



**NOTICE OF MEETING**  
**Cochise County, Planning and Zoning Commission**

**June 8, 2011 at 4:00**

Cochise County Complex  
Board of Supervisors, Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona 85607

**AGENDA**

**1. 4:00 P.M. - CALL TO ORDER**

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

- 2. ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)
- 3. CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda).
- 4. APPROVAL OF PREVIOUS MONTH'S MINUTES**
- 5. NEW BUSINESS**

**Item 1 – (Page 1) Introduce docket and advise public who the applicants are.**

**PUBLIC HEARING, DOCKET MDP-11-01 / Z-11-04:** A proposal for a 1,240-acre Master Development Plan (MDP) West of Willcox, Arizona. The nature of the proposed development, which would take place in several phases, would include a rezoning of the entire tract to PD (Planned Development District), in order to facilitate the MDP.

**Staff requests that the Commission table this Docket to a time uncertain.**

**Item 2 – (Page 2) Introduce docket and advise public who the applicants are.**

**PUBLIC HEARING, DOCKET SU-11-05:** The Applicant seeks a Special Use Permit for an Accessory Living Quarter (ALQ), per Section 1717 of the Cochise County Zoning Regulations. The Applicant intends to install a 600 square foot guest home with attached RV Carport. The subject property is located at 3111 South Moson Road, Sierra Vista, AZ (Parcel No. 107-54-008Q), and is located approximately 2.6 miles south of East Highway 90 on South Moson Road.

**Applicant's:** Mr. and Mrs. Timothy Williams

**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 this afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.)

**Item 3 – (Page 33) Introduce docket and advise public who the applicants are.**

**PUBLIC HEARING, Docket CP-11-01:** Proposed amendments to the Cochise County Comprehensive Plan to include certain policies codifying the need for federal government agencies to coordinate with Cochise County to ensure local government and stakeholder consideration into federal agency land-use planning and actions. On January 1, 1970, Congress enacted the National Environmental Policy Act of 1969 (NEPA). Federal law, including the NEPA, require federal agencies to engage local governments, including Cochise County, to participate in the developing of federal land use plans and decisions, and to cooperate and coordinate with local governments in developing such plans and decisions. Cooperation and coordination are essential ingredients in the NEPA process, and are required in order to determine the impacts of proposed federal actions and policies on the cultures, history, environments, economies and lifestyles of Cochise County. Since a large percentage of land in Cochise County is administered by federal agencies, it is important for local governments, including Cochise County and members of the public, to participate in the federal land-use planning and policy-making processes.

**Applicant:** Board of Supervisors

**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.)

6. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS**
7. **PENDING AND RECENT MATTERS**
  - A) **FUTURE AGENDA ITEMS/DOCKETS**
  - B) **BOARD OF SUPERVISORS'S ACTIONS**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS**
9. **ADJOURNMENT**

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
MINUTES**

Wednesday, May 11, 2011

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

**ROLL CALL**

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

**Present:** Jim Martzke, Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams **Roll Call.**

**Absent/Excused:** Rusty Harguess, Cruz Silva, and Pat Edie.

**APPROVAL OF THE MINUTES**

**Motion:** approve the minutes with the following changes: the vote on SU-04-16A should be 6 not 7 as Mr. Brofer recused himself and did not vote, and Chair Lynch not Chair Basnar called the meeting to order., **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Martzke.

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

**Yes:** Jim Martzke, Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

**CALL TO THE PUBLIC**

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

**Item 1**

**Public Hearing, Docket SU-11-04:** Planner Keith Dennis presented the docket for a Special Use Permit for a private airstrip, per Section 607.14 of the Cochise County Zoning Regulations. The Applicant intends to install a dirt airstrip with no accessory buildings. Per the Applicant, the airstrip will be used for maintenance only as the aircraft is based at the Bisbee Municipal Airport. The subject property is located at 780 North Nanas Trail, Sierra Vista, AZ (Parcel No. 107-44-003), and is located approximately 1/4 mile North of East Highway 90 on North High Knoll Road and 1/2 mile east on East Greenough Trail. Mr. Dennis presented photos of the property and site plans showing the proposed airstrip. Mr. Dennis further explained the modifications requested by the applicant also the factors in favor and against the proposal, he stated staff had received nine letters from neighboring property owners in support and one in objection.

Chair Lynch asked about the frequency of flight, being a maximum of 2 a month. He also asked about hazardous materials being used.

Mr. Dennis stated there would be no unusual hazardous materials other than fuel.

Mr. Abrams asked if the use would go with the land.

Mr. Turisk stated that the Use goes with the land and the conditions would also go with the Use.

Mr. Britt Hansen, County Attorney, stated the Use would be held to the conditions placed on it.

Dennis Kunkel, Applicant, stated he is a former airline pilot, military pilot, airplane mechanic, and AIA inspector. He stated his objective is to be a good neighbor. He further stated he lived in Pennsylvania on an airstrip, and didn't use the airstrip more than twice a month. He explained that the clearing had been done for fire protection, and not originally for an airstrip.

Chair Lynch opened the meeting to the public.

Virginia Miller is a property owner in the area. She stated she is concerned about other pilots using the airstrip, and the long term plan for the airstrip.

Chair Lynch declared the public meeting closed and asked for the applicant's rebuttal.

Mr. Kunkle stated there would only be 2 operations a month, no night time flights, and no one else would be using the airstrip.

Mr. Brauchla asked if the conditions would be recorded.

Mr. Turisk stated they would.

After much discussion meeting was recessed to allow staff to talk to the applicant and his neighbors to construct conditions that would meet everyone's needs.

Meeting is called back into order.

Community Development Director Carlos De La Torre, stated after discussion with the applicant and the opposing neighbor, staff is recommending four flights per month, but would be counted as 48 per year, not per month. The applicant has agreed that the airstrip will only be for personal use. There will be no night flights only daylight hours, so lights will not be an issue.

Mr. Dennis stated that staff is recommending conditional approval with the conditions stated in the memo, and condition seven approaches, takeoffs and landings will be limited to 48 operations per year barring emergency flights. Also staff supports the modifications requested by the applicant.

**Motion:** Approve SU-11-04 with the conditions 1 through 7 and the modifications requested by the applicant, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

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

**Yes:** Jim Martzke, Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

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

1. Board of Supervisors Actions included the approval of the appeal of the birding exhibit.
2. Next Month's Dockets include 3 dockets. One is a Comp plan amendment, MDP and rezoning, and a Special Use for an Accessory Living Quarters.
3. Mr. Turisk asked if the Commission had any comments about the new agenda format.

### **CALL TO COMMISSIONERS**

Mr. Martzke will not be at next months meeting.

