith Dennis, Planner II

**FROM:** Karen L. Lamberton, County Transportation Planner

**SUBJECT:** Eldercare for Life/Windmill Ranch Residential Care Facility  
SU-09-08A\Parcel #104-02-006F

**DATE:** **October 21, 2010**

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The owners of the Elder Care for Life/Windmill Ranch residential care facility are seeking to modify conditions related to the operation and traffic circulation on their existing residential care home, currently approved per SU-09-08 for eight (8) residents. The site is on approximately three (3) acres and expansion to the existing buildings has not been proposed. A commercial permit (CP-09-5029) was obtained; however, a certificate of occupancy for the additional two (2) residents approved in 2009 has yet to be issued.

Traffic analysis completed during the previous Special Use Permit process in Feb. 2009 found the following: Based on a maximum of eight beds, trip generation could be expected to average 18.96 trips per day, per the ITE Manual, 7<sup>th</sup> edition. Most of these trips would be off-peak hours and would be similar, or slightly higher, over the weekends. The applicants indicate that this would be a fully staffed 24/7 facility which would have the potential of slightly higher trip rates, based on number of employees, estimated at about 26.25 trips per day, based on the low range (small scaled/rural facility) trip generation rates per the ITE Manual, 7<sup>th</sup> edition. This site would not be expected to produce much more in the way of traffic with the proposed use than would be on this parcel if it were built out to the full extent of the TR-36 zoning. Comparative trip generation rates for a single family housing are an average of 9.57 with a range of 4 to 22 trips per day. The applicants anticipate approximately 12-15 vehicles per day in keeping with the estimated trip generation.

The site is served by Calle de Mango, a 20 foot, chip-sealed, rural-minor access county-maintained road (part of the Charleston Park subdivision) and by Calle de Naranja, also a 20 foot rural minor access road but is county-maintained as a native surfaced road. Calle de Mango does have pass through traffic using the subdivision roads to make a connection with other collector and arterials roads like Hereford Rd. further south of the subject parcel. Labrador Lane, provides access to the parcel from both Calle de Mango and Calle de Naranja, and is a private roadway with private easements along the 36-foot wide corridor with specific recorded conditions

(related to types of appropriate land uses for adjacent lots). A recorded deed for 24 feet of the Labrador Lane width is on file with the county. This easement information is provided as advisory information only and is not intended to substitute for title company documentation of legal access rights of property owners along Labrador Lane.

Notwithstanding the legal access provided by recorded easements along Labrador Lane the applicants were required to use an alternative route (Calle de Naranja rather than Calle de Mango) as the final leg to their site as part of a negotiated agreement with adjacent property owners, staff and the Commission. As typical for these type of uses taking primary access onto a private roadway a Private Maintenance Agreement for Labrador Lane was also required. The applicants were required to post a sign instructing visitors to use this alternative route; however, this condition, created in an attempt to address neighbor concerns, conflicted with the County sign regulations and was administratively modified on April 24, 2010 to direct the applicant to post such a sign at the entrance of their driveway on their own property rather than in the public right-of-way. The applicants were also to notify, in writing, employees, delivery drivers and family members of the preferred route access via Calle de Naranja.

The applicants now seek to modify these conditions citing to monsoon wash-outs along the alternative route and the need to ensure emergency vehicle access along Labrador Lane. It should be noted that these conditions were placed on the applicants in context of the increase from six to eight residents in their facility: a certificate of occupancy for the additional two residents has not yet been issued.

### **Recommendation**

The traffic impact of a residential care facility of this size (8 residents) is minimal and would not require any significant infrastructure improvements at this time. The use, as noted previously, is the equivalent of the full-build out of this parcel within current zoning. From a traffic circulation standpoint the more direct and better maintained route is that of Calle de Mango to Labrador Lane. Calle de Naranja provides an adequate alternative route: there are no current plans to upgrade this road to a chip-sealed or better surface.

Condition C regarding the posting of a sign has been administratively modified to request posting on site rather than at the intersection of Calle de Mango and Labrador Lane. I would have no comment on the applicability, effectiveness or enforceability of requiring site directions to be provided in writing or by signs on site that may or may not match up with intuitive review of any local map. (For example: an inquiry on yahoo maps for direction to this site from Bisbee results in these directions: Turn **R** on E RAMSEY RD; Turn **L** on S CALLE LIMA ; Turn **R** on E CALLE DE LA ALMENDRA ; Turn **L** on S CALLE DE LA MANGO; Turn **R** on E LABRADOR LN ; Arrive at 5605 E LABRADOR LN, HEREFORD, AZ )

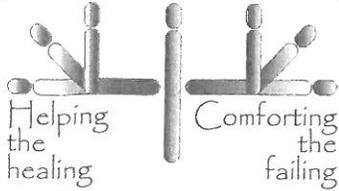
Typically, neighbors welcome the additional maintenance activities required under the Private Maintenance Agreement although the standard for such maintenance is "safe, passable" and does not reach to fully improving the roadway to county standards. The traffic impact of this proposed use does not reach to that level of mitigation although in some cases neighbors do work together to dedicate right-of-way to the County and participate in a partnership with the County to improve the roadway. Such a partnership has not been proposed on Labrador Lane. The

applicants have not asked to be relieved of this condition; however, given the minimal traffic generation of this use, the Commission may make a determination of the necessity for the Private Maintenance Agreement if adjacent property owners do not desire maintenance activities to take place on their section of Labrador Lane.

The matter before the Commission is less of a traffic mitigation consideration as it is balancing stated neighborhood concerns about traffic-related concerns. This memo provides technical analysis of traffic impacts and the condition of the roadways that provide access to the approved residential care facility.

cc: Docket SU-09-08A; Diane Cratsenburg, Hwy/FP

ELDERCARE FOR LIFE, INC.



BOARD OF DIRECTORS:

Monica Vandivort, M.D.  
Mattie Stone, M.S.S.W.  
Dawn Birtwell, M.A.

September 27, 2010

Re: Windmill Ranch on 5605 Labrador Lane

To: Cochise County Planning and Zoning

Dear Sir/ madam:

Please see our enclosed citizen review results. We had one person giving comments that are enclosed for your review. This gentleman lives on Calle de la Naranja. As you can see, he is strongly in favor of removing restrictions imposed on our use of Labrador Lane westward off Calle de la Mango. We request removal of the road use restrictions from our Special Use permit.

We appreciate your assistance. We have tried to please the neighbors also and have found it impossible to do so, and we feel Mr. Keith Dennis has also tried to please them. We appreciate his attempts and also feel similarly frustrated. Those neighbors want the road closed, and we would like to fight for our rights and keep it open.

Sincerely,

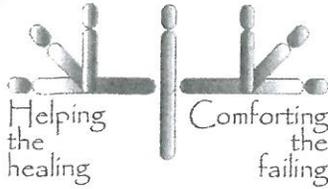
Monica Vandivort M.D./sm  
Board of Directors

ELDERCARE FOR LIFE, INC.  
6164 S Highway 92  
PO Box 429  
Hereford, AZ 85615  
Phone (520) 803-1234  
Fax (520) 803-6552  
eldercare4life@dnamail.com

25

E

ELDERCARE FOR LIFE, INC.



BOARD OF DIRECTORS:

Monica Vandivort, M.D.  
Mattie Stone, M.S.S.W.  
Dawn Birtwell, M.A.  
Phyllis Andrew  
Scott Wolfe

September 10, 2010

Dear Neighbors,

You are invited to submit comments on our request for a review of the road use restrictions for Windmill Ranch Assisted Living Home at 5605 E. Labrador Lane in Hereford, Arizona. We would like to unrestrict our use of the eastern section of Labrador Lane connecting with Calle de la Mango for egress and ingress. We need this eastern route to remain open and unobstructed for emergency vehicles to use, primarily, and for ease of families and visitors to the ranch.

We would be happy to meet with you or answer any questions you may have.

Submit written comments to:

Eldercare for Life, Inc.  
P.O. Box 429  
Hereford, Arizona 85615

Email comments to: [windmillranch@mail.com](mailto:windmillranch@mail.com)

Phone comments/leave message at (520) 803-1234  
or (520) 456-6518

Respectfully,

Scott Wolfe for

Board of Directors

Phyllis Andrew, Dawn Birtwell, Mattie Stone, Monica Vandivort, and  
Scott Wolfe

ELDERCARE FOR LIFE, INC.

6164 S Highway 92

PO Box 429

Hereford, AZ 85615

Phone (520) 803-1234

Fax (520) 803-6552

[eldercare4life@dnamail.com](mailto:eldercare4life@dnamail.com)

26

E

**From:** Mike Trujillo <cochiseout@msn.com>

**To:** windmillranch@mail.com

**Subject:** Eastment on Labrador

**Date:** Sun, Sep 19, 2010 9:23 am

**Attachments:** 016.JPG (1091K), 017.JPG (1085K), 018.JPG (1100K), 019.JPG (1097K), 020.JPG (1101K)

My name is Michael Trujillo 6472 s. calle de la naranja (the last house on Naranja on the west side of street. I think its very important to allow unrestricted easement on Labrador.

I have considered a lawsuit on Cochise County if in fact the easement is legally gated. Is it a homeowner making his own law or was he granted special permission to place gates without considering the safety of the Ranch and the safety of Naranja residence, the most logical way to approach the Ranch is thru Mango (paved road) and Labrador (graveled) not thru Naranja (barely maintained and extremely dangerous during bad weather and just a bad road that creates undo dust to Naranja residence).

1. If he was legally allowed to place gates what is the purpose (annoy users).
2. The county will be labile when an emergency vehicles is not able to get to location by a safe manner.
3. Calle Mango is paved and it is the proper means of getting to the Windmill ranch.
4. Calle naranja residents are subjected to extreme dust and wear and tear on an already not maintained road.
5. At night the Naranja road is dangerous (not lighted and it is impossible to drive on during monsoon or rainy days).
6. Why was ths resident granted special privileges and allowed to gate an easement ?
7. The County Judge and County roads are allowing privileges without taking consideration of other residents and the safety of the community.
8. I will sign anything to have the easement ungated, I might just sue the County and make them liable.

I have provided some pictures of total disregard for the safety of our community. In July and August there were days that if lighting would have hit the Ranch, emergency vehicles would have been able to get to there thru Naranja because the road was flooded. The turn has a 3ft-8ft drop that is washed away during rain storms. The Naranja road has boulders of up to 12 in in diameter and all kinds of debris. A picture is worth a thousand words, I have attached pictures because whoever is placing gates is doing is in a malicious matter.

Michael Trujillo  
6472 S. Calle de La Naranja  
Hereford AZ 85615

=

5 Attached Images



27  
E

**From:** Mike Trujillo <cochiseout@msn.com>

**To:** windmillranch@mail.com

**Subject:** (no subject)

**Date:** Sun, Sep 19, 2010 9:34 am

---

Who is Keith Dennis in Cochise County Planning and Zoning he is the real culbrit because he has allowed special privilages. =

**From:** Mike Trujillo <cochiseout@msn.com>

**To:** windmillranch@mail.com

**Subject:** (no subject)

**Date:** Sun, Sep 19, 2010 9:30 am

**Attachments:** 001.JPG (1108K), 002.JPG (1105K), 003.JPG (1102K), 004.JPG (1108K), 005.JPG (1077K)

Do not repair the curve with the washout. Let the storms wash it away, now you trimmed the mesquites and filled some of the washout. let it grow in because everytime you repair you diminish the unsafe road.

Michael Trujillo

234-8620

=

5 Attached Images



**From:** Mike Trujillo <cochiseout@msn.com>

**To:** windmillranch@mail.com

**Subject:** (no subject)

**Date:** Sun, Sep 19, 2010 9:25 am

**Attachments:** 006.JPG (1079K), 007.JPG (1040K), 008.JPG (1080K), 009.JPG (1071K), 010.JPG (1064K)

More pictures of blocking pedestrians with cactus and rocks. =

5 Attached Images



F

Petition Opposing Eldercare for Life Request for Use of Easement to Calle de La Mango

Cochise County Planning  
1415 Melody Lane  
Bisbee, Arizona 85603

COCHISE COUNTY

SEP 24 2011

PLANNING

We the undersigned have reviewed the facts and circumstances of the Eldercare for Life Incorporated request for use of the eastern section of E. Labrador Lane to Calle de La Mango. We do not support their request and staunchly oppose further use of privately owned easement property. *Cochise County granted the incorporation permit for business operation against an existing "no business" covenant and without notification of other county residents.*

Again, we the undersigned adamantly oppose granting the request for easement use by Eldercare for Life, Incorporated.

2 Name Jenny Kolan (Vedam) Angel Villy

Address 5691 E Bramwell Hereford AZ 85615

Name Kari Priddis Kai Puelles

Address 5677 E Bramwell Rd Hereford AZ 85615

2 Name Charles & Lauren Padgett

Address 5604 E. Bramwell Rd Hereford 85615

Name Jae O'Hara

Address 6676 Calle de La Mango Hereford AZ

Name Mary Gule

Address 6716 Calle de la Mango Hereford 85615

Name Bruce & Judy Sain

Address 6760 S Calle de La Mango

Name 6719 S. Calle de la Mango Bunk Plummer

Address \_\_\_\_\_

Name Kary Meyer

Address 5255 E. Margarita Vista Rd. Hereford AZ 85616

Name Jean Waters

Address 5792 E Calle Alameda Hereford 85615

2 Name Kimberly & Dickie Sampson

Address 6348 S Mango Hereford AZ 85615

Petition Opposing Eldercare for Life Request for Use of Easement to Calle de La Mango

Cochise County Planning  
1415 Melody Lane  
Bisbee, Arizona 85603

We the undersigned have reviewed the facts and circumstances of the Eldercare for Life Incorporated request for use of the eastern section of E. Labrador Lane to Calle de La Mango. We do not support their request and staunchly oppose further use of privately owned easement property. Cochise County granted the incorporation permit for business operation against an existing "no business" covenant and without notification of other county residents. This is a severe infringement on our rights as property owners. We are very displeased with the county for this act.

Again, we the undersigned adamantly oppose granting the request for easement use by Eldercare for Life, Incorporated.

2 Name WALTER & ANA Edsall  
Address 5636 MAGARREE VISTA Rd Hereford AZ 85615

Name CAROLYN HARRIS  
Address 5616 MAGARREE VISTA Rd Hereford AZ 85615

Name Stephanie Voegeli  
Address 5574 Magarree Vista Rd Hereford AZ 85615

Name Robert Spalding  
Address 5726 E. Labrador Ln, Hereford, AZ 85615

2 Name JAMES RUBY STACY BONNETT  
Address 5734 E LABRADOR LN, HEREFORD AZ 85615

2 Name Ronald Therouf + Elaine Therouf  
Address 5758 LABRADOR LN,

2 Name RONI & NOELL CASTRO Ron & Noell Castro  
Address 5780 E. LABRADOR LN HEREFORD, AZ 85615

2 Name LORENA BYERS JUREN JYRES RICK JYRES  
Address 6333 CALLE MANGO HEREFORD, AZ 85615

2 Name Jon & Elizabeth Woodard  
Address 6501 Calle De La Mango Hereford, AZ 85615

2 Name LINDA EASTLACK Paul Eastlack  
Address 6583 Calle de la Mango Hereford AZ 85615

Petition Opposing Eldercare for Life Request for Use of Easement to Calle de La Mango

Cochise County Planning  
1415 Melody Lane  
Bisbee, Arizona 85603

We the undersigned have reviewed the facts and circumstances of the Eldercare for Life Incorporated request for use of the eastern section of E. Labrador Lane to Calle de La Mango. We do not support their request and staunchly oppose further use of privately owned easement property. *Cochise County granted the incorporation permit for business operation against an existing "no business" covenant and without notification of other county residents.* This is a severe infringement on our rights as property owners. We are very displeased with the county for this act.

Again, we the undersigned adamantly oppose granting the request for easement use by Eldercare for Life, Incorporated.

Name Jim Deeahent

Address 6460 S. Calle de la Mango

Name Jean Deeahent

Address 6460 S. Calle de la Mango

Name Linda Barnett

Address 6452 S. Calle de la mango

Name Morgan Barnett

Address 6452 S. Calle de la mango

Name Walter W. Chapman

Address 6222 S Calle De La Rosa

Name Yachir Chapman

Address 6222 S. Calle De La Rosa.

Name Mary Foss

Address 6505 Calle de La Naranja

Name \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

**Concerned Hereford Neighbors**

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

Dear Mr. Dennis,

We do not support the request for Eldercare to use Labrador Lane to Calle de La Mango. We did not move here to have a continuous string of shift workers, delivery drivers, visitors, emergency vehicles and the like continually patrolling our neighborhood creating noise, dust and danger beyond reason. We moved here to enjoy the peace and quiet of the country.

The county's allowance for the facility to become established in our neighborhood in the first place when specific covenants are in place to prevent business operations is certainly not a credit to Cochise County. This is a residential area for families to enjoy peace and quiet, not a place for a commercial medical business that draws many strangers and excess traffic of every variety. Eldercare chose to place their business in the country, if they are allowed to stay at all, they need to use the county road system and leave the residential homeowners alone.

The easement they desire to use was originally a dead-end driveway to the home, now incorporation known as Windmill Ranch. The single track driveway was never a problem for us until Eldercare widened, graded, graveled and turned scores of vehicles loose on it. During the many months that Eldercare utilized the easement to Mango, we grew extremely tired of the problems they created. The dust and noise alone were beyond reason.

Being uninformed that a business was operating in that home, many in the neighborhood suspected a crack house operation because of the high volume of traffic at odd hours. That brings us to another point. Medical facilities store medications. This is a natural draw for violent criminal activity. Sealing the access from Calle de La Mango would at least keep that danger out of Calle de La Mango's part of the neighborhood.

Eldercare agreed to abandon the easement last year. However, to our displeasure, they have not held to their agreement. They have begun using it again. It is now time for them to stop.

Please, do not approve Eldercare's request for use of the Labrador easement. We expect a written response from your office regarding this matter.

Sincerely,

*Mary Bridget Lemanski, Jr.*  
*Mary Bridget T. F. Lemanski*  
*Chester S. Lemanski, Jr.*  
*Keith Dennis*

Name(s) \_\_\_\_\_

Address 6524 Calle de la Mango  
Hereford, AZ 85615

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
PLANNING

Dear Mr. Dennis,

We do not support the request for Eldercare to use Labrador Lane to Calle de La Mango. We did not move here to have a continuous string of shift workers, delivery drivers, visitors, emergency vehicles and the like continually patrolling our neighborhood creating noise, dust and danger beyond reason. We moved here to enjoy the peace and quiet of the country.

The county's allowance for the facility to become established in our neighborhood in the first place when specific covenants are in place to prevent business operations is certainly not a credit to Cochise County. This is a residential area for families to enjoy peace and quiet, not a place for a commercial medical business that draws many strangers and excess traffic of every variety. Eldercare chose to place their business in the country, if they are allowed to stay at all, they need to use the county road system and leave the residential homeowners alone.

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Sincerely,

Name(s) Jean Welehant  
Address 6460 S. Calle de la Mango

**Concerned Hereford Neighbors**

September 18, 2010

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1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) Linda Jaime Barnett

Address 6452 S. Calle de la Mango, Hereford, AZ 85605

36

F

**Concerned Hereford Neighbors**

September 18, 2010

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ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) Harry Meyer  
Address 5455 E. Windmill Vista Rd,  
Hereford AZ

37  
F

**Concerned Hereford Neighbors**

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ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) Kari Priddis  
Address 5677 E Bramwell Rd Hereford, AZ 85615

38  
F

Concerned Hereford Neighbors

September 18, 2010

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ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) [Handwritten Signature]  
Address 6760 S. Calle De La Mango  
Hereford AZ 85715

39  
F

**Concerned Hereford Neighbors**

September 18, 2010

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ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) Linda Eastlack

Address 6583 Calle de La Mango Hereford AZ 85603

40  
F

## Concerned Hereford Neighbors

September 18, 2010

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ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
PLANNING

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Sincerely,

Name(s) Charles + Lauren Padgett  
Address 5604 E. Bramwell Hereford AZ  
85615

41  
F

**Concerned Hereford Neighbors**

September 18, 2010

COCHISE COUNTY  
PLANNING

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) Joe Rafter 42  
Address 6670 Calle De La Mango Hereford AZ F

**Concerned Hereford Neighbors**

September 18, 2010

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Bisbee, AZ 85603

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Sincerely,

Name(s) Ron Castro Maelle E. Castro  
Address 5780 E. Labrador Lane  
Hereford, AZ 85615

43

F

**Concerned Hereford Neighbors**

September 18, 2010

COCHISE COUNTY

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ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) Ronald Herouf  
Address 5758 LABRADOR LN.

44  
F

**Concerned Hereford Neighbors**

September 18, 2010

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ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) Jimmy Kelly Stanford 45  
Address 5734 E LABRADOR LN, Hereford, AZ F  
85615

**Concerned Hereford Neighbors**

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Sincerely,

Name(s) Robert Spalding  
Address 5726 E. Labrador Ln. Hereford AZ  
85615

46  
F

**Concerned Hereford Neighbors**

COCHISE COUNTY

September 18, 2010

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ATTN: Keith Dennis  
1415 Melody Lane  
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Sincerely,

Name(s) Carolyn J. Harkins 47  
 Address 5616 MAGARTEE VISTA Hereford AZ F  
85115

Concerned Hereford Neighbors

September 18, 2010

COCHISE COUNTY

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1415 Melody Lane  
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Sincerely,

Name(s) Neil Ebbell 48  
Address 5636 MAGARTEE VISTA Rd Hereford AZ  
85615 F

Concerned Hereford Neighbors

September 18, 2010

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ATTN: Keith Dennis  
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Being uninformed that a business was operating in that home, many in the neighborhood suspected a crack house operation because of the high volume of traffic at odd hours. That brings us to another point. Medical facilities store medications. This is a natural draw for violent criminal activity. Sealing the access from Calle de La Mango would at least keep that danger out of Calle de La Mango's part of the neighborhood.

Eldercare agreed to abandon the easement last year. However, to our displeasure, they have not held to their agreement. They have begun using it again. It is now time for them to stop.

Please, do not approve Eldercare's request for use of the Labrador easement. We expect a written response from your office regarding this matter.

Sincerely,

Name(s) Mary Ellen + Thomas McCluskey  
Address 6360 Calle de la Mango  
Hereford, AZ 85645



**Concerned Hereford Neighbors**

September 18, 2010

COCHISE COUNTY  
PLANNING

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

Dear Mr. Dennis,

We do not support the request for Eldercare to use Labrador Lane to Calle de La Mango. We did not move here to have a continuous string of shift workers, delivery drivers, visitors, emergency vehicles and the like continually patrolling our neighborhood creating noise, dust and danger beyond reason. We moved here to enjoy the peace and quiet of the country.

The county's allowance for the facility to become established in our neighborhood in the first place when specific covenants are in place to prevent business operations is certainly not a credit to Cochise County. This is a residential area for families to enjoy peace and quiet, not a place for a commercial medical business that draws many strangers and excess traffic of every variety. Eldercare chose to place their business in the country, if they are allowed to stay at all, they need to use the county road system and leave the residential homeowners alone.

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Being uninformed that a business was operating in that home, many of us suspected a crack house operation because of the high volume of traffic at odd hours. That brings us to another point. Medical facilities store medications. This is a natural draw for violent criminal activity. Sealing the access from Calle de La Mango would at least keep that danger out of Calle de La Mango's part of the neighborhood.

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Please, do not approve Eldercare's request for use of the Labrador easement. We expect a written response from your office regarding this matter.

Sincerely,

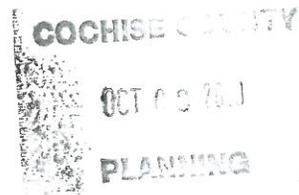
  
Name(s) GERALD & KUNIE KUMMER  
Address 6420 S. CALLE DE LA MANGO  
HEREFORD, AZ 85615

F  
50

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603



Dear Mr. Dennis,

Many in our neighborhood were unaware that a business was being established in our residential country neighborhood until well after the fact. It is apparent that Eldercare snuck into our neighborhood without notification, and it would appear with the full approval of Cochise County.

Since no one was informed by either the incorporation or by the county that a business was to begin operating in our neighborhood, and with the sudden increase of traffic at all hours on the dead-end driveway to the old ranch house, many people suspected a drug or possibly a smuggling operation. We found out through others in the community that the county had approved a commercial business to operate in our residential area.

We'd like to make it clear that we are not happy to have any such a business operating in our rural neighborhood and we want no expansion of their operation nor allowance of any further encroachment on any residents.

We do not support the September 10, 2010 request by Eldercare. Approval of such a request would indicate to us that the county is again not acting in the best interest of it's residents. The county's approval of the business in our residential neighborhood in the first place makes us wonder what other encroachments Cochise County might approve that would be contrary to our interests and to our safety.

Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) Sarah Kirk  
Address 6320 S. Calle De La Mango, Hereford AZ

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
OCT 08 2010  
PLANNING

Dear Mr. Dennis,

Many in our neighborhood were unaware that a business was being established in our residential country neighborhood until well after the fact. It is apparent that Eldercare snuck into our neighborhood without notification, and it would appear with the full approval of Cochise County although a "no business" covenant is in place.

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We do not support the September 10, 2010 request by Eldercare for Life, Incorporated to use easement property when a county road is obviously more accessible. Approval of such a request would indicate to us that the county is again not acting in the best interest of we residents. The county's approval of the business in our residential neighborhood in the first place makes us wonder what other encroachments Cochise County might approve that would be contrary to our interests our safety, and against written restrictions.

Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue and we expect notification of any supervisor meetings regarding this issue.

Very Sincerely,

Name(s) Paulan R. White Suncha White

Address 6407 Calle Mango, Hereford, AZ, 85615

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
OCT 02 2010  
PLANNING

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) Amy D. Huddon

Address 5756 Calle De La Almendra, Hereford AZ

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Very Sincerely,

Name(s)

*Charlet E. Trusty*

Address

*5761 Calle de la Manzana  
Hereford AZ 85615*

**Concerned Hereford Neighbors**

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Very Sincerely,

**COCHISE COUNTY**

OCT 9 7 2010

**PLANNING**

Name(s) Jason Kirk  
Address 6320 S. Calle De La Mingo Hereford AZ

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
PLANNING

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

JOHN C. BRYAN  
*John C. Bryan*

Name(s)

Address 5714 Calle de la MANZANA

Residence Address 2014 N. 66 AVE  
PHX, AZ 85035

F 56

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
SEP 20 2010  
PLANNING

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue and we expect notification of any supervisor meetings regarding this issue.

Very Sincerely,

Name(s) Sherry Woodward  
Address 5585 E. Calle del Narciso  
Hereford, AZ 85615

F 57

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
PLANNING

Dear Mr. Dennis,

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue and we expect notification of any supervisor meetings regarding this issue.

Very Sincerely,

Name(s) Lillian A. Dethrell  
Address 6537 S. Calle de La Naranja  
Hereford, AZ 85015

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

Dear Mr. Dennis,

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,



Name(s) Walter & Yoshie Chapman

Address 6222 S. Calle De La Rosa  
Hereford AZ 85615

COCHISE COUNTY

SEP 23 2010

PLANNING

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
SEP 28 2010  
PLANNING

Dear Mr. Dennis,

Many in our neighborhood were unaware that a business was being established in our residential country neighborhood until well after the fact. It is apparent that Eldercare snuck into our neighborhood without notification, and it would appear with the full approval of Cochise County.

Since no one was informed by either the incorporation or by the county that a business was to begin operating in our neighborhood, and with the sudden increase of traffic at all hours on the dead-end driveway to the old ranch house, many people suspected a drug or possibly a smuggling operation. We found out through others in the community that the county had approved a commercial business to operate in our residential area.

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) Stevilla A Smith

Address 6270 Calle de la Rosa  
Hereford

F  
60

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
PLANNING

Dear Mr. Dennis,

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) Candace M. Coates  
Address 6292 S. Calle de La Rosa  
Hereford, AZ 85615

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
PLANNING

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) Jean G. Hudson  
Address vacant lot west of Caledonia  
Mango between Bramwell  
& Mc Gargee Vista

F 62

## Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY

PLANNING

PLANNING

Dear Mr. Dennis,

Many in our neighborhood were unaware that a business was being established in our residential country neighborhood until well after the fact. It is apparent that Eldercare snuck into our neighborhood without notification, and it would appear with the full approval of Cochise County although a "no business" covenant is in place.

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue and we expect notification of any supervisor meetings regarding this issue.

Very Sincerely,

Name(s)

Dawn Nuetzel

Address

Po Box 10025, Hereford AZ 857015

F  
63

**Concerned Hereford Neighbors**

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY

PLANNING

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) Theresa Boggie (Theresa Boggs)  
Address 8248 S. Sexton Place PO Box 1721  
Hereford, Az 85615

8  
2/21

**Concerned Hereford Neighbors**

September 18, 2010

COCHISE COUNTY

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

PLANNING

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) YVONNA AXEES      RICK AXEES

Address 6333 CALLE MANSO

F 65

## Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY

SEP 20 2010

PLANNING

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Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) Jean Waters  
Address 5192 E Calle Almendra  
Hereford Az 85615

F 66

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY

SEP 24 2010

PLANNING

Dear Cochise County Planning,

Many in our neighborhood were unaware that a business was being established in our zoned "no business" residential neighborhood. We were never notified by either Eldercare for Life, Incorporated or by Cochise County before they began operations.

All properties in this neighborhood are subject to a "NO BUSINESS" covenant. We understand that the property owners, Monica Vandivort and Nathan Yarborough are in a business agreement with Eldercare for Life, Incorporated. Eldercare for Life, Incorporated is a business. They and the property owners are in violation of the "no business" covenant. Since we were not notified by the county before this operation began, we assume that the county was also unaware. If the Cochise County was aware, then Cochise County is also in violation.

We do not want a business operation here at all. We chose to live in the country for the peace and quiet of the country, not to be overrun by non-residents operating businesses!

We do not support the September 10, 2010 request by Eldercare for Life, Incorporated for use of easement property when a county road is more accessible. Approval of such a request would indicate to us that the county is not acting in the best interest of its residents. For approval of the business in our residential neighborhood in the first place makes us wonder what other encroachments Cochise County might allow against us.

Furthermore, we expect a full explanation from Cochise County regarding this matter.

Most Sincerely,

Name(s): Bernard L. Mooradian

Address: 6719 Se Calle de la Mangua

## Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY

SEP 21 2010

PLANNING

Dear Mr. Dennis,

Many in our neighborhood were unaware that a business was being established in our residential country neighborhood until well after the fact. It is apparent that Eldercare snuck into our neighborhood without notification, and it would appear with the full approval of Cochise County.

Since no one was informed by either the incorporation or by the county that a business was to begin operating in our neighborhood, and with the sudden increase of traffic at all hours on the dead-end driveway to the old ranch house, many people suspected a drug or possibly a smuggling operation. We found out through others in the community that the county had approved a commercial business to operate in our residential area.

We'd like to make it clear that we are not happy to have any such a business operating in our rural neighborhood and we want no expansion of their operation nor allowance of any further encroachment on any residents.

We do not support the September 10, 2010 request by Eldercare for Life to use easement property when a county road is obviously more accessible. Approval of such a request would indicate to us that the county is again not acting in the best interest of it's residents. The county's approval of the business in our residential neighborhood in the first place makes us wonder what other encroachments Cochise County might approve that would be contrary to our interests and to our safety.

Please, do not grant Eldercare's request. We expect a written response from Cochise County regarding this issue,

Very Sincerely,

Name(s) Joni & Elizabeth Woodard

Address 6509 Calle De La Mango Hereford Az 85615

**Concerned Hereford Neighbors**

September 18, 2010

COCHISE COUNTY  
PLANNING

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

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Furthermore, we expect a full explanation from Cochise County regarding this matter.

Most Sincerely,

Name(s): Wendy Pickett

Address: 10506 E Hwy 92 Hereford, Az. 85615

**Concerned Hereford Neighbors**

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
PLANNING

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Furthermore, we expect a full explanation from Cochise County regarding this matter.

Most Sincerely,

Name(s): Mary Gule

Address: 6916 Calle de la Mungo

Concerned Hereford Neighbors

September 18, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
PLANNING

Dear Cochise County Planning,

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Furthermore, we expect a full explanation from Cochise County regarding this matter.

Most Sincerely,

Name(s): Angela Taylor, Jenny Kozan (Vee-dog)  
Address: 5691 E Branwell Hereford AZ 85615

Chester & Mary Bridget Lemanski  
309 Massachusetts Road  
Browns Mills, NJ 08015  
Email: [lemanskibirds7@comcast.net](mailto:lemanskibirds7@comcast.net)  
(609) 893-7366

and

6524 Calle de la Mango  
Hereford, AZ 85615

Cochise County Planning Department  
ATTN: Mr. Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603  
Dear Sir:

We recently became aware of the issues involving the Windmill Ranch (Eldercare For Life, Inc.) upon receipt of their letter, dated September 10<sup>th</sup>, 2010. Since receipt of that letter we have been in contact with our neighbors on Calle de la Mango and tributary lanes. We have also conducted internet research regarding this facility and its parent corporation.

First, let us begin with an essential truth. Prior to making our decision to purchase our retirement home in Arizona we looked in several counties which we thought suitable. I (Chester Lemanski) had a recurring requirement to visit Fort Huachuca on US Army business prior to retirement. During those trips I did neighborhood research and determined that the Garden Vista area was a very low crime, low traffic area, since it was essentially accessed by a single main road without outlets to the north. These circumstances contributed to our decision to buy our home here.

During the process of purchasing our residence, we learned of the original deed covenants which apply to all properties within this sub-division, specifically, only single family, single story residences. We understand that there are no active homeowners associations acting here. If there were we would not have purchased (personal penchant for freedom). We also understand that the county does not enforce provisions of homeowner associations such as the increased property line setbacks.