### **ADJOURNMENT**

**Motion:** Adjourned at 5:44 p.m., **Action:** Adjourn, **Moved by** Duane Brofer, **Seconded by** Jim Martzke.

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

**Yes:** Jim Martzke, Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

# Planning & Zoning Commission Meeting

## Sign in Sheet

DATE May 11, 2011

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. Dennis + Virginia Kuntel	780 N. Navas SU AZ Tol	520- 236-9737	SU-11-04
2. VIRGINIA SCIARRINO MILLER	10633 GREENWICH TR S.V. ARIZONA 85635	459-0368	
3. KATHY SUMMERS	PO Box 2953 S.V. AZ 85636	520- 234-5213	
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## **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: Michael Turisk, Interim Planning Director  
**SUBJECT:** Docket MDP-11-01 / Z-11-04 (Madison 1240)  
**DATE:** May 31, 2011, for the June 8, 2011 Meeting

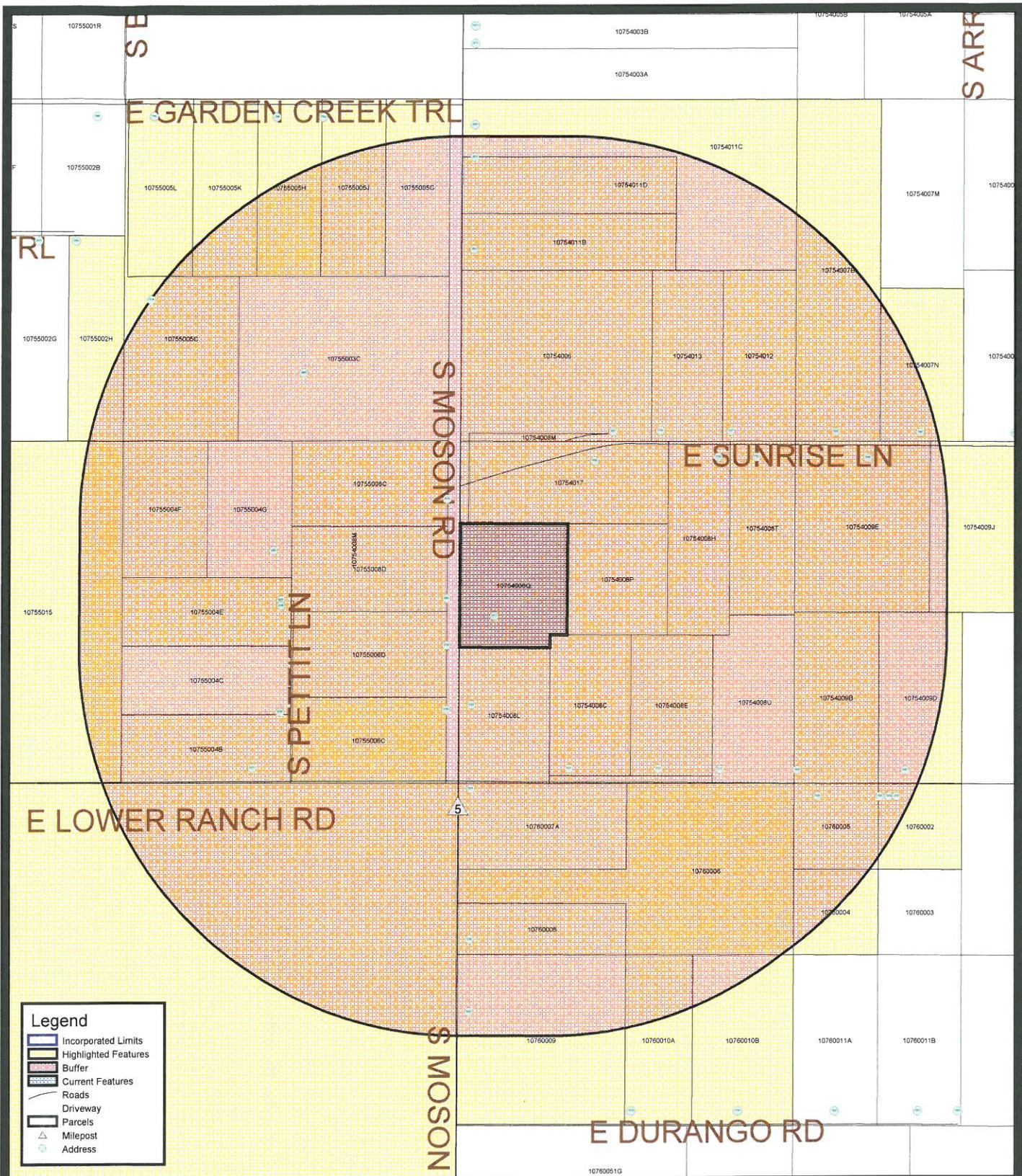
### **REQUEST TO TABLE TO A TIME UNCERTAIN**

The Planning Department had scheduled a Public Hearing for this Docket for the Commission's Regular Meeting of June 8, 2011.

The Department now requests that the Commission table this Docket, to allow the Applicant and staff more time to bring a more robust Application before the Commission and Board. The Department intends to work with the Applicant to resolve the following issues prior to a public hearing on this Docket:

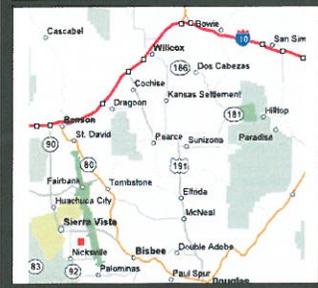
- Obtaining and addressing comments from Arizona State Lands, the City of Willcox, ADOT and the Willcox School District;
- Making the submittal exhibits agree with each other more substantially, specifically the Traffic Impact Analysis and the written Master Development Plan report; and
- Substantial modifications to the Master Development Plan written report, with the goal of making the MDP report a more durable policy document, which will guide and govern development within the project area for the next 5 to 20 years.

Staff now requests that the Commission table this Docket to a "time uncertain," meaning that, a specific date for consideration of this Docket would remain to be determined.



**Legend**

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



SU-11-05  
Williams  
107-54-008Q  
1500' buffer

This map is a product of the Cochise County GIS




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## **COMMUNITY DEVELOPMENT DEPARTMENT**

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(520) 432-9240

Fax 432-9278

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

### **MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Beverly Wilson, Senior Planner  
For: Michael Turisk, Interim Planning Director  
**SUBJECT:** Docket SU-11-05 (Williams)  
**DATE:** May 30, 2011, for the June 8, 2011 Meeting

### **APPLICATION FOR SPECIAL USE**

The Applicants request a Special Use Permit for a 600 square foot Accessory Living Quarters (ALQ) for the use of an elderly parent.

The subject parcel (#107-54-008Q) is located at 3111 South Moson Road, Sierra Vista, AZ. The Applicants are Timothy and Sandi Williams.