All the foregoing being said, it was a great disappointment to learn of what has gone on with this medical care facility. We are aware of Mr. & Mrs. Sampson's critical problems with what has been done thus far. The impact does not end with the Sampson's, nor does it end with what Eldercare has done thus far.

First, that corporation is apparently in violation of what they agreed to thus far. They are persisting now in increasing the negative impact of their commercial venture at the expense of the residential neighbors.

We have carefully reviewed all information received and researched to date. We have arrived at a conclusion that the following scenario is very likely considering the actions of the Vandivort-Yarborough actors:

1. The actors are intent on increasing the size and scope of the commercial activities in the proximity of our residences. Additional parcels of property are available adjacent to their current holdings and the owners of these parcels, in at least some cases, are hopeful of selling their land to the actors. They have been incrementalizing their project thus far and this behavior can be anticipated to continue.

Our opinion is based in part on the circumstance that the actors' existing facility is too small to be viable in the long term. It costs more per patient to care for a smaller patient population than a larger one since all required care givers, equipment and utilities are spread over a smaller number of customers.

Expansion of the facility would impose an even greater disruption to the tranquil nature of the residential community in its proximity.

2. The actors have refused to accept that the fact that there is a county-maintained road leading to their facility. I coordinated with personnel from Cochise county on a recent trip to Arizona. This was regarding the possibility of opening a driveway to our property on Calle de la Mango since the existing driveway is on Magargee Vista Lane. The lane is too narrow to accommodate any truck over 17 feet in length, complicating our move. I was advised that it is county policy that if a residence has access on two streets, the access driveway **MUST** be on the road least traveled. Why doesn't that apply in this case?

3. The increase in vehicular traffic due to the improvements of the Kummer-Sampson easement by the actors is hardly at its ultimate high volume. First, as the actors enlarge their commercial enterprise, the traffic caused directly by it will increase. But, more importantly, the probability of an exponential increase in local traffic is predictable based on circumstances.

The residents at the north end of Garden Vista must now travel out to Hereford Road to reach route 92 for travel to commercial and retail areas and the population center of Sierra Vista. Once the actors open up this first conduit to the north through their property and out to route 92 via Calle de la Naranja, and the local residents all become aware of it, it will become the egress of choice from Garden Vista. Calle de la Mango will then become a major through street.

This predictable situation is ironic since the state of Arizona recently spent seven figures to improve the intersection of Hereford Road and route 92, including state of the art traffic control signals and reduced speed limits. Traffic exiting Garden Vista via Labrador Lane/Calle de la Naranja will dump onto route 92 at an unimproved intersection. This

will increase traffic safety issues and negate the full effect of the expensive improvements to the Hereford Road intersection. Has anyone considered this situation?

4. The actions of the actors from the beginning have apparently been secretive and conducted in such a manner as to indicate intent to deceive and obfuscate. This includes their latest letter with a short suspense to an action date.

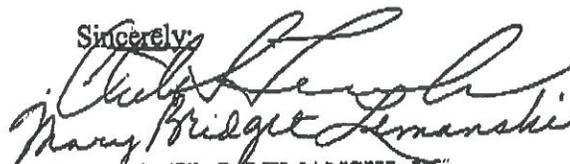
5. I understand that Dr. Vandivort is a highly respected geriatric physician; however, her executive-level involvement in at least three corporations, all based out of her home address, raises questions about her actual intentions. There are apparently all manner of commercial-zoned properties available in the greater Sierra Vista-Hereford area. There are property taxes levied on all of these parcels, regardless of location; thus, the county will still realize tax revenue regardless where the actors build their facility. Why are they so intent in building it in a designated residential neighborhood where it is not wanted?? The ground zero mosque issue comes to mind!

We have had nothing but the most professional encounters with Cochise County officials in a variety of offices since we purchased our home. We are not criticizing the county for what has occurred to date since it is possible their actions with the county have been misrepresented as well. The internet now clearly reflects that they are using Labrador Lane as the address of record for their facility, not Calle de la Naranja. This circumstance alone strongly indicates that they have no intention of complying with county-mandated restrictions on using Labrador Lane as their primary means of ingress/egress.

Not only do we not approve of granting their request to lift the restrictions on their use of Labrador Lane, but also feel that an investigation might be in order to determine if they have made misrepresentations to the government. Further, there should be sanctions for their disregard of the existing county-mandated restrictions.

We know that this is a lengthy letter; however, we wanted to insure that the extent of our feelings and research are brought to your attention. We are not opposing their intended actions offhandedly by any means. Our retirement dream home is now in jeopardy of being located on a major thoroughfare with an increased traffic safety risk and increased crime.

Sincerely,



CHESTER S. LEMANSKI, JR.  
MARY BRIDGET LEMANSKI

## Dennis, Keith

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**From:** KENNETH F SAMPSON [mtnmaster\_6@msn.com]  
**Sent:** Thursday, September 23, 2010 1:26 PM  
**To:** Dennis, Keith  
**Subject:** Letter of non approval

**Attachments:** Our Letter.doc



Our Letter.doc (26  
KB)

Keith,

Before I leave for work in about an hour, I want to drop a quick line letting you know I'll be trying to drop by your office in the late morning tomorrow. I am not sure what you mention of the 24th was, but I don't want to miss any unknown suspense regarding the intrusion of Eldercare, Incorporated in our neighborhood.

I'll be bringing a signed copy of the attached letter. I'll also be dropping off a number of other signed letters from our neighbors. Also, I have a petition to drop with you.

I and my neighbor friends will not cease until this matter is settled. I've lost twelve pounds in this recent effort and have been unable to sleep since we received the letter from Eldercare. My wife is having similar reactions. We've had to use separate bedrooms just to get three or four hours of sleep a night. We feel that we are losing what we spent nearly forty years working so hard for.

Ken Sampson

## Dennis, Keith

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**From:** KENNETH F SAMPSON [mtnmaster\_6@msn.com]  
**Sent:** Monday, September 20, 2010 12:00 PM  
**To:** Dennis, Keith  
**Subject:** Grading the driveway

Keith,

Would it be possible to get an order for Eldercare, Incorporated to cease grading the easement at least until this is settled. They've graded it twice in the last month. They graded it last Friday evening again.

It is funny that every time they go on the attack to push us over, they cease use of the easement entirely. They did that last year when they were on the attack too. At the same time, I don't understand why Scott Wolfe is so intent on continuing to grade it.

Thank you,

Ken Sampson

To compel a man to subsidize with his taxes the propagation of ideas which he disbelieves and abhors is sinful and tyrannical.

Thomas Jefferson

## Dennis, Keith

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**From:** KENNETH F SAMPSON [mtnmaster\_6@msn.com]  
**Sent:** Monday, September 20, 2010 11:46 AM  
**To:** Dennis, Keith  
**Subject:** Re: Mailing Labels

Thanks Keith, and thanks for the call. You could tell I'm getting a bit overwrought with this hanging over our heads again.

We thought it was settled last year only to see this very aggressive outfit attack us again.

Thanks for understanding, and staying with us in our frustration.

Ken Sampson

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

**From:** Dennis, Keith  
**To:** KENNETH F SAMPSON  
**Sent:** Monday, September 20, 2010 9:10 AM  
**Subject:** RE: Mailing Labels

We have just over two months, and that is assuming they get in before the 24th deadline. There will property owner letters sent out by the County, and a public hearing on the 10th of November.

Eldercare was required to send those Citizen Review letters out, and to do so far in advance of any public hearing, which is when the P&Z Commission would make their decision on this matter. Those decisions are appealable to the Board of Supervisors if you or they wind up dissatisfied with the result.

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**From:** KENNETH F SAMPSON [mailto:mtnmaster\_6@msn.com]  
**Sent:** Mon 9/20/2010 8:58 AM  
**To:** Dennis, Keith  
**Subject:** Re: Mailing Labels

That is not a reasonable time for us to react. The letter written by Eldercare was only dated the 10th and residents didn't get it until a few days after that. We need more time. I'd hate to lose our property rights to a bunch of strangers taking over my back yard permanently. So would our neighbors.

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

**From:** Dennis, Keith <mailto:KDennis@cochise.az.gov>  
**To:** KENNETH F SAMPSON <mailto:mtnmaster\_6@msn.com>  
**Sent:** Monday, September 20, 2010 7:13 AM  
**Subject:** RE: Mailing Labels

Ken, if they make the September 24 deadline, the item will be heard by the Commission on

## Dennis, Keith

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**From:** KENNETH F SAMPSON [mtnmaster\_6@msn.com]  
**Sent:** Monday, September 20, 2010 10:12 AM  
**To:** Dennis, Keith  
**Subject:** Re: Mailing Labels

**Attachments:** Petition 2.pdf; Petition 1.pdf



Petition 2.pdf (756 KB)



Petition 1.pdf (779 KB)

Thank you.

I spent Saturday going door to door on foot. I visited 19 homes and got 29 signatures and 20 signed letters opposing the takeover of the easement.

Today, I am mailing many others from the list you provided. I am asking people to sign a similar letter to the one I hand carried Saturday.

I'm sure that will take us well past the 24th as some of the addressees are out of state. I've actually been called by a family in New Jersey on this matter.

As you can see, if I visited 20 homes and got 20 letters, 100% of the people here are totally against ANY expansion or takeover of a medical business in our zoned no business neighborhood. (See attachments for petition, the letters will be forthcoming).

It would appear that information is power. Windmill Ranch is praying on the uninformed. I'd hate to accuse the supervisors of the same thing. The county needs to allow the information to get to the people. In fact, they should have actually been the distributors of very complete information as it affects many people. It is obvious that Monica Vandivort with her four other incorporations in our area is WELL connected in the county. It is too bad that the supervisors have no concern for the other tax payers of the county.

In America, we seem to lose a freedom or two every day of our lives. It is bad government that allows such action.

Again, thank you Keith. You seem to be the one county person that cares enough to help.

Ken Sampson

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

**From:** Dennis, Keith  
**To:** KENNETH F SAMPSON  
**Sent:** Monday, September 20, 2010 9:21 AM  
**Subject:** RE: Mailing Labels

Ken, I am in a training session right now checking my email on a laptop with a different sort of keyboard. I was trying to say that there ought to be plenty of time for any sort of organizing of public efforts you would care to engage in. The clock doesn't even start until after the deadline, for instance.

## Dennis, Keith

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**From:** KENNETH F SAMPSON [mtnmaster\_6@msn.com]  
**Sent:** Friday, September 17, 2010 11:51 PM  
**To:** Dennis, Keith  
**Subject:** Re: Mailing Labels

Keith,

Thank you very much. It appears that my neighbors and I have our work cut out for us over the next few weeks.

When I arrived home from work tonight, I saw that Scott Wolfe had once again plowed through the lane with his blade. I can't understand why a supposed Christian organization continues to break their word. The use of the lane is has again been getting out of control! Again Scott left the gates open. It was dark so I could not see if he bent the posts over again like he bragged about doing the last time he stirred up the dust.

I can't see why he can't at least wait until the county approves or disapproves their recent request.

If it is approved Vickie and I will be selling our home. I'm retired military. Vickie and I lived in nearly twenty homes in twenty-three years. This was designed to be our final home until death. If the lane is opened, we'll have lost that dream. We'll will leave Cochise County in it's own dust.

Thanks again for your help,  
Ken Sampson

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

**From:** Dennis, Keith  
**To:** mtnmaster\_6@msn.com  
**Sent:** Friday, September 17, 2010 1:42 PM  
**Subject:** Mailing Labels

<<SKMBT\_C55209091713320[1].pdf>>

Keith Dennis - Senior Planner  
Cochise County Community Development  
1415 E Melody Lane  
Bisbee AZ 85603  
Phone (520) 432-9244  
Fax (520) 432-9278

**Public Programs - Personal Service**  
[www.cochisecounty.com](http://www.cochisecounty.com)

Kenneth F and Vickie R. Sampson  
6348 S. Calle de La Mango  
Hereford, Arizona  
(520) 803-9135

September 23, 2010

Cochise County Planning Department  
ATTN: Keith Dennis  
1415 Melody Lane  
Bisbee, AZ 85603

COCHISE COUNTY  
SEP 24 2010  
PLANNING

Dear Mr. Dennis and Supervisors,

Once again, we do not support the request for Eldercare to use Labrador Lane to Calle de La Mango. The single family drive that we pay taxes on is less than 25 feet from our house and is basically part of our back yard. We did not move to the country to have a continuous string of shift workers, logistical services, inspectors, doctors, delivery truck drivers, visitors, obtrusive emergency vehicles and the like continually patroloing our back yard creating noise and dust as well as danger to our grandchildren at all hours. We do not enjoy having scores of strangers constantly stare into our back yard and into our lives at all. This highly intrusive Eldercare business needs to utilize the shorter and county maintained Naranja route as directed by Cochise County last year.

In 1997, we purchased the property on which to build our home because it was near the end of an essentially dead-end road in the country, and because there was a "no business" covenant in the entire neighborhood. We wanted serenity after living in 18 different homes during my military service to our country. This was to be our final and peaceful home for the rest of our lives.

During the first ten years here, our pride of home ownership showed in the time we spent trimming, planting and landscaping. We erected masonry terraces, Koi ponds, a pergola, a gazebo and even a bird sanctuary. We took pride in our back yard grilling, dining and hot tub area. We enjoyed many gatherings and celebrations in the quiet of the beautiful area we had created.

All of that came to a halt as we experienced the city-like intrusion of cars and large trucks on what use to just be a friendly neighbor's driveway passing our back yard. If you look at our property now, you'll see the decay of all our efforts as we have had our joy stripped away by unwanted strangers. We no longer enjoy or even care to maintain what we had worked so hard to design and build. No more back yard weddings or

celebrations. We have not had a gathering at our home at all now in over two years due to the loss of privacy and quiet, not to mention the dust and the danger to our and to our guests children.

Even after Eldercare for Life was directed by the county to cease use of the old driveway last year, they failed to comply. After our installing the gates at the recommendation of the planning office, Eldercare continues to abuse us by driving on the lane, grading it, and by their outright wanton destruction of our expensive gates.

As for Eldercare's recent claim that they "need" our property for emergency services access, the fire station on Yaqui on two occasions has informed us that since S. Edward now connects with Fresa, they are using the county maintained and ½ mile shorter route of Naranja to access Windmill Ranch. The Yaqui Fire Station even offered to place fire department locks on our gates to help us curb the misuse.

For county planning to permit a medical facility to become established in our neighborhood in the first place when specific covenants are in place to prevent business operations is certainly not a credit to Cochise County. This was once a residential area for families to enjoy the peace and quiet of the country. Now it appears that it is a place for a commercial medical business that draws strangers and excess traffic from cars to delivery trucks at all hours of the day and night. Eldercare chose to place their business in the country and Cochise County broke the rules at our expense to allow them to do so. If Eldercare for Life, Incorporated is allowed to remain at all, they must be forced to use the county road system and leave residential homeowners alone.

We are not alone in our disgust with both Eldercare for Life, Incorporated and with Cochise County Planning. We have visited many homes in our neighborhood. Everyone we visited was eager to sign letters and a petition in an effort to halt the growth of a city-like business in our once placid country neighborhood. The sentiments are overwhelmingly against the county's actions of permitting the business in our zoned "no business" neighborhood. Some have cited the fact that there is now a draw for criminal activity as medical facilities dispense drugs and drugs draw violent criminals. People are sick and tired of the excessive and non-resident traffic on our streets. They are incensed that the county would act as they have by approving such an establishment without first canvassing them on the matter.

The Eldercare, Incorporated attacks never cease. This entire easement issue was handled last year with the outcome being that Eldercare for Life, Incorporated was directed by the county to cease use of the driveway. We spent much time and money fighting it then and we now find ourselves spending even a greater amount of time (including vacation time from work) and money in a recurrence of the same fight.

Finally, if the use of our property by eldercare is approved, we will be selling the home we designed to be our final home. We will be leaving Cochise County in disgust. We are certain that the sale will be a problem and we will suffer a huge financial loss. After all, who would buy a home this far from town when they can get more privacy, less traffic less noise and can avoid a constant dusting by living in town?

Your favorable consideration of this matter is most urgently requested,

Earnestly,  
 

Kenneth F. and Vickie R. Sampson

COCONINO COUNTY

OCT 04 2010

PLANNING

September 30, 2010

To whom it may concern,

This letter comes to you in response to an upcoming review of Labrador Lane in Hereford, Arizona. Being a nearby resident of Windmill Ranch, an assisted care facility in my understanding, it seems appropriate that I submit a few comments on behalf of myself and others in the neighborhood.

It should be noted first that we have been in the area for over twelve years and that the original access to the property that has become Windmill Ranch was from Calle De La Mango, an estimated mere distance of three hundred feet from the county maintained, hard-surfaced road. However, somehow and without notice or a comment period to neighboring residents, travel to this property was diverted to Calle De La Naranja Street, resulting in nearly a half mile of negotiating a sporadically maintained county dirt road. Obviously, that has changed a once dead-end road into a much more hazardous thoroughfare for the numerous residents, including numerous children.