### **I. Description of Subject Parcel and Surrounding Uses**

Size: 4.56 Acres  
Zoning: RU-4 – Rural, one dwelling unit per four acres  
Growth Area: Category D - Rural  
Plan Designation: Rural  
Area Plan: Sierra Vista Sub Watershed  
Existing Uses: Single-family residence  
Proposed Uses: Single-family residence with Accessory Living Quarter

<u>Relation to Subject Parcel</u>	<u>Zoning District</u>	<u>Use of Property</u>
North	RU-4	Rural Residential
South	RU-4	Undeveloped Land
East	RU-4	Undeveloped Land
West	RU-4	Rural Residential

### **II. PARCEL HISTORY**

A permit was issued October 30, 2006, for a 3,500 square foot single family residence including a septic system. A Certificate of Occupancy was issued on July 26, 2007. A new private road

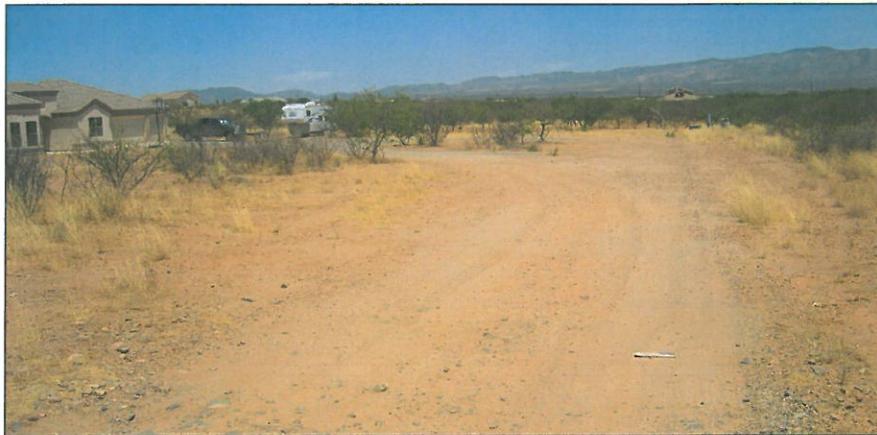
apron was required on the right of way permit issued in 2007 during construction of the home. A permit was issued November 13, 2007 for a swimming pool with solar heating.



*Northwest view of the Williams' home.*

**III. PROJECT DESCRIPTION**

The Applicants seek a Special Use Permit in order to complete construction of a 600 square foot ALQ for their elderly parent. Per Section 605.03 of the Cochise County Zoning Regulations, an ALQ is a permitted use in a Rural Zoning District. After notification of the property owners within 300 feet of the subject property of this proposed ALQ application, the Department received one letter in protest. Per Section 1717, one protesting neighbor means requiring the applicants to apply for a Special Use approval by the Planning and Zoning Commission. If the Commission approves the request, the Applicant can then proceed with the residential ALQ permit.



*Eastward view from the driveway along Moson Road.*

The purpose of an ALQ is to provide housing for residents that are ill, elderly or disabled, or for a guesthouse. An ALQ is to be secondary to the principal dwelling; therefore the maximum allowable size is 850 square feet, including exterior wall dimensions. Limiting regulatory factors are stipulated in the Zoning Regulations for an ALQ to protect residential neighborhoods. These include a restricted allowable size as mentioned before. Further, the ALQ shall not have a

separate address or separate utility meters or be used for commercial purposes (to include renting the dwelling separate from the main dwelling).

#### **IV. ANALYSIS OF IMPACTS - COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)**

Section 1716.02 of the Zoning Regulations provides a list of ten criteria staff uses to evaluate Special Use applications. These are considered factors in determining whether or not to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Nine of the ten criteria that apply to this project were found to comply. One of the criteria (Hazardous Materials) is not applicable.

##### **A. Compliance with Duly Adopted Plans: Complies**

The project site is within the boundary of the Sierra Vista Sub-Watershed Water Conservation and Management Policy Plan. The Applicants will use passive water harvesting and gray water for any new native and/or drought tolerant landscape plants that may be added to the site. Permitting the Applicants to construct an ALQ does not appear to adversely affect the stability of the neighborhood nor is it likely to add additional off site impacts such as noise or traffic.

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

The project would comply with the purpose statement for RU Zoning Districts as listed in Article 6 of the Zoning Regulations, in that land uses not appropriate for more densely populated areas would be appropriate in rural areas if designed to be sensitive to the general character of rural districts and harmonious and in scale with existing development near the proposed site as Special Uses in these Districts. The proposed 600 square foot ALQ would comply with the intent of Article 6.

##### **C. Development Along Major Streets: Complies**

The property currently has access to Moson Road, which is located along the west side of the Applicant's property. The shared access was created under a Right-of-Way permit issued in 2007, and consists of a new concrete road apron constructed while the Applicants were building their home.

##### **D. Traffic Circulation Factors: Complies**

The Applicants have permanent access to Moson Road, which is a Declared County Highway. All vehicular traffic to and from the site is to be residential in nature, and this elderly parent does not drive.

##### **E. Adequate Services and Infrastructure: Complies**

The Applicants seek a Special Use Permit for what is otherwise a residential home site. The property is served by a shared on-site well and on site septic system; electricity is provided by SSVEC. The property lies within the Fry Fire District service area. Electrical service for the

proposed ALQ will be provided through the existing electrical service to the existing home. The ALQ will require a new septic and leach field, as shown on the site plan.

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

The ALQ, at 600 square feet, represents 17% of the floor area of the principal home and, therefore, meets the maximum size limit of no more than 70% of the size of the principal dwelling unit and no more than the maximum 850 square feet in size. Additionally, per the County Zoning Regulations, the ALQ will not be rented.

Because of the protest letter received by staff, which precipitated the Special Use Process, the project is subject to the provisions of Section 604.03. This is a development standard for the Rural Zoning Districts, which requires that Special Uses be set back no less than 40 feet. The standard setback for permitted principal uses in the RU Districts is 20 feet. The Applicant proposes to build the ALQ 30 feet from the property line. Staff supports the Applicants' request.

**G. Public Input: Complies**

The Applicant completed the required Citizen Review as part of the Special Use Application process, with nine positive responses. The County has also completed its required legal noticing and property owner notification. As part of the required County mailings to property owners, the Department has received three written responses from neighbors supporting proposal. A phone call was also received in favor of this request, with no name given. No negative responses were received for the Special Use Application.

**H. Hazardous Materials: Not Applicable**

**I. Off-Site Impacts: Complies**

The ALQ would not require any additional off-site infrastructure (such as roads or sewers), utilities, or public services. As a small, accessory residential unit, impacts, if any, would be in keeping with the rural residential character of the neighborhood.

**J. Water Conservation: Complies**

As stated above, the Applicants will use passive water harvesting and gray water for any new native and/or drought tolerant landscape plants that may be added to the site.

**IV. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1,500 feet. Staff posted the property on May 16, 2011, and published a legal notice in the *San Pedro Valley News-Sun* on May 19, 2011. To date, staff has received three positive responses to the Special Use proposal, and as stated previously, one additional phone call was received supporting this request.

## VI. SUMMARY AND CONCLUSION

Granting a Special Use Permit (SUP) for the ALQ would not generate noise, traffic, dust or other impacts that would be incompatible with the rural residential character of the neighborhood. The ALQ would provide affordable housing for a person with special needs, an elderly person, or medically-disabled family member.