We also have a question as to whether it is appropriate to have a perceived commercial venture in the form of a multi-family residence in the area of a single-family location. I am reasonably certain that the county zoning authorities would not allow this to happen outside set guidelines, but we must reaffirm that this arrangement was not submitted to local residents prior to its acceptance for comments and opinions. We do not deny anyone the right to a business or means of income or the county a new source of tax revenue. However, it should be fulfilled only after the completion of due process. According to several residents along Calle Naranja Street, they knew nothing of this during the planning and approval stages.

In a concluding summary of these listed concerns, it should be clearly known that we are in agreement that the access to the Windmill Ranch property on Labrador

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Lane should be returned by way of its original easement from Calle De La Mango. It might also be revisited as to whether a multi-family and/or commercial housing project is appropriate for the existing single-family residential area in question. We are certain that you are fully aware of the real impact of these changes brought to the neighboring area—increased traffic, excessive speed of traffic, increased dust, additional hazards to resident pedestrians, and accelerated damage to the dirt road. We do want you to realize, too, that these problems did not exist prior to the rerouted access onto Calle De La Naranja. They certainly were not a factor prior to the change from a family residence to an assisted care facility. Return as much of this unsupported action to the original configuration as is feasible.

Thank you for your time and careful understanding in this matter.

Respectfully,

David Dicky

F

We object to the removal of the conditions set by the Planning and Zoning commission last year. We cite the same reasons as before: Increased traffic causing a lack of privacy, exposure to unknown people, disturbing our peace and quiet plus setting up a potential for increase of crime in our area.

Both the staff and Nathan Yarbough have not complied with the conditions. We have witness numerous times of service vehicles, medial delivery personnel, visitors and staff members using the East end of Labrador Lane. Many of these incidents but not all were reported by phone to the Planning and Zoning Office.

Labrador Lane is not a county maintained road. It is not a public road. It is an easement with rights of ingress and egress by the property owners needing to do so. Due to the Orange sign for Rural Addressing, some people have assumed it is a public road. In order to protect our property and privacy, gates were installed across the lane to indicate that this is private property. This was also to slow down the delivery drivers who were driving fast enough to raise dust. Signs indicating that this is a private driveway have been ignored.

There is access via Calle de la Naranja. Naranja is a county maintain road with access to the Windmill ranch facility without disturbing any other residents of Labrador Lane. We asked some of the users of Labrador Lane why they were coming this route instead of going via Naranja. The Lowes delivery man, some visitors and others said because the staff at the facility had told them to come this way. They were also told to leave the gates open. We feel that the Planning and Zoning commission set some reasonable conditions on the owners of the Windmill Ranch Facility. These conditions have not been met.

We had a survey done of our property to determine exactly where the easement lay. The survey was done by the Alta Land Survey a licensed survey company in Cochise County. The survey has been recorded at the county recorder office. Maps that had came with our deed show three easements along the south side of our property lined up next to each other. The easements per the survey show that the easements are not next to each other. The easements are over top of each other but do not line up. The assumption had been made that there was 36 feet available for ingress and egress. This is not true.

The 12 foot easement: (Document No. # 9306-16266) on the south side of our property pertains only to us. It has been abandoned by merger. We bought the first lot in 1993 closing was done Oct 1993 after which we purchased the lot to the west in Dec 1993. By definition an easement is granting another access to another to get from point A to point B.

The two remaining easements are (Document No. # 8512-25341) a 24 foot easement and (Document No. #9402-03836) a 12 foot easement layered over the top of each other in a skewed manner. The result of the exact layout of the easements results in less than 24 feet available for ingress and egress. That would pose no problem or concern for a single house dwelling but for the use of a business it would cause concerns. Again, I will repeat there is room at the west end of Labrador Lane. There is undeveloped property that could be obtain by the facility should they need to do so.

Kummer Letter  
Nov 1 2010 F 85

The driveway, that is Labrador Lane, has for the past 15 years of the 17 years that we have owned this property, been two ruts going back to an old ranch house. Thru the years John Fritz has lived there on and off. He has rented it out at times. He had put up a gate with a lock as he had been bothered by people coming to look see what was there. Since purchasing the property Nathan and Monica have decided to make changes. Nathan put down gravel and widened the lane. These changes have now encouraged others to believe that this is a road. Ignorance on their part, but an assumption based on the Orange Sign saying Labrador Lane plus an ability to drive or walk from Calle de la Mango to Calle de la Naranja. When asked why they were driving on this they claimed they had a right to do so.

We ask that the 24 foot easement (document No. 8512-25341) be amended to remove the ingress and egress conditions of the easement for the 385.9 feet abutting parcels 104-02-006Z and 104-02-029C. We also ask that the lane be renamed. This would help avoid confusion due to the part of Labrador Lane that is across Calle de la Mango but not aligned with the Labrador Lane in question. Please refer to the accompanying diagram for additional details. This would solve the issue regarding which end of Labrador Lane is to be used. This would still allow access by all other parcels abutting this lane.

The other six property owners have access to their property via the west end of Labrador Lane. The access from the east end between the Sampson and us (Kummer) is a want not a necessity. Of the six properties that are abutted to the access, three have already established utilities and ingress/egress by other routes. Of the remaining three parcels, two have access to their properties by way of easement on their south and north sides. The remaining property has access via easement to Calle de la Naranja and Calle de la Rosa.

The property owners of parcel #104-02-006F have elected to engage in the business running a home resident care facility. They have abused the privilege of the right to cross our property altering the existing driveway. They have a right to cross our property but they do not have the right to deny us our rights to use our property. They have altered our property without our approval. We are now alerted as to our rights and obligations. We will be on guard to protect our property.

# SPECIAL USE: Docket SU-09-08A (Eldercare for Life)

\_\_\_\_ YES, I SUPPORT THIS REQUEST

Please state your reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: It is my opinion that this facility belongs in a commercial area. This is a neighborhood with children that play outside. The high volume of traffic that is required to support this facility makes it unsafe for my child and disrupts the tranquility that used to be ours. Thank you for taking into consideration my concerns.

(Attach additional sheets, if necessary)

PRINT NAME(S): Linda Jaime Barnett \_\_\_\_\_

SIGNATURE(S): Linda Jaime Barnett \_\_\_\_\_

YOUR TAX PARCEL NUMBER: 104-02-0298 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 6452 S. Calle de la Mango, Hereford, AZ 85615

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on November 2, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
Email: kdennis@cochise.az.gov  
Fax: (520) 432-9278

COCHISE COUNTY

OCT 26 2010

PLANNING

F

October 2010

To Keith Dennis,

My name is Ross Anderson and I am a long time friend of Kunie and Gerald Kummer. Over the course of the last six months, I have helped out them with many projects on their property. During this time I have seen many cars, trucks and commercial vehicles travel up and down Labrador Lane. On several occasions the people have driven in and out using the gate to access the drive and have not secured the gates when completing their entrance or exit to the property of which is used to drive back to the residence behind the Kummer property. Speed has been a major concern as there are children in the immediate area that could easily be hurt by such traffic not using caution.

Ross Anderson



all sh 480 478-5278

To: Cochise County Planning and Zoning Commission

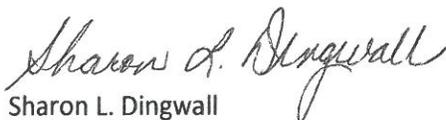
From: Sharon L. Dingwall

Re: Access to Windmill Ranch Assisted Living Facility

I was asked to describe my first visit to Windmill Ranch regarding driving access to the facility. Sometime in early August, my husband and I called Windmill Ranch to see if our friend Ruth Dupes, a new resident, could receive visitors. I was assured by a staff member that we were welcome and I asked for driving directions to the ranch. I was given the following directions: Highway 92 south to Hereford Rd., then left on Hereford to Calle de la Mango and left on Labrador Lane. We followed the directions to the turn onto Labrador Lane where we encountered two gates. I had been told that we were to open the gates to get access and that we could leave them open. When my husband got out to open the gates, we were approached by the owner of the property on the left side of Labrador Lane that we were not allowed to come that way. He said that there was some kind of proceedings pending and that he had grandchildren who played on his property that would be endangered if cars were allowed to come that way. I asked him to give us directions for the other way in, but he said that we could come that way on that day. He allowed us to drive through and then closed the gates behind us.

After visiting our friend Ruth, we left by the other way, which takes you onto Calle de la Naranja, then Calle de la Fresca onto Edward V, which then leads back to Hereford Rd. There is a problem with this route, demonstrated that day and on 5 other round-trips in that Calle de la Naranja is unimproved and extremely rough. Although there are several houses along that street, it is a wreck and only allowed me to drive between 5 and 8 mph. in order to avoid damage to my car.

I hope that this information is of help to the Commission in dealing with this matter.

  
Sharon L. Dingwall

2368 Golf Links Rd.

Sierra Vista, AZ 85635

(520) 458-6527 email- sl\_dingwall@cox.net

F

October 31, 2010

To whom it may concern:

On Sunday October 3<sup>rd</sup>, while visiting the Kunie and Gerald Kummer for dinner and cards I witnessed two automobiles traveled down Labrador Lane going west from Calle de la Mango. They left both gates open disregarding the posted notice to close the gates. Should additional information be needed feel free to contact me at 520 803-6710.

  
Stan Costales

9397 Nevada Lane

Hereford, AZ 85615

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90

November 1, 2010

To Whom It May Concern,

I called Windmill Ranch for directions to visit Ruth Dupes. I was told to take Mango to Labrador Lane to the Ranch. I later found out that was a private Road.

*Shirley Elliston*

Shirley Elliston

CELL 526 568-6628

# FRY/FIRE

"YOUR 911 LIFELINE"

4817 Apache Sierra Vista, AZ 85635

July 27, 2010

Scott Wolfe  
Windmill Ranch Assisted Living  
5605 Labrador Lane  
Hereford, AZ. 85615

The Fry Fire District is concerned about vehicle access to the Windmill Ranch Assisted Living facility located at 5605 Labrador Lane. The primary route, which is west on Labrador Lane from Calle De La Mango, has been obstructed with the installation of two gates. Although these gates are unlocked, emergency response personnel will be delayed while traveling on the easement. The secondary access route is to travel north down Calle De La Naranja from Calle De La Fresa. Due to storm water drainage, this route has the potential of being impassable during storm conditions. The road shows signs of previous washouts and has loose sand conditions that may result in emergency vehicles becoming stuck.

The Fry Fire District relies on the mapping system provided by Cochise County. The county maps do not show that Calle De La Naranja is a viable access route to the facility. Furthermore, signage on the gates blocking Labrador Lane reads no trespassing. The combination of these two conditions could severely delay the fire district response during an emergency. We are also concerned about a trench that been dug across the road. It appears emergency vehicles could navigate the trench during dry conditions but may not be able to under rainwater drainage and future washouts.

Sincerely,



Mike McKearney  
Fire Marshal, Fry Fire District



## ARIZONA AMBULANCE TRANSPORT

P.O. Box 1689 • Sierra Vista, Arizona 85636  
(520) 459-4040 Office  
(520) 459-6060 Fax  
www.azambulance.com



August 3, 2010

Re: Windmill Ranch Assisted Living Home  
5605 E. Labrador Lane  
Hereford, AZ 85615

To Whom It May Concern:

It has been brought to our attention that the easement to Windmill Ranch Assisted Living Facility located at 5605 Labrador Lane has become obstructed. Arizona Ambulance of Douglas services the community by providing EMS services as well as para-transit services. The primary route, west on Labrador Lane from Called De La Mango, has been obstructed with the installation of two gates and no trespassing signs. Furthermore, a trench has been dug across the road. Although the gates are unlocked personnel would have to open the gates delaying the safe transport of a patient home. The trench dug around the road could become impassable during storm conditions as well as causing future washouts.

The secondary access route is to travel north down Calle De La Naranja from Calle De La Fresa. This route has potential to be impassable during storm conditions. Arizona Ambulance of Douglas relies on the Cochise County mapping system for navigation. The county maps do not show that Calle De La Naranja is a viable access route to the facility. This route shows signs of previous washouts and has loose sand that may result in vehicles becoming stuck. The safety of our patients is of our utmost concern.

Sincerely,

Beth Mullins  
Administrative Services Manager  
Arizona Ambulance of Douglas  
4266 E. Industry Dr. Suite 4  
Sierra Vista, AZ 85635

G  
93

*Southern Arizona Funeral Services LLC dba*  
**Jensen's Sierra Vista Mortuary**

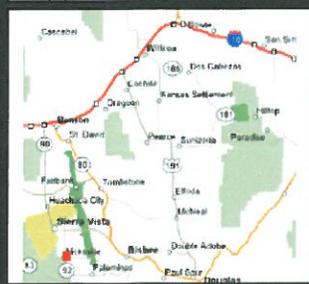
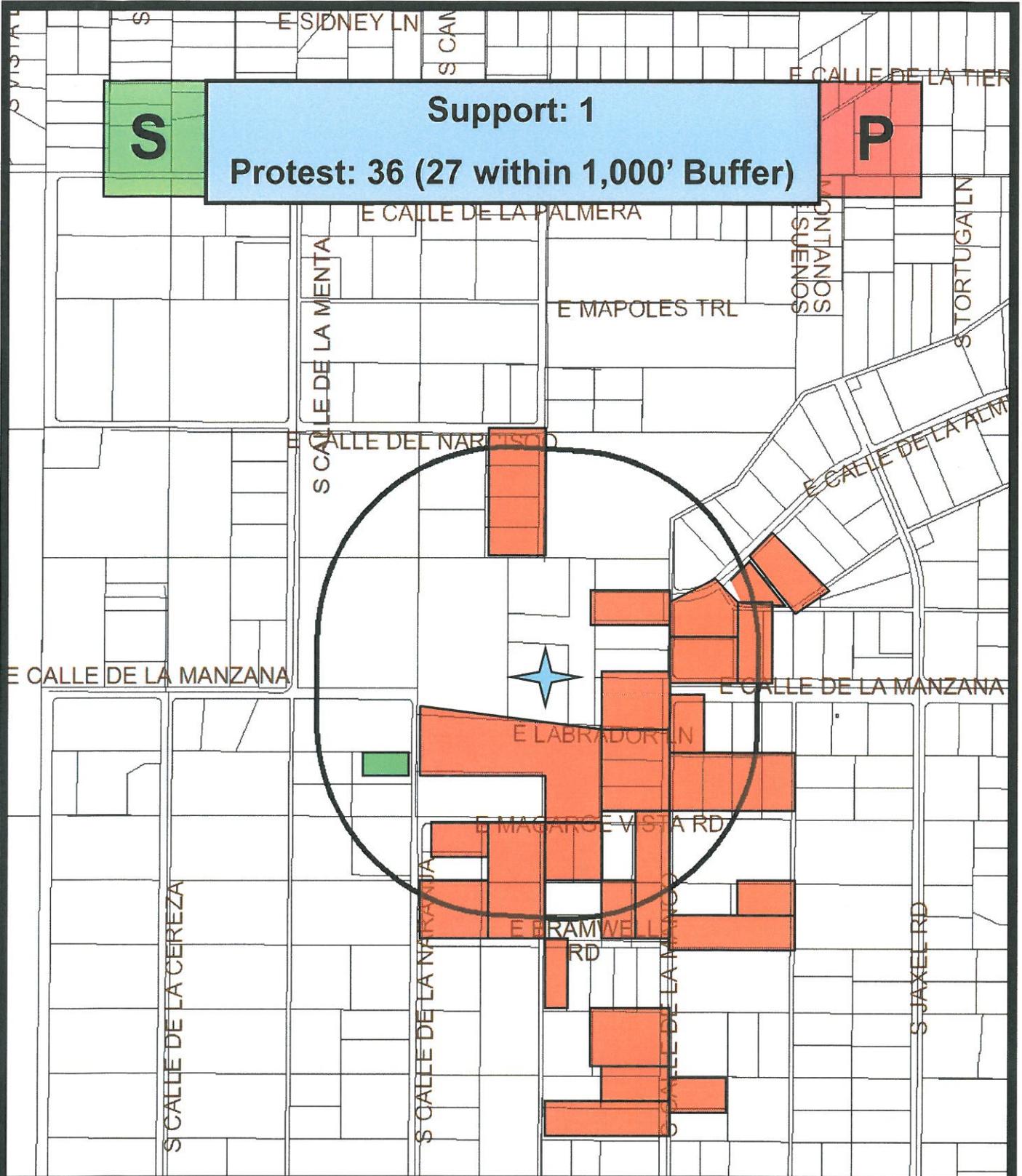
Foothills Memorial Crematory  
5515 S. Hwy 92  
Sierra Vista, Arizona 85650  
520-378-4895 ~ Fax 520-378-4896  
E-Mail ~ [jsvm@cox.net](mailto:jsvm@cox.net)

In regards to the road leading to Windmill Ranch, we here at Jensen's Mortuary are concerned as to the primitive road that is currently necessary to access the facility. Being a dirt road, this route is difficult to transverse and hard on the vehicles. There is also the concern that in heavy rains the road may become unusable. If this route were to be paved it would save a great deal of difficulty for our staff

Thank You

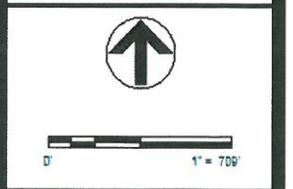


Greg Pfaff  
Funeral Director



SU-09-08A  
 Support/Protest  
 1,000 Foot Buffer

This map is a product of the  
 Cochise County GIS



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Tentative Plat (TP) on October 23, 2007. In 2008, the GB parcels were annexed into the City of Sierra Vista. After the annexation, the subdivision as proposed now consists of 41.8 acres, and is planned to be constructed in four phases. The site lies inside a small enclave of County land surrounded by the City of Sierra Vista.