### Factors in Favor of Approval

1. The ALQ would not generate any off-site impacts, nor be out of character with the surrounding rural residential neighborhood.
2. The proposed use would be an appropriate use of the property and would not be dissimilar to other residences in the area which, although they do not have second dwelling units, also feature sheds, outdoor storage of vehicles and goods and other similarly-situated accessory structures.
3. The ALQ would provide temporary affordable housing for an elderly person, which would positively address affordable housing goals and policies of the Comprehensive Plan.
4. The Citizen Review netted nine positive responses; the County received three additional written statements of support.

### Factors Against Approval

1. One neighbor protested the original ALQ application, which precipitated the public Special Use process.

## VII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **conditional approval** of the Applicant's Special Use modification request, to build an Accessory Living Quarter of 600 square feet, subject to 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. The Applicant shall submit a completed joint permit application for the ALQ within 12 months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations with appropriate fees. A permit must be issued within 18 months of approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant.

2. 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.
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

Sample Motion: *"Mr. Chairman, I recommend approval of Special Use Docket SU-11-05, with the conditions of approval as recommended by Staff, and with the 40-foot setback modification as requested by the Applicant, with the factors in favor of approval constituting findings of fact."*

### **VIII. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS**

The Applicant has requested to following modification to site development standards:

1. That the requirement for a 40 foot setback, per Section 604.03, be modified to allow the ALQ to be constructed as shown on the site plan, with a 30' setback.

### **IX. ATTACHMENTS**

- A. Special Use Application
- B. Location & Vicinity Maps
- C. Site Plan
- D. Citizen Review Report
- E. Public Comment
- F. Modification Request



# COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240  
Fax 432-9278

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

TAX PARCEL NUMBER: 107-54-008Q ZONING DISTRICT 2

APPLICANT: Timothy & Sandi Williams

MAILING ADDRESS: PO Box 1035 Sierra Vista AZ 85636

CONTACT TELEPHONE NUMBER: 520 249-8212 OR 520 249-8213

PROPERTY OWNER (IF OTHER THAN APPLICANT): N/A

ADDRESS: 3115. Mason Rd Sierra Vista AZ 85650

DATE SUBMITTED: 4-19-2011

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

*CHECK 408  
Paid (408)*

### PART ONE - REQUIRED SUBMITTALS

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

A 9

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property? Residential
2. What is the proposed use or improvement? Accessory Living Quarters for a parent who requires living assistance and RV carport.
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? This is a residential structure, no impact on any neighboring properties.

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

N/A

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Wood with Stucco Siding

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

Estimated time of completion 6 to 7 months

7. Provide the following information (when applicable): N/A

A. Days and hours of operation: Days: \_\_\_\_\_ Hours (from \_\_\_\_\_ AM to \_\_\_\_\_ PM)

B. Number of employees: Initially: \_\_\_\_\_ Future: \_\_\_\_\_   
 Number per shift Seasonal changes \_\_\_\_\_

C. Total average daily traffic generated: N/A

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

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

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

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

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

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 7 per year Approx 2555

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

F. Does your parcel have permanent legal access\*? Yes  No   
 If no, what steps are you taking to obtain such access?

\_\_\_\_\_  
 \_\_\_\_\_

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

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

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

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

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>private well</u>	
Sewer/Septic	<u>Whetstone Construction</u>	
Electricity	<u>SSVEC</u>	
Natural Gas	<u>N/A</u>	
Telephone	<u>Quest</u>	
Fire Protection	<u>Fry Fire</u>	

**SECTION B - Outdoors Activities/Off-site Impacts**

1. Describe any activities that will occur outdoors.

N/A  
 \_\_\_\_\_  
 \_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

5. Will odors be created? Yes \_\_\_ No  If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? N/A

\_\_\_\_\_

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

N/A

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

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

A. \_\_\_\_\_ B. \_\_\_\_\_ C. \_\_\_\_\_ D. \_\_\_\_\_

9. Will any new signs be erected on site? Yes \_\_\_ No  If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?  
Yes \_\_\_ No

If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No \_\_\_

Will washes be improved with culverts, bank protection, crossings or other means?

Yes \_\_\_ No N/A

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

N/A

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

N/A

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)? N/A  
Yes \_\_\_ No  If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

### SECTION C - Water Conservation and Land Clearing

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

N/A

2. How many acres will be cleared? N/A  
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

\_\_\_\_\_

**SECTION D - Hazardous or Polluting Materials**

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

No N/A Yes \_\_\_\_\_ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

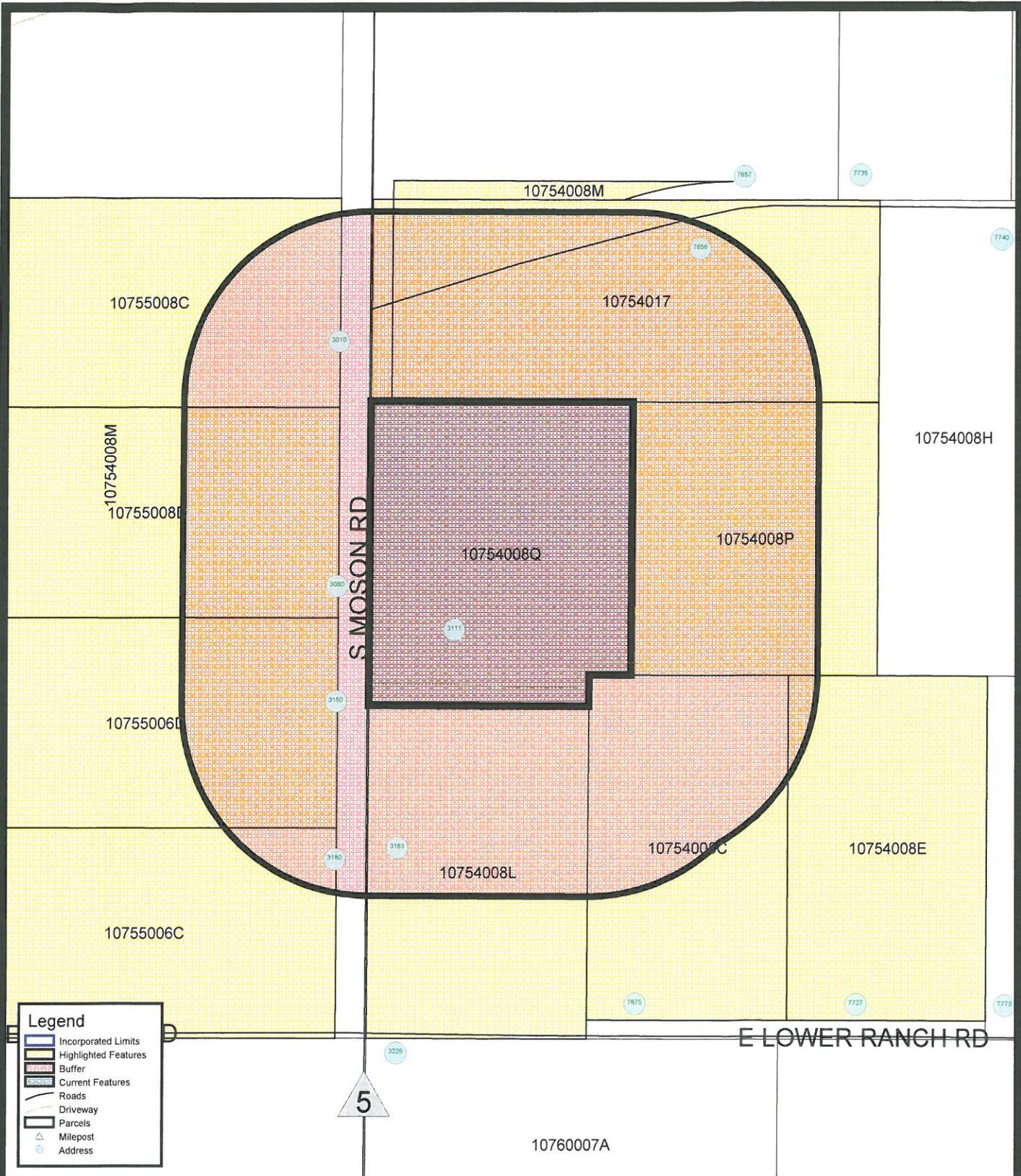
**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)**

**SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature 

Date signed 4-19-2011



**Legend**

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



ALQ-11-03  
 107-54-008Q  
 Williams  
 300' buffer

This map is a product of the Cochise County GIS




B  
 16



April 7, 2011

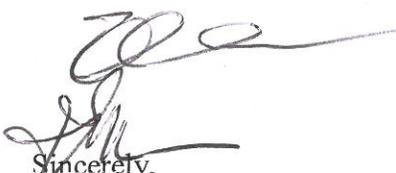
SUBJECT: Application for Accessory Living Quarters (ALQ) at 3111 S. Moson Road, Sierra Vista, AZ

Greetings Neighbor:

This letter is to inform you that we have applied for an ALQ permit to build a 600 square foot subordinate structure on our property located at 3111 S. Moson Road, Sierra Vista, AZ 85650. The purpose for the ALQ is to care for an elderly parent who has a chronic medical condition, does not drive, and requires assistance. Building this structure will not have a negative impact on any property owners.

We have been informed by the Cochise County Planning and Zoning Department, a neighbor has formally objected to our permit to build an ALQ structure. As such we are now required to undergo a Special Use Process to attend a hearing with the Planning and Zoning Commission for a decision.

The purpose of this letter is inviting you to submit your comments to us by mail at PO BOX 1035, Sierra Vista, AZ, 85636 or via email at [tstwilliams@q.com](mailto:tstwilliams@q.com). In order for us to meet the require deadlines we respectfully request that you submit your response no later than April 22, 2011. Your timely response will allow us to meet the requirements in order to attend the Planning and Zoning meeting set for June 8, 2011. Please let us know if you have any questions or concerns regarding this letter. We can be reached by phone at 520 249-8212 or 520 249-8213. Thank you for your timely attention to this matter, and we hope to meet an amiable solution to this situation as quickly as possible.

  
Sincerely,  
Timothy and Sandi Williams  
3111 S. Moson Road  
Sierra Vista, AZ

Mailing Address:  
PO BOX 1035  
Sierra Vista, AZ 85635

*4-14-11*  
*Tim & Sandi*  
*Fine with me!*  
*Mrs Cowan*  
*7657 Sunrise Lane*  
*S.V. AZ 85650*  
*(the white buildings with all red roofs)*

**Williams, Sandi L USA CIV (US)**

---

To: tstwilliams@q.com  
Subject: RE: Building permit

From: "Don Pettit" <donpettit1@msn.com>  
Date: Sat, 9 Apr 2011 13:00:35 -0700  
To: <tstwilliams@q.com>  
Subject: Building permit

Hello Neighbors

I don't have any objection to You building a building on Your property, When I moved out here I checked the building codes and at that time you were allowed to build an extra building on Your property.

Good luck, and thank you for taking care of Your elderly!

Sincerely,  
Donald F. Pettit  
3160 S. Pettit Lane  
Sierra Vista, AZ  
85650

**Williams, Sandi L USA CIV (US)**

---

**From:** tstwilliams@q.com  
**Sent:** Monday, April 11, 2011 7:08 AM  
**To:** Williams, Sandi L USA CIV (US)  
**Subject:** Fw: Property

Sent on the Sprint® Now Network from my BlackBerry®

---

From: "Ed Weed" <eweed@ssvecnet.com>  
Date: Sun, 10 Apr 2011 15:02:10 -0700  
To: <tstwilliams@q.com>  
Subject: Property

Mr. & Mrs. Williams,

We want to let you and the Cochise County Planning & Zoning Department know that we have no objections to your receiving your ALQ Permit to build a subordinate structure on your property at 3111 S. Moson Rd., Sierra Vista, Az. 85650.

We see no reason for an objection being made to your plans in relationship to our property or any surrounding property. We admire your desire to be of assistance to a family member. We find the objection being made as short sighted and selfish.

What if the party objecting was in the same situation and needed to ask for this.

Ed & Sally Weed  
3150 S. Moson Rd.  
Sierra Vista, Az. 85650  
520-803-0865

Apr 11, 2011

To whom it may concern,  
Thimothy + Sandi Will  
come are neighbors up  
the Moon Rd from me.

I feel what he is doing  
for his mother in law as  
so wonderful, he deserves  
a big pat on his back.

I have no objection  
but to be proud of him  
doing what he can for  
his mother in law to make  
her life more comfortable.

Mrs Margaret  
H. Hall

**Williams, Sandi L USA CIV (US)**

---

**From:** tstwilliams@q.com  
**Sent:** Friday, April 08, 2011 2:20 PM  
**To:** Williams, Sandi L USA CIV (US)  
**Subject:** Fw:

Sent on the Sprint® Now Network from my BlackBerry®

---

**From:** JAMES P ESTES <estes\_3@msn.com>  
**Date:** Fri, 8 Apr 2011 13:28:32 -0700  
**To:** <tstwilliams@q.com>  
**Subject:**

Mr. Timothy Williams  
3111 S. Moson Rd.  
Sierra Vista, AZ 85650

I have no objection for accessory living quarters that you have applied for with Planning and Zoning of Cochise County.  
I just wish the County enforced all their rules and regulations justly around this area, a lot less trash, junk cars and health hazards.

James P. Estes Jr.  
7826 E. Lower Ranch Rd.  
Sierra Vista, AZ 85650

**Williams, Sandi L USA CIV (US)**

---

**From:** tstwilliams@q.com  
**Sent:** Tuesday, April 12, 2011 7:10 AM  
**To:** Williams, Sandi L USA CIV (US)  
**Subject:** Fw: ALQ Structure

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

**From:** [mlazovich@powerc.net](mailto:mlazovich@powerc.net)  
**To:** [tstwilliams@q.com](mailto:tstwilliams@q.com)  
**Subject:** ALQ Structure  
**Sent:** Apr 11, 2011 6:56 PM

Hi Tim and Sandi,

We are your neighbors directly south of you. Received your letter requesting your application for an ALQ permit to build a 600sq ft structure for your aging parent.

We believe that the structure will NOT be a detriement in any way to our neighborhood. You go for it. You have our whole hearted approval to build this structure for your loved one.