The MR-1 District carries a minimum lot size of 3,600 square feet, and allows single and multiple-household dwellings, excluding rehabilitated mobile or manufactured homes and/or recreational vehicles. Although the MR-1 District allows for smaller lots and a variety of housing options, the project is proposed with 139 residential lots ranging in size from 6,000 square feet to 9,822 square feet, with site built homes.

After the Board approved the Tentative Plat in 2007, the project engineer, at that time Buck Lewis Engineering, began work on the Final Plat requirements, as well as the original approval conditions of the Tentative Plat as adopted by the Board. In fact, the Final Plat was scheduled for Board action in early September of 2008. The sharp economic downturn of September 2008 significantly affected the real estate market and the project was delayed.

Earlier this year, the project was bought by a new developer, Jay Anderson of FAMCOR group, who hired Oracle Engineering Group of Tucson to get the plat moving again towards Final Plat approval. The new team obtained a Tentative Plat extension in early October of 2010, which staff back-dated to the initial Tentative Plat expiration date of October 23, 2009. Section 208 of the Subdivision Regulations allows the Planning Director to administer a one-year Tentative Plat extension; subsequent extensions must be granted by the Commission. Because the administrative extension dated back to October 23, 2009, and because regulations allow for a one-year extension, the Tentative Plat has since expired again, this time on October 23, 2010. The request before the Commission is thus to “revive” and extend the plat one additional year.

As stated, the Plat was previously scheduled for Board action, with a recommendation of approval from the Commission and staff. That recommendation was based on the developer having met all applicable Subdivision Regulations, as well as having fulfilled the Tentative Plat approval conditions. The current developer and engineer are thus confident that, with a reactivated Tentative Plat, they may move confidently forward to Final Plat approval.

## II. RECOMMENDATION

Staff recommends **conditional approval** of the one-year time extension for the subdivision Tentative Plat, to expire on October 23, 2011, with the following condition:

1. Prior to Final Plat approval, the developer shall meet all applicable subdivision regulations, and shall comply with the approval conditions for the original rezoning and MDP approvals, as well as the Tentative Plat approval from October 23, 2007.

### Suggested Motion

Mr. Chairman, I move to conditionally approve a one-year time extension for Rio Mesa Subdivision Tentative Plat, Docket S-07-01, with a new expiration date of October 23, 2011, subject to the condition as recommended by staff.

Attachments:

- A. Rio Mesa Subdivision Tentative Plat Sheet 1
- B. Time Extension Request Letter



ORACLE ENGINEERING GROUP, Inc.

COCHISE COUNTY

OCT 21 2010

PLANNING

October 20, 2010

Cochise County  
Community Development Department  
Planning, Zoning and Building Safety  
1415 Melody Lane, Bisbee, Arizona 85603  
Attn: James E. Vlahovich

**RE: Rio Mesa Subdivision Tentative Plat – Docket S-07-01**

Dear Mr. Vlahovich:

Thank you for extending the above Tentative Plat to October 23, 2010.

We respectfully request that the above tentative plat application (S-07-01) be extended to October 23, 1011 to allow the new owners and Oracle Engineering Group, Inc. additional time to complete the Final Plat and Improvement Plans. We understand that this request will have to be approved by the Planning and Zoning Commission and would like to be on their agenda as soon as practical.

Enclosed is \$500 for the Tentative Plat extension fee.

Sincerely,  
Oracle Engineering Group, Inc.

Pete Salonga, P.E.

PS/bgs





## **COMMUNITY DEVELOPMENT DEPARTMENT**

*Planning, Zoning and Building Safety*

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Keith Dennis, Senior Planner  
For: James E. Vlahovich, Planning Director  
**SUBJECT:** Docket S-10-02 (Copper Hills Subdivision)  
**DATE:** October 28, 2010, for the November 10, 2010 Meeting

### **I. REQUEST AND DESCRIPTION OF SUBDIVISION**

Copper Hills is proposed as a 67-lot Conservation Subdivision, located Northwest of the intersection of S.R. 92 with Rio Vista Road, West of Bisbee. The total area under consideration is just under 200 acres, and the density is proposed at one dwelling per three acres. Primary access to the subdivision is intended via Copper Hills Drive, which the developer proposes as a new point of access to 92.

The subject parcel, 102-01-005, is zoned RU-4 (Rural), which carries a minimum lot size of four acres. The Conservation Subdivision option provides for a density bonus (up to 34%) in exchange for a dedication of 50% of the site area for open space. The minimum lot size for the development is one acre.

Copper Hills is proposed as Phase I of a larger project covering approximately 646 acres. This subdivision would be the Southeast corner of the overall development. The concept plan for the entire project is attached to this Memo (See Attachment C: Concept Plan)

The developer, Alan Thome of Cochise County 1900, LLC, applied to have the property rezoned to RU-2 in 2009, in order to develop a 52-lot conventional subdivision (Docket Z-09-02). The Commission recommended denial of the request to the Board of Supervisors; the Applicant did not pursue the rezoning request with the Board, preferring to withdraw from the rezoning process and develop the property under the Conservation Subdivision option.

### **II. SUBDIVISION REVIEW**

The Tentative Plat (TP) was reviewed by the County Departments and other interested agencies. As the Commission is aware, the TP is a working plat. The Final Plat (FP), which is the legal recorded document, must be in substantial conformance with the TP. The reviewing agencies concur that the TP can be approved; the recommended conditions will not result in a FP that is not in substantial

conformance with the TP. A summary of noteworthy review comments follows.

**Compliance with Subdivision Regulations:** The Planning Department reviewed the subdivision for compliance with the Subdivision Regulations; the subdivision complies with applicable subdivision regulations.

**Rural Addressing:** Rural Addressing staff reviewed the TP to ensure that street names are not duplicated within this addressing grid, and that emergency service providers can find individual addresses in a timely fashion.

**Water Conservation:** The project site is within the Sierra Vista Sub-Watershed, and residential construction will be required to abide by the policies of the Sub-Watershed Plan. The developer will require individual lot owners to practice water conservation measures in accordance with the Covenants, Conditions, and Restrictions (CCR's) which are in place for all phases of the development (see Attachment B: Letter of Intent). Namely, low-flow fixtures and hot water on-demand will be required on new residential construction. The Letter of Intent also indicates that water features shall be prohibited in the subdivision.

**Access:** Access to the subdivision shall be via the proposed Copper Hills Drive, which would be a new point of access to SR 92. Other points of access will exist along the East side of the development: via Rio Vista Road to Oldsmobile Drive or Vista del Viejo. However, these points of access will, for the first phase (67 lots) be open to emergency vehicles only. In future phases, Rio Vista, which is a private, dirt road not maintained by the County, will have to be improved. Meanwhile, internal roads will be built to Cochise County standards and dedicated to the public (See General Note #1).

**Health Department:** The site investigations for all lots have been completed. The subdivision will utilize individual sewage disposal systems, In the event that non-conventional septic systems are required, ADEQ approval will be required prior to construction A minimum 100 foot setback is required from all wells and 50 foot from all lot lines (See General Notes #2 and #3). The Health Department has recommended a mosquito mitigation-related General Note be added to the Final Plat (See Condition #3).

**Highway and Floodplain:** This project lies within a non-flood Zone X as defined by FEMA FIRM Panel #2500, dated 08.28.08. Although there are some small washes across the property, none of these carry any floodplain designation. The responsibility for maintenance of these drainage structures by the Home Owners Association (HOA) will be added as a General Note on the Final Plat (See Condition #4).

**Transportation:** The County Transportation Planner has reviewed a first submittal of the Traffic Report for this development. These review comments are attached (See Attachment F: Transportation Planner Comments). Staff recommends, as Condition #2, that prior to Final Plat approval, the developer shall submit a revised traffic report that meets both County and ADOT standards.

**Water Adequacy:** Water is to be provided by Topaz Domestic Water Company. The developer

has applied for a determination of water adequacy from the Arizona Department of Water Resources (ADWR). Final Plat approvals for subdivisions in Cochise County are contingent upon a determination of water adequacy from ADWR, as required per Section 408.03 of the Country Regulations.

**Utilities:** The developer has formed a water company to provide water to the development (Topaz Domestic Water Company). Arizona Public Service will provide power, and Qwest will provide telephone service for this subdivision (See Attachment D: Intent to Serve Letters).

**Fire Department:** The Palominas Fire District will provide fire protection services for Copper Hills (See General Note #15). The District will annex Copper Hills Phase I when 50 or more of the lots are developed. The Developer will transfer a minimum of two acres of land to the District for a future fire station (See Attachment D: Intent to Serve Letters).

**Drainage:** The Department contracted with TetraTech Engineering and Architecture Services for a third-party review of the hydrology report. TetraTech recently completed a third review of the hydrology report for Copper Hills (See Attachment E: Drainage Report Review Comments). The reviewing engineer has recommended conditional acceptance of the latest submittal. Staff recommends, as Condition #1, that the Applicant be required to abide by the conditions set forth in the reviewing engineer's comments

**Financial Security for Improvements:** As the Commission is aware, some financial security is required to ensure that public improvements, primarily fire safety devices, roads, road signs, and drainage, are completed before lots are sold. An Assurance Agreement or some other form of financial assurance will be required to be approved by the Board of Supervisors along with final plat approval showing conditions for on-site improvements.

### **III. STAFF RECOMMENDATIONS**

**Recommendation:** Forward a recommendation of approval to the Board of Supervisors for the Copper Hills Subdivision TP, subject to the following conditions:

Prior to Final Plat Approval:

1. The Improvement Plans submittal shall be accompanied by a new Drainage Report submittal which updates and/or clarifies deficiencies in the previous Drainage Report submittals based on Improvement Plan designs. The Developer shall abide by the recommendations in the October 29, 2010 review of the Drainage Report.
2. The developer shall obtain an approved Traffic Report from both ADOT and Cochise County.
3. A General Note shall be added to the plat reading "Detention basins shall be maintained not to cause a nuisance and/or breed mosquitos."
4. A General Note shall be added to the final plat reading "The Homeowners' Association

shall be responsible for maintenance of all open space and all drainage structures.”

Sample Motion: *Mr. Chairman, I move that the Commission forward the Copper Hills Tentative Plat, Docket S-10-02, to the Board of Supervisors with a recommendation of approval, with the conditions as recommended by staff.*

Attachments:

- A. Tentative Plat (Sheet 1)
- B. Letter of Intent
- C. Concept Plan
- D. Intent to Serve Letters
- E. Drainage Report Review Comments from TetraTech
- F. Transportation Planner Comments



# LETTER OF INTENT TO SUBDIVIDE

## COPPER HILLS

4.5 miles west of Melody Lane, on Highway 92  
Bisbee, Cochise County, Arizona

**Item A. Date of Submittal:** May 17th, 2010

**Item B. Interested Parties:**

Cochise County 1900, LLC, Contact person: Alan E. Thome/Managing  
Member / Percentage Owner  
4025 E. Presidio Street  
Mesa, Arizona 85215  
Phone Office 480-897-2020 Cell 480-390-9990  
Email: [ccl.alan@cox.net](mailto:ccl.alan@cox.net)

Interest in the land described is: A FEE. Title to the estate of interest in said land is vested in: Cochise County 1900 LLC, an Arizona Limited Liability Company with full ownership.

**Item C.** Alan E. Thome / 480-390-9990 / [ccl.alan@cox.net](mailto:ccl.alan@cox.net)

**Item D.** Owner / Cochise County Land, CCL / Managing Member Alan E. Thome

**Item E. Legal Description / General Area:**

**Legal Description:**

**COPPER HILLS - TENTATIVE PLAT**

**COPPER HILLS PHASE I**

LEGAL DESCRIPTION  
TO WIT—

BEING A PORTION OF SECTION 33, TOWNSHIP 23 SOUTH, RANGE 23 EAST AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, RANGE 24 SOUTH, RANGE 23 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 33;  
THENCE SOUTH 89°59'00" WEST ALONG THE SOUTH BOUNDARY OF SAID SECTION 33, A DISTANCE OF 2,647.69 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION;

THENCE SOUTH 89°55'27" WEST ALONG SAID SOUTH BOUNDARY OF SAID SECTION, A DISTANCE OF 1,076.88 FEET;

THENCE SOUTH 08°32'28" WEST, A DISTANCE OF 101.19 FEET;

THENCE SOUTH 05°40'43" WEST, A DISTANCE OF 700.87 FEET;

THENCE SOUTH 08°32'28" WEST, A DISTANCE OF 150.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF STATE HIGHWAY 92;

THENCE NORTH 81°27'32" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 150.00 FEET;

THENCE NORTH 08°32'28" EAST, A DISTANCE OF 150.00 FEET;

THENCE NORTH 11°24'13" EAST, A DISTANCE OF 700.87 FEET;

THENCE NORTH 08°32'28" EAST, A DISTANCE OF 123.94 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 34°37'15" AND A RADIUS OF 2,540.00 FEET;

THENCE 1,534.79 FEET ALONG SAID CURVE TO A POINT OF TANGENCY;

THENCE NORTH 43°09'43" EAST, A DISTANCE OF 100.67 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 43°14'09" AND A RADIUS OF 1,410.00 FEET;

THENCE 1,064.00 FEET ALONG SAID CURVE TO A POINT OF TANGENCY;

THENCE NORTH 00°04'26" WEST A DISTANCE OF 247.66 FEET;

THENCE NORTH 89°55'49" WEST ALONG A LINE PARALLEL TO AND 40.00 FEET N'LY OF THE EAST-WEST MID-SECTION LINE OF SAID SECTION, A DISTANCE OF 2,684.58 TO A POINT ON THE EAST BOUNDARY OF SAID SECTION;

THENCE SOUTH 00°08'24" EAST ALONG SAID EAST BOUNDARY, A DISTANCE OF 2,643.17 FEET TO THE POINT OF BEGINNING.

#### General Area

The proposed subdivision is located six miles west of Bisbee and fronts on Highway 92. Abutting lands of the deeded property are owned by the State of

Arizona, Cochise County 1900, LLC and a forty acre subdivision lies to the east of Rio Vista Road that has now been broken into smaller parcels.

**Item F. Tax Parcel** – a portion of 102-34-001C and 103-37-005  
Copper Hills – 67 Lots

**Item G. Acreage / Lot Sizes**

Total acreage – 199.295 acres  
Total lots – 67  
Typical lot size 1.0 acres with density of 1 Lot per 3 Acres.  
Typical lot size 200' x 200'  
Minimum lot size – 1.00 acres

**Item H. Previous Plat:**

None.

**Item I. Utilities and Services:**

1. Sewage disposal is to be by individual septic tank and leach field disposal. Solid waste disposal handled private waste company. Electricity to be by Arizona Public Service (APS) electric Company and is available on the south and east side of the owners fee property. Telephone on the frontage road will be provided by Qwest and Verizon, or Sprint that are wireless. Internet service to be provided by Qwest and or TransWorld. Cable TV will be provided by Qwest, Dish Network or Direct TV, Individual satellite service is available. No gas will be provided. Lots are to be sold as wet lots and the subdivider will form a new water district that will be known as Topaz Domestic Water District that will be powered off the grid and will meeting compliance with ADEQ and ADWR. A hydrology report will be sent to ADWR and ADEQ to fulfill all 100 year water supply adequacy requirements.

2. Medical facilities are available in either Bisbee or Sierra Vista. Elementary and High School are provided in Bisbee and Sierra Vista via bus. Middle school will either be Bisbee or Sierra Vista via bus. Shopping to be available in either Bisbee or Sierra Vista. There is no public transportation. Fire protection to be provided by the Palominas Fire District. A portion of the subdivision is within the Palominas fire district service area and the balance will be annexed. We are in communication with the District and working to become in their service area. Police service to be by Cochise County Sheriff's Department.

**Item J. Improvements to be provided:**

1. All improvements will be guaranteed by either bond or assurance agreement.

2. Off-sites; Public access to this subdivision will be via Copper Hills Drive. Copper Hills Drive will be a recorded in the Final Plat as main ingress and egress to the subdivisions and connects from the subject property to Highway 92 as legal and physical access. This access road will be constructed and paved to Cochise County specification and dedicated to Cochise County.

A new asphalt road will be completed as the main entrance road. All internal roads will be constructed to Cochise County Rural Local Standards and will be County maintained. Topaz Domestic Water District will provide domestic water along with having 2-hour fire storage and 1,000 gallons per minute flow. Fire hydrants will be provided in 500 feet intervals. The Water District will be managed and owned by the HOA. Other improvements will include concrete ribbon curb on the main road (Copper Hills Drive), underground electric, subdivision entrance, street signage and all other improvements required by the Subdivision Regulations. The development is being designed to create substantial setbacks that exceed County minimum requirements. The lots are intertwined with large areas of undisturbed open space to maintain the native state.

All improvements will be guaranteed by either bond or assurance agreement.

3. No private streets.

**Item K. Gated Access and Special Districts**

Subdivisions will not be gated.

**Item L. Special districts:**

The subject property is a part of the Sierra Vista water shed and Copper Hills exceeds the overlay zone requirements.

The subdivision is not located in any special districts other than we are working with Hereford Natural Resource Conservation District per their required storm water management plan and clean water act.

**Item M. Zoning Classification:**

Zoning district is RU-4 Conservation Subdivision and shall remain minimum lot sizes of 43,560 SF / 1 Acre and no further splitting of lots or tracts will be permitted. All applicable zoning regulations shall be adhered to. It is the subdivider's responsibility to obtain and additional State or Federal, permits

**Item N. Plat Statement:**

COPPER HILLS shall meet the minimum design standards and all applicable requirements as to form and content of said plat per regulations.

**Item O. Live Stock Fencing:**

All perimeter area in the original Flying H Ranch (original property name) is fenced by 5 line barbed wire. Any animals in this area will be required to be fenced either in or out.

**Item P. Dust Control Measures:**

Minimal amount of native vegetation will be disturbed during construction which is required by CC&R's. Earthwork will not be done at windy conditions and or water application will be applied on the earth.

**Item Q. Water Conservation Measures:**

Desert landscape and gray water systems will be encouraged and sensors on outdoor sprinkler systems. The Water District shall provide assured and metered water. Low flow fixtures will be required and hot water on demand. Maximizes home sitting design options for sustainable energy and water conservation. Maintain the majority of the lot area in native state by enforcing building envelopes. Water features within the subdivision will be prohibited. See notes under WATER CONSERVATION stated on the subdivision Tentative Plat.

**Item R. Statements / Airports:**

The subdivision is not in the vicinity of a military airport.

**Item S. Statements / Fire protection and Police**

Fire protection will be provided by Palominas Fire District per conversation with Mr. James Leinedecker (520-366-5400). He has stated a portion of CC1900 land is within the district and the other portion is not, however, the portion that is not in the district will not be a problem to add. Police service to be by Cochise County Sheriff's Department.

The subdivision is not in a designated PM10 area.

Signed  Date 05/18/2010  
Alan E. Thome / Manager of Cochise County 1900, LLC

Cochise County 1900, LLC  
Company / Print Name Alan E. Thome

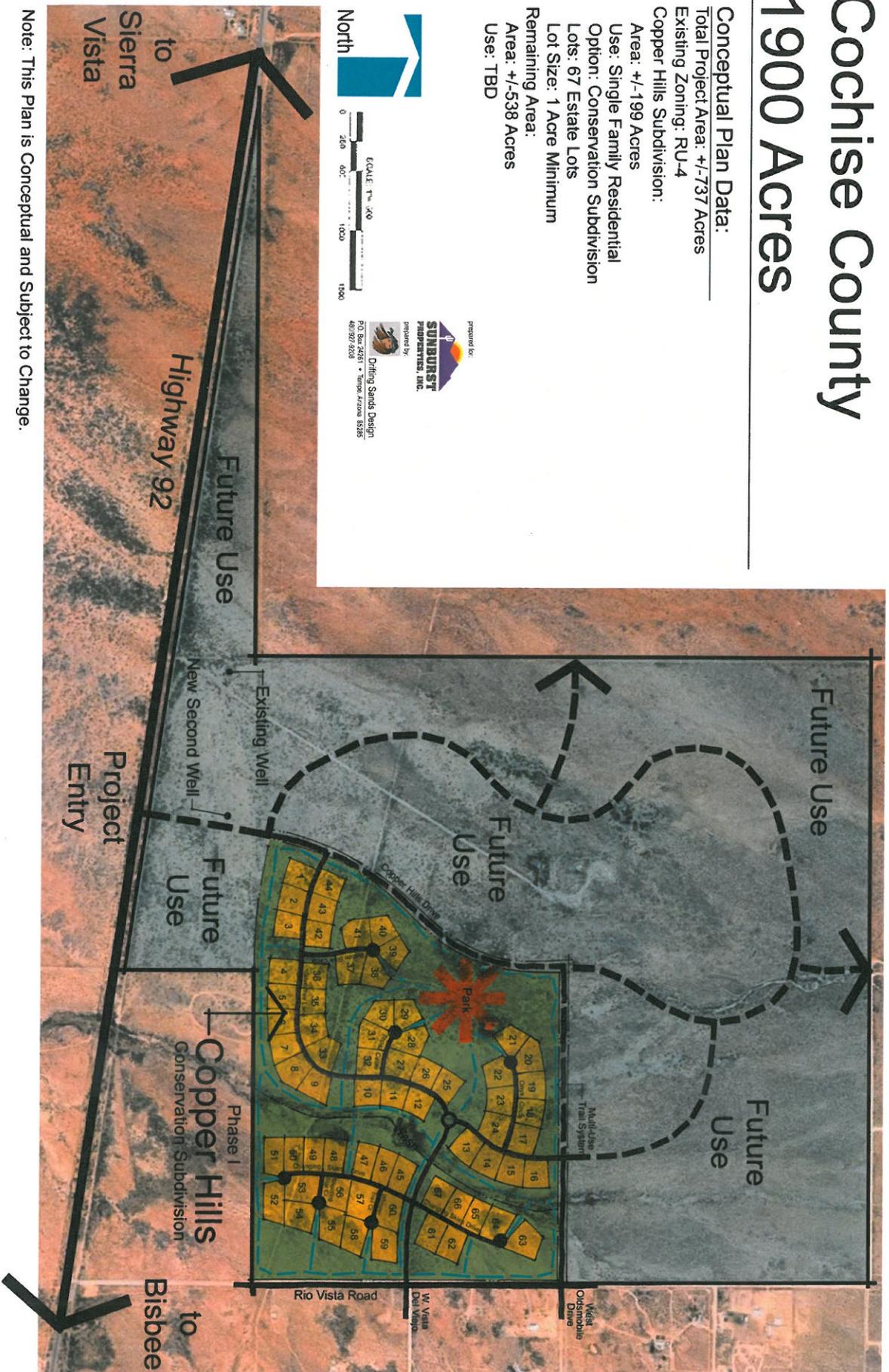
# Cochise County 1900 Acres

## Conceptual Plan Data:

- Total Project Area: +/-737 Acres
- Existing Zoning: RU-4
- Copper Hills Subdivision:
- Area: +/-199 Acres
- Use: Single Family Residential
- Option: Conservation Subdivision
- Lot Size: 67 Estate Lots
- Lot Size: 1 Acre Minimum
- Remaining Area:
- Area: +/-538 Acres
- Use: TBD

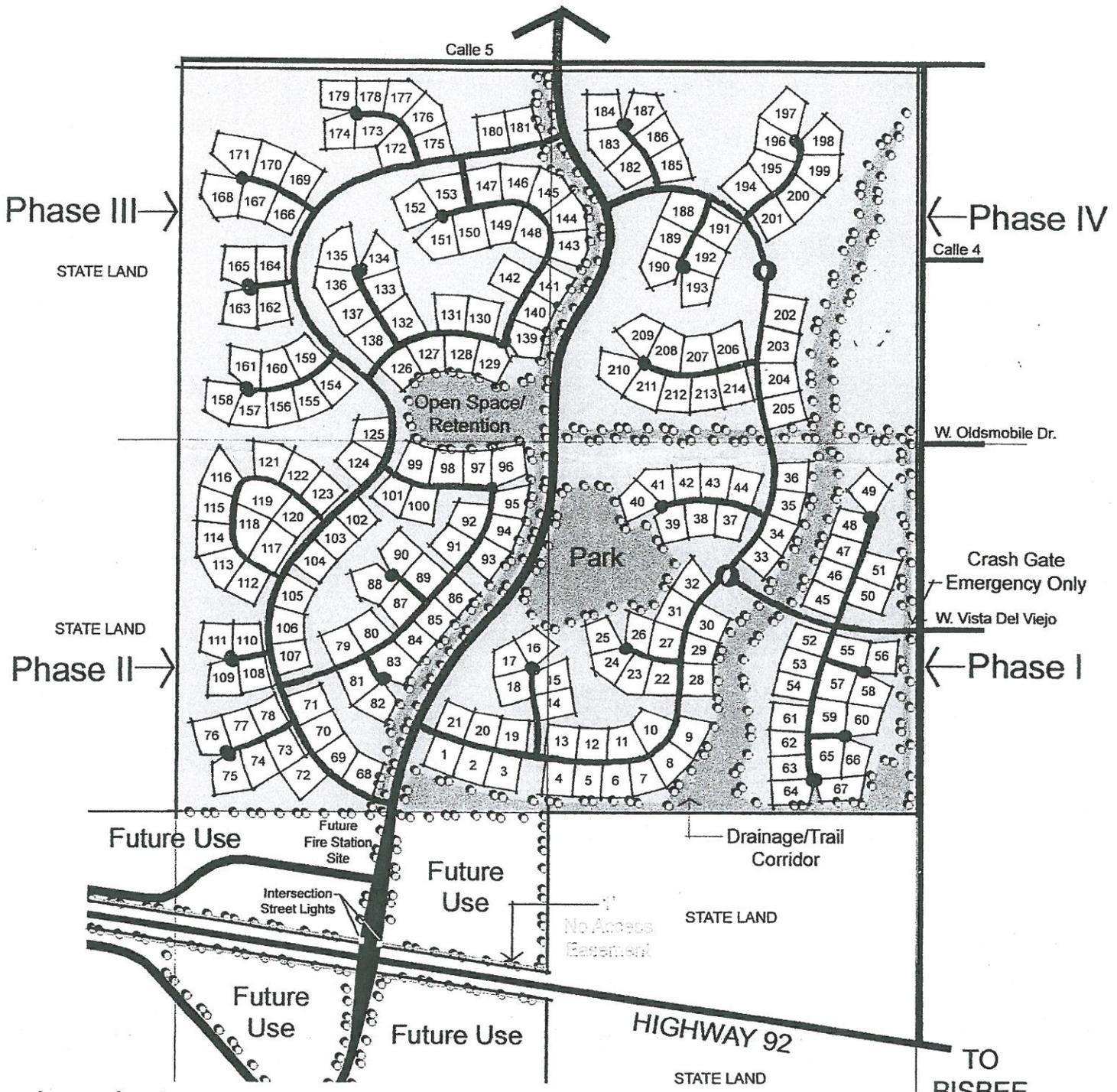


prepared for:  
  
**SUNBURST PROPERTIES, INC.**  
 prepared by:  
  
**Drilling Sands Design**  
 P.O. Box 24261 • Tempe, Arizona 85282  
 480/977-2008



Note: This Plan is Conceptual and Subject to Change.

111



Approximate Scale:  


Date: August 6, 2010



North

Note: This plan is conceptual and subject to change.

# Copper Hills

## Conservation Subdivision

### 640 Acres

### 214 - 1 Acre Estate Lots

prepared for:



prepared by:



Drifting Sands Design  
 P.O. Box 24261 • Tempe, Arizona 85285  
 480/927-9208

*[Handwritten Signature]*  
 10/23/10

C 112



A subsidiary of Pinnacle West Capital Corporation

Antonia Morales  
CSR Trainee  
SE/Cochise District

(520)364-1521 offc  
(520)227-3786 cell  
(520)364-1555 fax

antonia.morales@aps.com  
1034 F Avenue  
Douglas, AZ 85607

August 28, 2009

Desert Foothills  
Attn: Alan Thomme  
4025 E Presidio St  
Mesa, AZ 85215

Re: Desert Foothills Project 3791 Highway 80; Bisbee, AZ

Dear Mr. Thomme,

The above referenced project is located in Arizona Public Service Company's electric service area. The Company extends its lines in accordance with the "Conditions Governing Extensions of Electric Distribution Lines and Services," Schedule 3, and the "Terms and Conditions for the Sale of Electric Service," Schedule 1, on file with the Arizona Corporation Commission at the time we begin installation of the electric facilities.

Application for the Company's electric service often involves construction of new facilities for various distances and costs depending upon customer's location, load size and load characteristics. With such variations, it is necessary to establish conditions under which Arizona Public Service will extend its facilities.

The enclosed policy governs the extension of overhead and underground electric facilities to customers whose requirements are deemed by Arizona Public Service to be usual and reasonable in nature.

Please give me a call at (520)364-1521 so that we may set up an appointment to discuss the details necessary for your project.

Sincerely,

Antonia Morales  
Customer Service Representative Trainee  
SE/Cochise District

Enclosure ✓



---

**Date:** Wednesday, August 26, 2009 3:57 PM

**From:** Myers, Angelique <Angelique.Myers@qwest.com>

**To:** 'ccl.alan@cox.net' <ccl.alan@cox.net>

**Subject:** Will\_Serve-Alan Thome-Sunburst properties-copperhills sbd

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Qwest Will Serve Letter Dated August 26, 2009

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August 26, 2009

Alan Thome

Sunburst Properties

4025 E. Presidio St

Mesa, Arizona 85215

**Dear Mr. Thome:**

**Subject:** Copper Hills Subdivision, 67 lots, Palominas, Cochise County, Arizona.

This letter is in response to your "Service Availability" request for the subject property.

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The subject property is in the Qwest serving area therefore, service is available. The developer has specific requirements, which will be forwarded when appropriate. These requirements may be, but are not limited to, "support structure" on the property being developed. Once all requirements are completed, Qwest service will be available to the subject property on a service order basis, arranged by those who occupy the property.

The tariff Rates and Regulations prescribed for service to the project are on file with your State Utilities Commission, and may be examined at your local Qwest Business Office.

Specific concerns regarding Qwest service to the subject property must be directed to the Qwest Engineer responsible for that area, **Angelique Myers, (520) 458-2329.**

Sincerely,

Angelique Myers

QWEST Sr. OSP Engineer, Mgr.

1060 N. Guilio Cesare Ave.

Sierra Vista, AZ 85635



## WILL SERVE LETTER

April 30, 2008

Cochise County Land, LLC  
4025 E. Presidio St.  
Mesa, AZ 85215  
Attn: Alan Thome

Re: Will Serve Letter

Mr. Alan Thome,

Per our conversation yesterday Waste Management of Arizona will provide Waste collection services to the proposed new community located in Cochise County. .

The location is 6 miles south of Tombstone on highway 80, one mile west. The legal location is T21S R22E Sections 9, 10 & 11 and the access road off 80 will be Cattle Drive.

If you have any questions please give me a call at 602-721-4018.

Sincerely,

William Day Jr.  
Residential Planning  
Waste Management of Arizona  
602-305-4337  
602-721-4018 cell  
602-305-4379 fax  
[bday2@wm.com](mailto:bday2@wm.com)

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# Topaz Domestic Water Improvement District

4025 E. Presidio Street Mesa, Arizona 85215

Telephone 480-897-2020 Fax 480-897-2491

August 20, 2009

Cochise county Planning Department  
Ms. Beverly Wilson, Planner  
1415 Melody Lane  
Bisbee, Arizona 85603

Re: Topaz Domestic Water Improvement District.

Dear Ms. Wilson:

As developer of the COPPER HILLS please accept this letter as an intent to serve water by way of developing the proposed Topaz Domestic Water Improvement District ("District").

The purpose of this letter is to inform you that the Topaz Domestic Water Improvement District ("District") will serve potable water to the property identified in Attachment A ("Property"), provided: (1) Cochise County 1900, LLC (CCL) construct, or cause to be constructed, all on-site and/or off-site water system infrastructure necessary to adequately provide such service to the Property; (2) CCL will pay all costs and fees to design, permit, construct, test, and approve the water system infrastructure, including any costs and fees applicable pursuant to District rules or development agreement; and (3) CCL will agree to comply with all applicable statutes, administrative rules, orders, and ordinances set forth by governmental agencies and political subdivisions having jurisdiction over potable water service, including the District.

The District is committed to serving the Property under these conditions. Accordingly, the District encourages CCL to review the applicable District rules as well as state laws and rules regarding the establishment, continuance, and termination of potable water service.

Further, be aware that this letter does not constitute, or obligate the District to execute a Notice of Intent to Serve, which is a supplement to an Application for a Water Adequacy Report administered by the Arizona Department of Water Resources ("ADWR"). As the owner subdividing the Property, CCL will remain the party responsible for establishing an adequate water supply exists to serve the Property pursuant to ADWR rules and policies. Any commitment or future decision by the District to provide water service to the Property is conditioned upon ADWR issuing a Water Report stating an adequate water supply exists for the Property. To establish water is physically and legally available to meet the proposed subdivision's water demand, consistent with applicable rules and policies, CCL must secure a new water source and convey it to the District. Alternatively, under terms and conditions set by the District and at its discretion, the District may agree to serve water to the Property by allocating water under its designation of adequate water supply, if available, provided CCL agree to effectively replace that allocated water by a method acceptable to the District. Further, if a new water source is being proposed, then you must establish this water meets applicable water quality standards without the need for extraordinary treatment as determined by the District.