We are bit unsettled with the fact that some neighbor, in our country community, has created a cause to reject your request for application. Come on,,,get real!! You have our consent to obtain the ALQ permit.

Mike and Diane Lazovich  
3225 S Moson Rd.  
Sierra Vista, AZ. 85650

Sent on the Sprint® Now Network from my BlackBerry®

**Williams, Sandi L USA CIV (US)**

---

**From:** tstwilliams@q.com  
**Sent:** Tuesday, April 12, 2011 10:03 AM  
**To:** Williams, Sandi L USA CIV (US)  
**Subject:** Fw: ALQ

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

**From:** [johnkathyelam@msn.com](mailto:johnkathyelam@msn.com)  
**To:** [tstwilliams@q.com](mailto:tstwilliams@q.com)  
**ReplyTo:** [johnkathyelam@msn.com](mailto:johnkathyelam@msn.com)  
**Subject:** ALQ  
**Sent:** Apr 12, 2011 9:47 AM

Timothy and Sandi,

We wish you success in acquiring any permits you may need to build a structure, on your own property, to help your parent.

Sincerely,  
John and Kathy Elam  
7477 E Lower Ranch Rd  
Sierra Vista, AZ 85650  
Sent on the Sprint® Now Network from my BlackBerry®

Sent on the Sprint® Now Network from my BlackBerry®

Responding to our conversation on the 10<sup>th</sup> day of April, 2011: In regards of a letter that was sent out to us pertaining the construction of a small 600 sq ft building on their property. This is an unfortunate situation and should be addressed properly. Mr. and Mrs. Timothy Williams was respectfully letting neighbors be informed concerning a matter of wanting to build separate quarters for their mother-in-law so she may be able to live comfortably in her own surroundings and at the same time being taken care of when necessary. As these letters were sent out to nearby neighbors it seems that one neighbor does not see the need to build such a building, in fact it has been brought to my attention that the neighbor that has denied this request from Tim an Sandi are the same ones that fought with them over a ( Well situation ) when Tim an Sandi proceeded to start construction on their own home.

Being a resident of 7887 E. Sunrise lane. We sat down and had a conversation with Tim an Sandi as they explained the situation, We told them that we have no problem with the construction of this building! I did say it is unfortunate that a close neighbor has to be on their worst behavior or maybe just in a bad mood, or maybe hard feelings from when Tim an Sandi first were moving in to their new home!

Very close to where Tim an Sandi live, there is a Barn/Garage that is close to being done and it is quite large, much larger then what Tim an Sandi are looking to build for the mother-in-law.

If for any reason you need Keri or myself as character witnesses please do not hesitate to contact us..

520.236.1654 or 520.678.9208

Sincerely

David n Keri

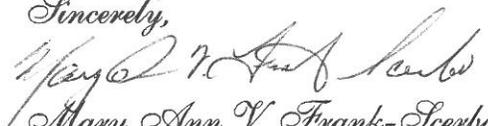
*April 13, 2011*

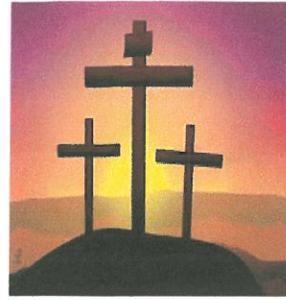
*Mr. & Mrs. Timothy Williams  
P.O. Box 1035  
Sierra Vista, Arizona 85635*

*Dear Mr. & Mrs. Williams:*

*This letter is to state that I have no problem with you building an accessory living quarters for your parent.*

*I think it is a very nice thing to do for your parent and I applaud the fact that you care so much to do this. I pray that your parent's medical condition reverses and that you will have many happy years together.*

*Sincerely,  
  
Mary Ann V. Frank-Scerbo  
7500 E. Garden Creek Trail  
Sierra Vista, Arizona 85650*



April 13, 2011

Danny G. & Audrey K. Wilson  
3285 S. Moson Road  
Sierra Vista, AZ 85650

Timothy and Sandi Williams  
P.O. Box 1035  
Sierra Vista, AZ 85635

RE: Application for Accessory Living Quarters (ALQ) at 3111 S. Moson Road, Sierra Vista, AZ

Dear Mr. & Mrs. Williams:

Per our phone conversation a few days ago regarding the ALQ, we have no problem with the building of such a dwelling on your property. Caring for our parents, not only our parents but other relatives also, is a Biblical responsibility charged to us by Our Father in Heaven according to I Timothy 5:3-8. We will ultimately answer to a Higher Power than our local government for not obeying that charge.

It is wonderful that you want to assist your relative in such a manner. May God richly bless you in your endeavors and provide for you the strength, patience and time required for this undertaking. If we may ever be of help to you, please do not hesitate to call.

God's Speed with your request,

Danny and Audrey Wilson  
3285 S. Moson Road  
Sierra Vista, AZ  
520-220-9097 or 520-220-9096

# SPECIAL USE: Docket SU-11-05 (Williams)

YES, I SUPPORT THIS REQUEST

Please state your reasons: I own 12 acres near this property  
(on the same side of the street). It will increase  
the value of my property and all of the  
surrounding property (molson & lower ranch rd)  
Two dwellings on 4 acres is appropriate  
and not excessive.

NO, I DO NOT SUPPORT THIS REQUEST:

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

(Attach additional sheets, if necessary)

PRINT NAME(S): C. LEE SMALL, JR

SIGNATURE(S): C. Lee Small, Jr May 25, 2011

YOUR TAX PARCEL NUMBER: 107-60-006 3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 26111 Folyterbor Dr. Glen City, CA 92586-2769

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 May 30, 2011 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: Beverly Wilson  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
Email: [bjwilson@cochise.az.gov](mailto:bjwilson@cochise.az.gov)  
Fax: (520) 432-9278

COCHISE COUNTY

MAY 31 2011

PLANNING

E 28

# SPECIAL USE: Docket SU-11-05 (Williams)

       YES, I SUPPORT THIS REQUEST

Please state your reasons:

As owner of a parcel near this  
location have no issues with building a ADU  
for family member or just as a guest house.  
When we purchased our parcel it clearly stated  
No restrictions.

       NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

COCHISE COUNTY

MAY 31 2011

PLANNING

(Attach additional sheets, if necessary)

PRINT NAME(S):

Leticia Watson - William Watson (deployed)

SIGNATURE(S):

Leticia Watson

YOUR TAX PARCEL NUMBER: 107-55-0056 9 (the eight-digit identification number found on the tax statement  
from the Assessor's Office) SZ-5

YOUR ADDRESS 8 Pick Ave. Ft. Leavenworth, KS 66027

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 May 30, 2011 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:** Beverly Wilson  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
Email: [bjwilson@cochise.az.gov](mailto:bjwilson@cochise.az.gov)  
Fax: (520) 432-9278

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29

# SPECIAL USE: Docket SU-11-05 (Williams)

       YES, I SUPPORT THIS REQUEST

Please state your reasons:

*We see no reason to object to this request. It has little or no effect on neighbors in the way of views or type of structure being built. We admire the Williams desire to assist + be available to a family member. We find the current objections to be selfish + self serving. Unwarranted!*

       NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets, if necessary)

PRINT NAME(S):

*Sally Weed*

*Sally Weed*

SIGNATURE(S):

*[Handwritten Signature]*

*Ed Weed*

YOUR TAX PARCEL NUMBER: \_\_\_\_\_

(the eight-digit identification number found on the tax statement

from the Assessor's Office)

YOUR ADDRESS \_\_\_\_\_

*3150 S. Moson Rd*

*S.U. AZ 85656*

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 May 30, 2011 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: Beverly Wilson

Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
Email: [bjwilson@cochise.az.gov](mailto:bjwilson@cochise.az.gov)  
Fax: (520) 432-9278

COCHISE COUNTY

MAY 18 2011

PLANNING

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*30*

Docket ALQ-11-03 continued

**ACCESSORY LIVING QUARTERS COMMENT LETTER**

Property Owner Name: DALE BENTH

Telephone Number: 520-378-5184

Mailing Address: 7740 E SUNRISE LN. S U. AZ 85650  
Street # Town State Zip code

Email Address: \_\_\_\_\_

Parcel Number: 10754000 P

Physical address of your property (if different from above) ADJACENT TO WILLIAMS.

Date: 29 MAR 2011

We, the undersigned owners of property located within 300 feet of the parcel for which an Accessory Living Quarters is requested, **object** for the following reasons:

THIS ADDITIONAL Dwelling unit IS NOT Allowed By Well  
AGREEMENT WITH MR. WILLIAMS IF AGREEMENT IS Broken  
I AM no longer Required To Be on well share. therefore  
septic seepage IS not sufficient.

Signature (s): 

**Return to: COCHISE COUNTY PLANNING DEPARTMENT**  
1415 Melody Lane, Bisbee, Arizona 85603  
(520) 432-9240 Fax 432-9278

Office Use Only	
Date received: _____	
Received within 15 days beginning the day after mailing of Property owner letter: Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Postmarked date of letter: <u>3/16/11</u>	

Community Development Department  
Attn: Beverly Wilson  
1415 Melody Lane  
Bisbee, AZ 85603

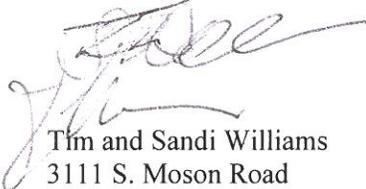
May 25, 2011

Subject: ALQ set back at 3111 S. Moson Road, Sierra Vista, AZ

Ms. Wilson,

In response to our phone conversation today that our ALQ structure would need a 40 foot set back; we are requesting the set back be modified to 30 feet as shown on the site plan. Thank you in advance for your consideration.

Sincerely,



Tim and Sandi Williams  
3111 S. Moson Road  
Sierra Vista, AZ 85650

Mailing Address:  
PO BOX 1035  
Sierra Vista, AZ 85636

**COCHISE COUNTY**

**MAY 27 2011**

**PLANNING**

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32



## **COMMUNITY DEVELOPMENT DEPARTMENT**

***Planning, Zoning and Building Safety***

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

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

### **MEMORANDUM**

**TO:** Cochise County, Planning & Zoning Commission  
**FROM:** Carlos A. De La Torre, P.E., Community Development Director  
**SUBJECT:** Docket CP-11-01 (Cochise County, Policies Regarding Federal Government Lands)  
**DATE:** June 1, 2011, for the June 8, 2011 Meeting

### **Docket CP-11-01 (Cochise County, Policies Regarding Federal Government Lands)**

#### **I. BACKGROUND**

58% of Cochise County's land is administered by federal and state land agencies. Policy shifts related to the management of these lands significantly impact Cochise County's culture, history, economy, environment and lifestyles.

With a majority of the land area of the County being under state and federal jurisdiction, it is therefore in the best interest of Cochise County to collaborate and coordinate closely with the various federal and state agencies in the development of consistent land management policies as outlined in the National Environmental Act (NEPA), National Forest Management Act (NFMA), and Federal Land Policy Management Act (FLPMA).

In addition, ARS §11-269.09 mandates that "[i]f any county has laws, regulations, plans, or policies that are less restrictive than a federal or state regulation, rule, plan, or policy, the county shall demand by any lawful means that the federal and state government coordinate with the county before the federal or state government implements, enforces, expands, or extends the federal regulation, rule, plan or policy within the county's jurisdictional boundaries". This statute is mandatory unless the county specifically votes to not demand coordination. Cochise County is requesting/demanding coordination with the state and federal agencies.

With this in mind, in 2007 the Board of Supervisors established the Cochise County Public Lands Advisory Committee, more commonly known as the PLAC, in an effort to create an advisory commission to the Board of Supervisors on matters pertaining to federal and state lands within Cochise County.

Since its inception, the PLAC has been tasked with developing and reviewing plans and policies related to state and federal land management plans, as well as following threatened or endangered species listings actions related to the Chiricahua Leopard Frog and other species.

In a December 2010 resolution, the PLAC recommended that the Planning and Zoning Commission, and ultimately the Board of Supervisors, consider the adoption of the Cochise County Policies Regarding Federal Lands, attached to this Memo. If adopted by the Board, these policies would be incorporated into the County's Comprehensive Plan, codifying the need for interagency coordination regarding state and federal land-use planning and actions with Cochise County.

These policies were developed around two major goals:

- 1) Coordinate efforts with other organizations and jurisdictions, including the Bureau of Land Management, to protect the SPRNCA (San Pedro Riparian National Conservation Area), as well as the economic and social well-being of Cochise County residents by assisting Fort Huachuca in meeting its environmental goals, especially regarding water conservation.
- 2) To protect the culture, history, economy, environment, and lifestyles of Cochise County by requiring federal and state agencies to coordinate land use plans with Cochise County and to establish plans that are consistent with the following PLAC proposed policies:
  - a) Wilderness Designation
  - b) Other Designations (Critical Habitat, Areas of Critical Environmental Concern)
  - c) Introduced, threatened, endangered and sensitive species
  - d) Public Access, RS 2477 Roads
  - e) Land Exchanges, Acquisitions, and Sales
  - f) Recreation and Tourism
  - g) Wildlife
  - h) Forage Allocation/Livestock Grazing
  - i) Off-Highway Vehicles

Adopting these policies will allow Cochise County to become a participating and coordinating agency in the land use and management plans that have the potential to affect the cultural, historical, economic, and environmental character of the County, and to preserve traditional rural way of life, including farming, ranching and other agricultural related activities in the County.

On May 26, 2011, Staff presented these policies to the Board of Supervisors during a work session in an effort to obtain additional guidance and direction regarding these policies prior to Staff's presentation to the Planning and Zoning Commission meeting scheduled for June 8, 2011.

## **II. RECOMMENDATIONS**

Staff recommends that the Planning and Zoning Commission approve the Cochise County Policies Regarding Federal Government Lands as presented and as recommended by the PLAC & Staff, and that these policies be forwarded to the Board of Supervisors for final adoption and incorporation/inclusion into the County's Comprehensive Plan.