If you have any questions, please contact me during our business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Please let me know if you would like to discuss this issue further.

Respectfully



Alan E. Thome  
Manager

D

## Cochise County 1900, LLC

4025 E. Presidio Street • Mesa, Arizona 85215  
480-897-2020 • Fax 480-897-2020  
a.thome@cox.net

October 7, 2010

Mr. Keith Dennis  
Cochise County Planning and Zoning  
1415 Melody Lane  
Bisbee, Arizona 85603

Re: Fire Coverage

Dear Mr. Keith Dennis

You will find attached my service letter from Palominas Fire District. I am not going to try to explain to you the new regulation the State of Arizona has imposed on Fire District. But in short, if the District were to annex our 700 acres now into the district area they would come up short on tax base value income. They tell me raw land values stay as raw land even after a home is built on it. However, if they annex after homes are on the lots, then their tax rate values come in at the rate valued with a home and lot. Therefore, the Fire District wants to annex our land as we build it out or until such time the new ruling would change back to where it needs to be. I would suggest you call Don Mott (520-366-5720) and have him explain the new policy to you. Another one of those wonderful changes someone has come up with.

Sincerely,



Alan E. Thome  
Managing Member  
Cell 480-390-9990

*Palominas Fire District  
9903 South Palominas Road  
Hereford, Arizona 85615  
(520) 366-5400*

September 30, 2010

This is a written agreement between the Copper Hills Subdivision (Alan Thome) and the Palominas Fire District for Fire Protection and Annexation:

The Palominas Fire District will provide fires protection for the copper hills subdivision located just outside of Eastern boundary of the fire district pending annexation.

As Copper Hills Subdivision is built, the Palominas Fire District will annex the build out section when 75% of the houses are completed in each section or as follows:

Phase I- 50 house  
Phase II-43 house  
Phase III-42 houses  
Phase IV-17 houses

The above numbers are based on the Copper Hills Conservation Subdivision provided (attached).

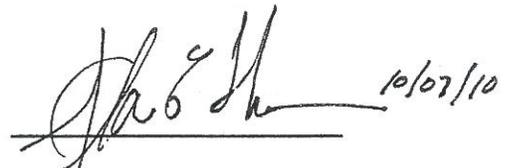
This agreement will be reviewed once a year to insure that this is still in the best interest of both parties.

Termination of this agreement can be made at the time of the yearly review after 5 years.

Copper Hills Subdivision will donate 2+- acres to the Palominas Fire District. This land must be deeded to the Palominas Fire District before Copper Hills Phase I is annexed.



Don Mott  
Palominas Fire District  
Governing Board Chairman



Alan Thome  
Copper Hills Subdivision

## *MEMORANDUM*

DATE: October 29, 2010

TO: Keith Dennis/Senior Planner- Community Development Department

FROM: John C. Siath, P.E., R.L.S./Tetra Tech Project Manager

REVIEWER: Jonathan Elslager, P.E./Tetra Tech, Inc.

SUBJECT: Copper Hills, Phase 1  
Drainage Report, dated October 14, 2010-3<sup>rd</sup> Submittal  
Engineering Comments  
Cochise County Dk: SU-10-02  
Parcel: 102-01-005  
Location: Section 33, T23S, R23E, and portion of NW ¼ of  
Section 4, T24S, R23E G&SRB&M, Cochise County, Arizona  
Tetra Tech Project No. 133-29597-10001

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In response to above referenced submittal supplemented by the Rosendahl, Millet and Associates, LLC. letter dated October 19<sup>th</sup> and understanding that this is an update/correction to the responses provided on the September 30<sup>th</sup> memorandum, this office has reviewed the above referenced report as a Preliminary Hydrology Report in order to move forward.

This office notes that further technical documentation in the areas of hydraulics and erosion/scour specific to each structure, drainage crossing and retention basin (stated by RMA to need further design on the improvement plans) as design of the improvement plan occurs (including but not limited to: design assumptions, equations used, selected structure/feature) will be required to be documented prior to the final release of assurances. Drainage improvements constructed prior to acceptance by Cochise County are done so at the owner/engineer's sole risk and may be required to be rectified prior to the release of assurances. **The conceptual drainage design as depicted on Figure number 4 is generally acceptable and the submitted report is conditionally accepted as the preliminary document for Tentative Plat purposes.**

A series of technical memorandum shall be submitted to Cochise County as the engineer makes progress on the Design Plans. Future submittals shall provide the following detail:

1. Please provide similar information as shown in the example tables below in future submittals (adding the peaks at a minimum will be acceptable, unless the engineer prefers to do a more intensive analysis):

100-YR at Concentration Points				
CP	On-site Area	On-site Q100	Off-site Q100	Total Q100
CP-6	A	55.3	0	55.3
CP-7	B	45.7	0	45.7
CP-8	C	70.1	173	243.1

CP-9	D&E	67.2	173	240.2
CP-11	F&G	101.6	382	483.6
10-YR at Concentration Points				
CP	On-site Area	On-site Q10	Off-site Q10	Total Q10
CP-6	A	35	0	35
CP-7	B	30.4	0	30.4
CP-8	C	45.6	90	135.6
CP-9	D&E	44.7	90	134.7
CP-11	F&G	67.6	198	265.6

2. Since each wet crossing will need to be designed for the 100-year discharge, presentation of the design shall document the approaching flow as shown in the example table below (again as a minimum).

100-YR at Wet Crossings							
Wet Crossing	On-site Area	On-site Q100	Off-site Q100	Total Q100	CP	Qpipe @ Max Available HW	Q Bypass
TOPAZ CIR	E	51.4	173	224.4	CP-10	X	224.4-X
ONYX CIR	G	26.6	333	359.6	CP-12	X	359.6-X

3. Calculations for the flow velocity in the pipe are not indicative of a pipe clogging at the inlet. Unfortunately, when there is a transition from a channel to a pipe, losses at the inlet occur. As the headwater depth builds on the inlet of the pipe, the velocity decreases. Once the velocity decreases, so does the sediment conveyance capacity. When this happens deposition occurs. The design engineer will need to provide an analysis to show that the roadway culverts will not “plug” with sediment during major flow events. One available procedure for doing this is documented within the City of Tucson Drainage Design Manual (Equation 11.9). In lieu of this, the engineer will need to assume that the culvert do not function under the 100-year flow and the design of the roadway wet crossings shall meet Cochise county design standards using the full discharge from all upstream contributing areas.
4. The engineer shall show by calculation that the maximum depth over the roadway crossings during a 100-year event is specified in the Cochise County regulations as one foot during a 100-year flood (*Cochise County Floodplain Regulations, Section 9.2.B*).
5. The engineer shall also submit calculations or details for the proposed erosion protection in the drainage swales. Additionally, scour depth will need to be computed to indicate

the required depth of cutoff walls at the roadway culverts and wet crossings alike. This is required based on the *Cochise County Road Design and Construction Standards and Specifications* (Section 3, subsection B).

6. Please provide calculations for the erosion-hazard setbacks in accordance with *ADWR State Standard 5-96 (Cochise County Floodplain Regulations, Section 9.2.B)*. This calculation must be included in the memorandum submittal for the wet crossing at Vista Del Viejo. The Erosion Hazard Setback Line is shown and appears to be approximately 40-ft which is consistent with the State Standard for a straight reach with minor curvature; however, this calculation must be documented within a report or memo.

Tetra Tech has reviewed the above referenced document for general compliance with Cochise County drainage standards as indicated in the following documents: "*Cochise County Road Design and Construction Standards and Specifications (Section 3. Street Element Design, Subsection B. Drainage)*"; "*Cochise County Floodplain Regulations (Section 9.2.B)*"; and "*Cochise County Subdivision Standards.*" Tetra Tech's review of the above referenced document was not exhaustive, nor was the hydrologic/hydraulic and associated elements of the above-referenced document reviewed in detail. As such, Tetra Tech accepts no responsibility for any errors, omissions, or defects contained in the document reviewed. The responsibility for the contents of the above-referenced document rests entirely with the engineering firm that submitted same, and with the consulting engineer whose stamp appears thereupon.



## **COMMUNITY DEVELOPMENT DEPARTMENT**

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

(520) 432-9240 Fax 432-9278  
Carlos De La Torre, P.E., Director

### **MEMORANDUM**

**TO:** Keith Dennis, Planner II

**FROM:** Karen L. Lamberton, County Transportation Planner

**SUBJECT:** Copper Hills Subdivision: SU-10-02/Parcel # 102-01-005

**DATE:** November 1, 2010

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The Copper Hills Subdivision is a proposed 1,240 acre development that has proposed an initial phase of one 67 lot subdivision on roughly 199 acres. Currently zoned RU-4 this property is located north of state highway 92 between mile posts 345 and 347. Two access points to the state highway have been proposed: the primary access (Copper Hills Drive) planned for mile post 346.24 and Rio Vista Rd., currently existing at mile post 346.95. Rio Vista Drive traverses a portion of State Lands to reach the applicants property. The site is within the area of the Southern San Pedro Valley Area Plan.

At current zoning the subject parcel could be developed to a total of 310 lots and the applicants may consider commercial or school sites for the parcels located adjacent to the state highway. The applicants have indicated that they currently hold the grazing rights to the state lands parcel.

#### **Transportation Analysis**

The Copper Hills first phase anticipates the development of 67 lots which would generate an estimated 641 vehicle trips with 50.25 a.m. peak hour and 67.67 p.m. peak hour trips. Full build-out of the site as currently zoned could be as many as 310 homes although the applicants indicate that portions of the site would be left as open space, compatible non-residential uses and/or are not likely to be due to topography and hydrology constraints that severely limit the likelihood of future development at densities much less than 40 acres. The applicants have conceptually planned for a total of 214 lots. At this proposed full build-out trip generation rates for the residential component could range from 2,047 to 2,966 trips per day (ITE Manual, 8<sup>th</sup> ed.)

#### **Internal Subdivision Roads**

Internal roads, totaling 2.69 miles, will be built to Cochise County standards and dedicated to the County. Internal roads should be built to a minimum of the rural minor access road standard, D-121, with double chip-seal over 6 inches of ABC and appropriate drainage ditches and culverts, where needed to allow for all-weather access. Other more major roads likely need to be a rural minor collector (D-102) or better. An 80 foot right-of-way with a 28 foot cross-section would likely be required, along with appropriate drainage ditches. Traffic control will be managed by stop signs for merging traffic onto higher level roads in the system. Cul-de-sac length should conform to the County's Roadway design standards for length (no longer than 600 feet). Roads should provide appropriate stub-outs where appropriate. No-access easements, as called for in the subdivision regulations (e.g. corner lots), will be indicated on the final plat.

## Off-Site Impacts

The applicants included a preliminary Traffic Report as part of their tentative plat submittal. Cochise County and ADOT provided comments on this report in July and then met with the applicant on August 4, 2010. At that meeting agreement was reached with ADOT, with the concurrence of the County, on off-site mitigation on Highway 92. Key items related to off-site mitigation included:

1. Inclusion of an one foot no-access easement along the applicants parcel line (to be recorded with final plats as development occurs in the future).
1. The existing Ranch access point will continue to be allowed in the near-term with an eventual permanent closure, with the inclusion of a cattle guard for existing width and a gate to limit access.
2. The Rio Vista access point will not be used by the subdivision during this first phase and will be configured with a stubbed out access point with a crash gate for emergency access only. As other phases come in and/or State Lands is released, purchased and developed additional improvements may be needed at this access point in the future.
3. The primary access point at Copper Hills Drive is likely to reach a signal warrant with full build-out of the applicants parcels as tentatively proposed. Warrants for such a signal include volume and crash history, among other MUTCD factors. The applicants plan to include signal conduit as part of the initial intersection design although a signal is not likely to be needed until this subdivision is reaching full build-out.
4. The applicants will place intersection lighting at Copper Hills Drive with the initial access apron, built to ADOT standards prior to issuing Certificates of Occupancy for any lots.
5. The applicants agree to design and construct, to ADOT standards, a full access intersection at Copper Hills Drive with left turn lane, right in and right out, using raised pavement markers, signing, striping with a minimum of 10 foot wide shoulders prior to the release of more than 30 lots. A hydrology report will inform and guide any drainage work needed as part of this roadway improvement.

## Recommendation

The Copper Hills Traffic Report is in the process of being revised to include the agreements reached with ADOT and Cochise County on off-site impacts. The applicant should be advised that ADOT has recently released a new Policies, Programs and Guidelines document (PPG) and proposed mitigation should confirm to these standards. The revised Traffic Report will conclude with specific and phased improvements that identify, in general, those improvements for the later phases and then specifically for the proposed 67 lot subdivision.

**Approval from ADOT and Cochise County on the revised Traffic Report with agreement on off-site mitigation and phasing will be required prior to final plat.** Although a Traffic Report is sufficient for this first phase a full TIA may be required for the second phase in order to specifically address future phases for the applicant's parcels and signal warrants.

An ADOT Right-of-Way and Encroachment permit will be required prior to permit issuance and is available from the ADOT Safford District. The applicant is encouraged to contact Armando Membrila, Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or by phone at: 928.432.4915. Permit information is also available on-line at: [www.dot.state.az.us/Highways/Districts/Safford/index.asp](http://www.dot.state.az.us/Highways/Districts/Safford/index.asp)

cc: Docket SU-10-02; ADOT



**COMMUNITY DEVELOPMENT DEPARTMENT**  
*Planning, Zoning and Building Safety*

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

*Carlos De La Torre, P.E., Director*

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Karen L. Lamberton, AICP, County Transportation Planner  
**SUBJECT:** Northwest Cochise County Long Range Transportation Area Plan Briefing  
**DATE:** November 2, 2010 for November 10, 2010 Meeting

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In October 2008, Cochise County was awarded a \$150,000 Planning Assistance for Rural Areas (PARA) grant to develop a Northwest Area Long Range Transportation Plan. The planning area included the City of Benson and the St. David, Pomerene and J-Six/Mescal areas. The primary focus of this plan was to identify potential highway and arterial routes to meet projected transportation demands for the years 2020 and 2040. This plan considered freight, transit and other alternative modes of travel. URS was selected as the consultant for this project.

This planning effort spring-boarded from several smaller area studies that had been completed in the earlier part of the decade, including the Benson Small Area Transportation Plan completed in September 2007, the I-10/SR 90 TI Improvement Traffic Engineering Report completed October 2006 and the Northwest Cochise County Transportation Planning Study completed in September 2004. The focus group comments in the northwest area for the County's Envisioning 2020 effort also provided a starting point for public dialogue about the northwest area needs and potential solutions.

Concurrent with the Northwest Transportation Planning Process, the County was also developing a County-Wide Transportation Model. This model provided the baseline and future out-year growth scenarios and projected traffic conditions for the northwest area plan. The northwest area is likely to have continued modest growth, reaching an estimated 24,380 residents by the year 2040. Several new commercial/employment centers are also likely to be developed and Interstate 10, along with the railroad, will continue to be a major freight corridor connecting international ports of entry further south with destinations east and west.

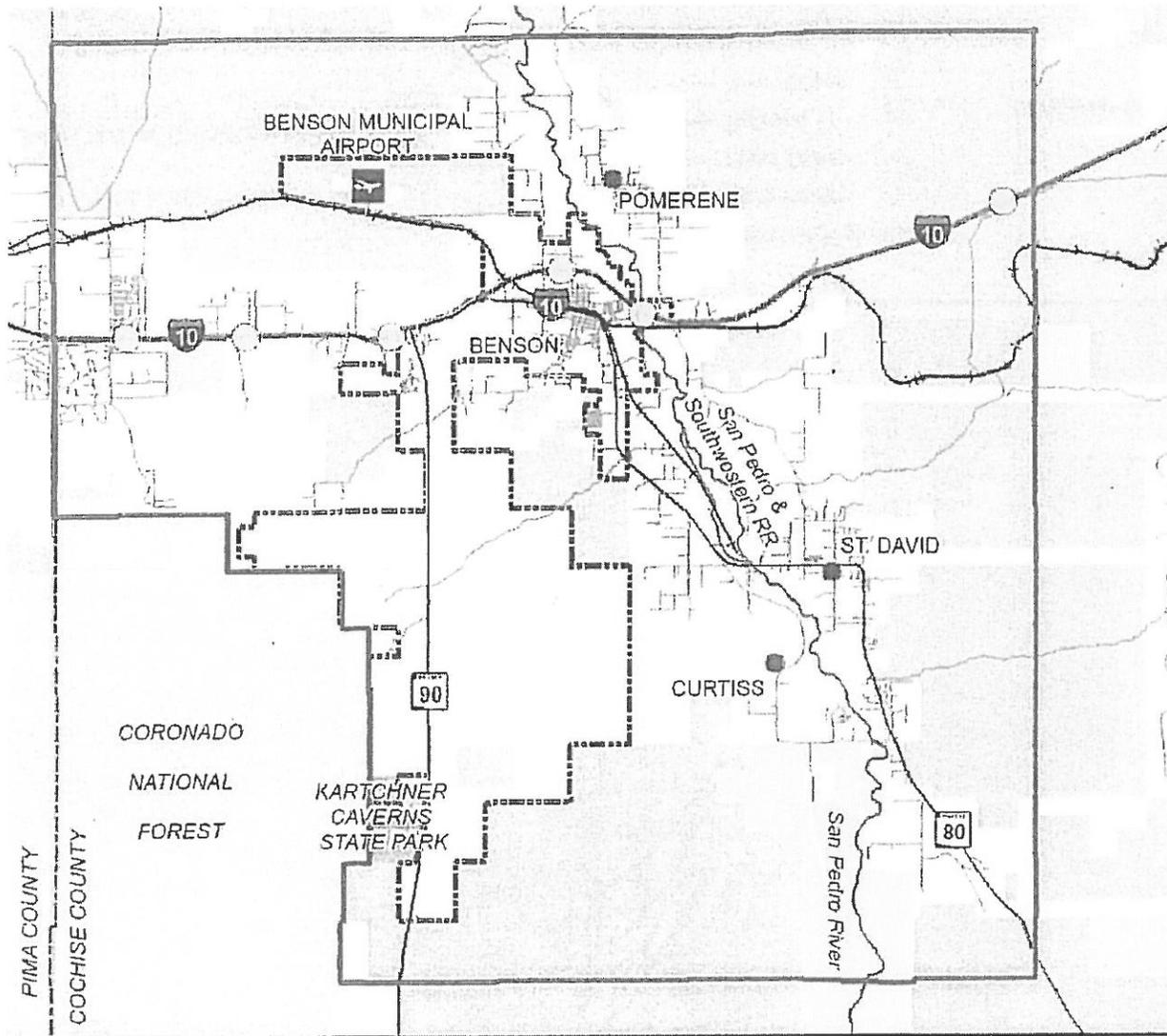
Additional corridor work related to the segment of I-10 from the County-line to SR90 is currently underway. A recommended northwest area roads and streets map will be developed based on modeled results, recommendations from the Northwest Area Plan and public input in the next few months.

The Northwest Area Roads and Streets Map will then be brought forward to the Planning and Zoning Commission for review and comment, then to the Board of Supervisors for approval and eventual inclusion into the County's Comprehensive Plan.

A short briefing about the Northwest Area Transportation Plan, including growth projections and potential roadway network, will be presented to the Planning and Zoning Commission at the November meeting.

Completed project reports, the final Northwest Cochise County Long Range Transportation Plan and an Executive Summary are posted on the ADOT project website located at: [http://www.azdot.gov/mpd/systems\\_planning/PARAs.asp](http://www.azdot.gov/mpd/systems_planning/PARAs.asp)

### Northwest Cochise County Planning Area



## RECOMMENDED LONG RANGE PLAN

The recommended long range plan for Northwest Cochise County includes projects to address future deficiencies on the state highway system, projects to provide better connectivity, projects to improve access to transit services, and strategies to improve travel conditions for non-motorized modes. Recommended projects include:

- Adding capacity on heavily used state highways
- Integrating bicycle and pedestrian features
- Implementing expanded transit services

### Roadway

Roadway improvements identified as part of this Long Range Plan include:

- Widening I-10, SR 80, SR 90, Mescal Rd, and Ocotillo Rd
- Improvements to Post Ranch Rd between SR 80 and SR 90
- Constructing a new road connecting I-10 and SR 80 near St. David
- Replacing the Skyline Rd traffic interchange along I-10
- Constructing a new east-west corridor 2 lane road along I-10 connecting to a new TI and SR 90
- Improve B-10/4th St through the City of Benson



SR 90 looking South

### Transit

The 2009 City of Benson Transit Feasibility Review and Implementation Plan showed a clear existing need for additional transit services within Northwest Cochise County. The recommendation for increased transit services from this plan include providing fixed route devalued service by 2020 and implementing a more regional service by 2040 to service the expected population growth in the area.

### Non-motorized

Integrating bicycle and pedestrian facilities into roadway projects is a cost-effective way to add facilities. Non-motorized projects identified as part of this plan include:

- Wide paved shoulders on rural roadway projects
- Bike lanes and sidewalks within the City of Benson
- Implementation of a comprehensive trail plan and system
- Accommodate equestrian activity

## The Natural and Physical Environment

Impacts to the natural and physical environment should be considered in the implementation of this plan including:

- Minimizing and mitigating impacts to the San Pedro River
- Minimizing and mitigating impacts to wildlife
- Implementing corridor research to help provide recommendations for wildlife crossing structures

### Financial Constraints

Most of the recommended projects are on the state highway system, and would require state or federal funding. The total cost of the recommended plan for the Northwest Area is estimated to be \$161 to \$289 million. Local transportation projects rely on the Highway User Revenue Fund (HURF). The local projects recommended as part of this plan are estimated to cost between \$19 and \$25 million total by 2040. In 2009 both Cochise County and the City of Benson received over \$8 million combined in HURF funds, with the majority allocated to the County.

### Next Steps

- Adopt a Roads and Streets Map
- Incorporate recommendations into the Cochise County Comprehensive Plan
- Identify opportunities to implement high priority projects
- Incorporate recommendations into the City of Benson General Plan

### Contact Information

ADOT Multimodal Planning Division – 602-712-7454  
 Cochise County Planning Department – 520-432-9240  
 City of Benson Public Works Department – 520-586-2245  
 Project Website – [http://www.azdot.gov/mpd/systems\\_planning/nw\\_cochise\\_co.asp](http://www.azdot.gov/mpd/systems_planning/nw_cochise_co.asp)



Ocotillo Road looking North

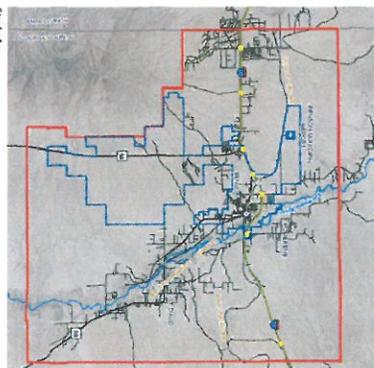


# EXECUTIVE SUMMARY



## STUDY AREA OVERVIEW

The Northwest Cochise County Long Range Transportation Plan Study Area encompasses 234 square miles, which includes the City of Benson and the unincorporated areas of St. David, J-Six/Mescal, and Pomerene. The Study Area includes the junction of three State highway corridors which include I-10, SR 80, and SR 90. These highways provide access to the rest of Cochise County and the Tucson metropolitan area to the west. I-10 is a major interstate corridor and provides access to eastern and western portions of the State. I-10 runs parallel to the Union Pacific Railroad (UPRR) Sunset Route which passes through Northwest Cochise County and the City of Benson as it connects the cities of Los Angeles, California, and El Paso, Texas.



Study Area

## STUDY OBJECTIVES

Based on previously identified key issues for Northwest Cochise County and discussions with both ADOT and the Technical Advisory Committee, the following objectives were developed for this Long-Range Transportation Plan:

- Prepare a plan that considers the recommendations of the four existing transportation plans
- Identify solutions to current and projected congestion and system access problems
- Identify potential alternative transportation facilities
- Evaluate alternative transportation scenarios, and prepare a transportation improvement plan

## EXISTING AND FUTURE CONDITIONS

A review of the physical, natural, socioeconomic, transportation system and travel conditions provided an understanding of existing conditions within Northwest Cochise County. Future population and employment projections as well as future land use plans provided an overview of inputs for the long-range travel forecasting to support the development of future year transportation improvements.

### Existing Conditions

- The majority of private and public lands within the study area are undeveloped
- Commercial development is primarily located along B-10/4th Street while residential development is mostly located in Benson, Pomerene, and St. David
- 2007 population for the study area was just over 12,000 people
- 2007 employment for the study area was nearly 4,000 jobs
- Most of the roadways in the study area functioning at a Level of Service of B or better
- In 2007, there were a total of 233 crashes on study area roadways

### Future Conditions

- More intense land uses are expected along SR 90 including a commercial core
- The Benson General Plan identifies areas to the south of the city for development with a mixture of medium density residential and commercial uses
- Riparian areas, drainage, flood zones, and water quality are anticipated to be constraints to high density development

Population projections for 2020 and 2040 utilized an annual growth rate of 2 percent based on historical growth trends.

### Future Year Growth Projections

Year	Households	Employment	Population*
2007	5,236	3,917	12,043
2020	7,133	5,376	16,406
2040	10,600	9,691	24,380

\*Population projection assumes 2.3 people per household

**FINAL RECOMMENDED NORTHWEST AREA 2040 MAP**

**2020 State Projects**

- Improvement:** Widen SR 80 to 4 lanes, with bicycle and pedestrian improvements integrated
- Location:** B-10/SR 80 split in Benson to Judd Road
- 10 miles - \$30m - \$50m
- Improvement:** Widen SR 90 to 6 lanes, with bicycle and pedestrian improvements integrated
- Location:** I-10/SR 90 TT to Post Ranch Road
- 4 miles - \$8m - \$12m
- Improvement:** Implement access management improvements to B-10/4th Street and reconstruct roadway with 4 lanes
- Location:** I-10 to the SR 80 split
- 2 miles - \$1.5m - \$2m

**2020 Local Projects**

- Improvement:** Widen Mescal Road to 4 lanes
- Location:** North of the J-516/Mescal I-10 traffic interchange
- 1 mile - \$3m - \$5m
- Improvement:** Fixed Transit Service
- Location:** Serving City of Benson
- N/A - \$275K

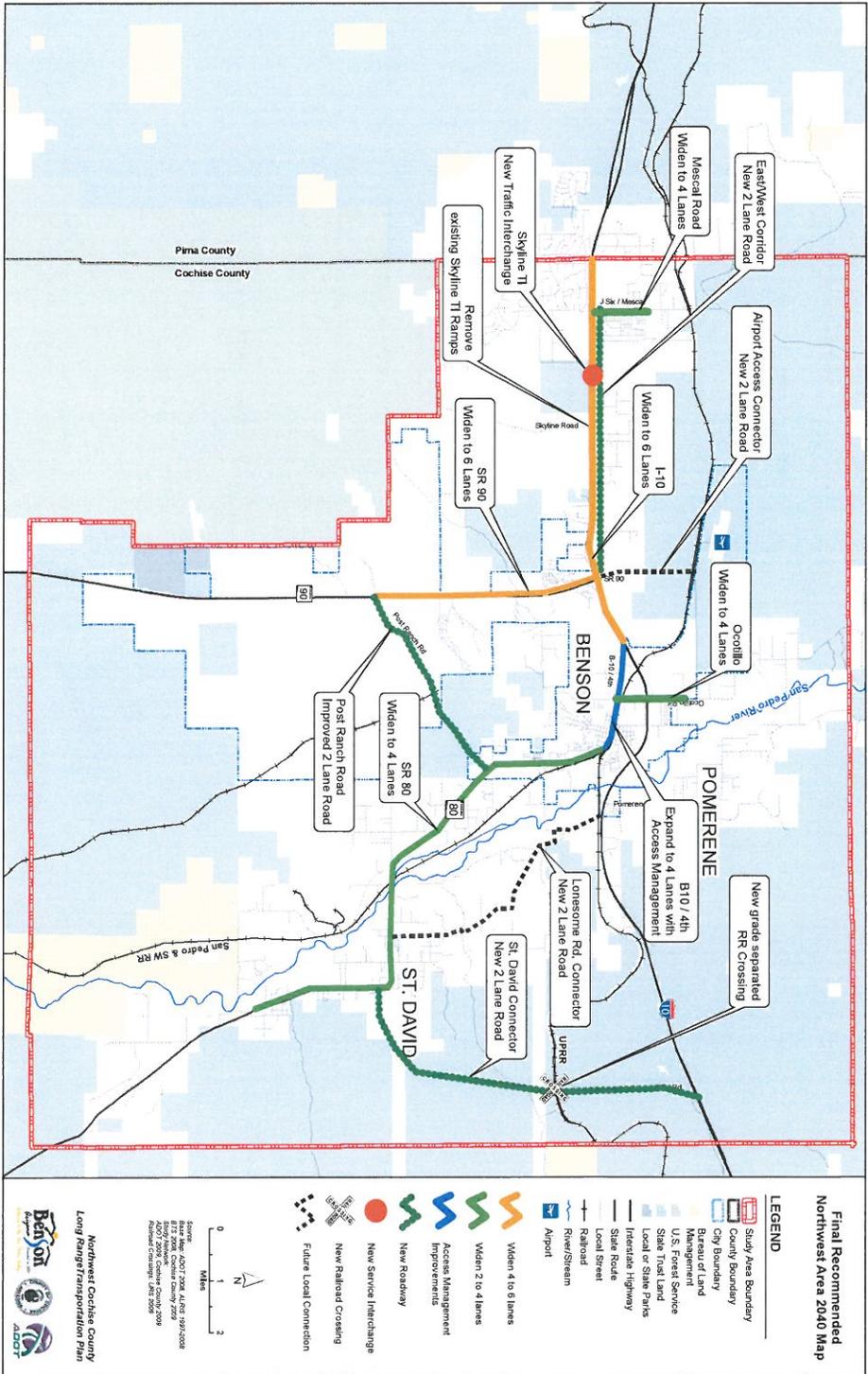
**2040 State Projects**

- Improvement:** New I-10 service interchange to replace the existing Skyline Road TT
- Location:** Remove existing Skyline TT and replace
- N/A - \$20m - \$30m
- Improvement:** New east/west corridor 2 lane road north of I-10, with bicycle improvements
- Location:** J-516/Mescal to SR 90 (two way road)
- 5 miles - \$10m - \$235m
- Improvement:** Widen I-10 to 6 lanes
- Location:** Cochise/Pinal County line to B-10/ 4th Street Exit
- 7 miles - \$70m - \$140m

**2040 Local Projects**

- Improvement:** New 2 lane road connecting to I-10 and UPR crossing
- Location:** From SR 80 near Dragon Vista north to I-10 at the Skyby Road TT
- 7 miles - \$9m - \$11m
- Improvement:** Improve Post Ranch Road to paved 2 lane road
- Location:** Connection between SR 90 and SR 80
- 4 miles - \$2.5m - \$3.5m
- Improvement:** Widen Ocotillo Road to 4 lanes, with integrated bicycle and pedestrian improvements
- Location:** North of I-10 to B-10/4th Street
- 1.3 miles - \$6.5m - \$9m
- Improvement:** Fixed Transit Service
- Location:** Expanded regional service
- N/A - \$250K
- Improvement:** Expanded bicycle system
- Location:** Yearly program to add facilities
- 3-5 miles/year - \$230K - \$500K

**TOTAL \$161m - \$289m**



**SHORT TERM IMPROVEMENTS**

The final recommended 2020 and 2040 long-range plan focuses on the major capacity projects identified to meet needs into the future. Roadway improvements in the Northwest Area will also include near-term improvements already funded, such as the SR90 interchange and Dalk Star re-alignment as well as safety and enhancement projects, such as improving the J-516/Mescal Traffic Interchange and reconstructing B-10/4th through Benson. As growth occurs over time, local connectors to serve new commercial and residential areas are likely to be developed. On-going maintenance as well as roadway surface treatments will also continue to play a significant role in meeting the current as well as the future transportation needs of the Northwest Area.

**PUBLIC INPUT**

Public input was a key element in determining issues and both opportunities and constraints for future growth in the Northwest Area. Two formal public meetings were held over the course of the study where progress was presented and public input was solicited. Several additional presentations were hosted by the J-516/Mescal CDO and the St. David School. Stakeholder input was also sought from specific interests within the study area through a series of one-on-one interviews. Issues identified included:

- Improve B-10 (4th Street) to better manage traffic in the area, and spur economic growth

- Address safety issues related to the current practice of routing St. David school buses onto I-10 and through Benson
- Develop an east/west connection between SR90 and SR80 through the center of the study area. An alignment using Post Ranch Road was most often referenced.
- Locate an alternative route which parallels I-10 from SR90/I-10 interchange west to the J-516/Mescal interchange
- Consider wildlife crossings for deer, antelope and other big game animals, as well as equestrian access, as future improvements are planned

Northwest Cochise County Long Range Transportation Plan

Scale: 1" = 1 Mile

Source: Aerial Imagery, GIS Data, and Public Input

Legend:

- Study Area Boundary
- County Boundary
- City Boundary
- Miscellaneous Land
- U.S. Forest Service
- State Trust Land
- Local or State Parks
- Interstate Highway
- State Route
- Local Street
- Railroad
- River/Stream
- Airport
- Widen 4 to 6 lanes
- Widen 2 to 4 lanes
- Access Management Improvement
- New Roadway
- New Service Interchange
- New Railroad Crossing
- Future Local Connection