## **III. ATTACHMENTS**

- A. Cochise County, Policies Regarding Federal Government Lands

## COCHISE COUNTY POLICIES REGARDING FEDERAL GOVERNMENT LANDS

### INTRODUCTION:

Of Cochise County's 6,200 square miles, approximately 58% are lands administered by federal and state agencies. Therefore, policies for managing these lands significantly impact Cochise County's culture, history, economy, environment and lifestyles. Accordingly, it is extremely important for local governments, including Cochise County, to participate in making these policies, with opportunities for the public to be heard. Federal law, including the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA) and the Federal Land Policy and Management Act (FLPMA), require federal agencies to allow local governments, including Cochise County, to participate in the developing of land use plans, to cooperate and coordinate with local governments in developing such plans, and to ensure that federal policies are consistent with policies of local governments. Furthermore, A.R.S. § 11-269.09 mandates that "[i]f a county has laws, regulations, plans or policies that are less restrictive than a federal or state regulation, rule, plan or policy, the county shall demand by any lawful means that the federal or state government coordinate with the county before the federal or state government implements, enforces, expands or extends the federal regulation, rule, plan or policy within the county's jurisdictional boundaries. This subsection is mandatory unless the county specifically votes to not demand coordination."

Cochise County therefore establishes the following policies regarding use of federal lands in Cochise County.

### POLICIES

#### 1. San Pedro Riparian National Conservation Area (SPRNCA)

**Goal:** Coordinate efforts with other organizations and jurisdictions, including the Bureau of Land Management, to protect the SPRNCA, as well as the economic and social well-being of Cochise County residents, by assisting Fort Huachuca in meeting its environmental goals, especially regarding water conservation.

**Comment:** Cochise County recognizes both the historic and current value of the SPRNCA as a national riparian wildlife habitat, migratory bird corridor, recreational and agricultural resource, and critical habitat for an endangered species. Fort Huachuca and its dependent and associated organizations both on and off the military reservation form the economic underpinning of the communities in the surrounding area and contribute nearly \$3 billion annually to the economy of the State of Arizona. The economic, social and cultural character of Cochise County would change unacceptably were we to fail to preserve the SPRNCA and thereby protect the Fort from environmental sanctions.

***Policies:***

1. Public lands, including the SPRNCA, shall be managed so as to minimize negative impacts on the regional ground water aquifer.
2. Public access to public lands, including the SPRNCA for recreation, should be consistent with preservation of a viable conservation area.
3. Agricultural uses, including grazing, shall be permitted on public lands, including the SPRNCA, within limits consistent with preservation goals.
4. Sub-watershed-wide conservation, reuse, recharge and augmentation policies and projects must be used to resolve both riparian condition issues and the overall balance of water levels in the aquifer.
5. All water use, including riparian water use, must be carefully minimized in order to help return the aquifer to historic levels, maintain a viable riparian area and protect the economic and social sustainability of Cochise County.

**2. Other Federal Lands**

***Goal:*** To protect the culture, history, economy, environment and lifestyles of Cochise County residents by requiring federal agencies to coordinate land use plans with Cochise County and to establish plans that provide for continued multiple use consistent with the following policies:

***Comment:*** By becoming a participating and coordinating agency, Cochise County is guaranteed a “seat at the table” in the preparation of Environmental Assessments (EAs), Environmental Impact Statements (EISs) and other federal land use considerations that have the potential to affect the cultural, historical, economic and environmental character of the County, and to preserve traditional rural ways of life, including farming, ranching and other agricultural-related activities in the County. In addition, however, the County seeks to require federal agencies to establish plans consistent with County policies by requiring them to coordinate with County government. To that end, the following policy statements were developed regarding various public land management issues:

***A. Wilderness Designation***

1. Any consideration of any new wilderness designations of federal lands in Cochise County will be a result of a collaborative process, including federal, state and county officials.
2. The only legal designations of Wilderness Study Areas (WSA) are those designated under section 603 of the Federal Land Policy and Management Act (FLPMA) and the opportunity to create additional wilderness ended in 1991, except as authorized by Congress; any new wilderness designation must be provided for by Congress and created in cooperation with the County and the State.

3. Wilderness designation is not an appropriate, effective, efficient, economic or wise use of land. These lands can be adequately protected through mitigation, minimizing negative impacts and proper reclamation.
4. Wilderness management must provide for continued and reasonable access for holders of property rights within the area and provide for full use and enjoyment of these rights.
5. WSAs released by Congress must be managed based on the principles of multiple use and sustained yield.

#### ***B. Wilderness Designation***

1. Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), critical habitat, semi-primitive and non-motorized travel, etc., result in single-purpose or non-use and are detrimental to the area economy, lifestyles, cultures, and heritage.
2. Needed protections can be provided by well-planned and managed development.
3. No special designations should be proposed until it is determined and substantiated by verifiable reproducible scientific data, that there is a need for the designation, that protections cannot be provided by other methods, and the area in question is unique when compared to other area lands.
4. Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.

#### ***C. Introduced, Threatened, Endangered and Sensitive Species, Recovery Plans, Experimental Populations and Related Guidelines and Protocols***

1. These designations or reintroductions often grow beyond boundaries and scope and can result in detrimental effects on the area economy, lifestyles, cultures and heritage.
2. No such designations or reintroductions should be made until it is determined and substantiated by verifiable reproducible scientific data that there is a need for such action, that protections cannot be provided by other methods and the area in question is truly unique when compared to other area lands.
3. Designation or reintroduction plans, guidelines, and protocols must not be developed or implemented without the full involvement of the County and full public disclosure.
4. Any analysis of such proposed designations or reintroductions must be inclusive and analyze all needed actions associated with the proposal to prevent growth beyond the scope and boundaries that were analyzed in the proposal.

5. Recovery plans must provide for indicators to track the effectiveness of the plan and identify at what point recovery is accomplished.

***D. Public Access, RS 2477 Roads***

1. Access across and to public lands is critical to the use, management, and development of those lands and adjoining private lands.
2. No roads, trails, rights-of-way, easements or other traditional access for the transportation of people, products, recreation, energy or livestock may be closed, abandoned, withdrawn, or have a change of use without full public disclosure and analysis.
3. Roads covered by RS 2477 should remain open and the County will take any action needed to protect these rights. This includes identification, inventory, and participation in any legal process to protect them.
4. Access to all water-related facilities such as delivery systems, monitoring facilities, livestock water and handling facilities, etc., must be preserved. Access routes must be adequately maintained by the road owner. Unreasonable restrictions may result in the loss of use of such facilities and property rights.

***E. Land Exchanges, Acquisitions and Sales***

1. The State and Federal Governments hold a sufficient amount of land to protect public interest, so there shall be no net loss of private land base.
2. Any affected district within the County must be compensated for any net loss of private lands with public lands of equal value or compensated for any loss of assessed valuation resulting from these exchanges by the appropriate acquiring agency.
3. A private property owner has a right to dispose of or exchange his property as he/she sees fit within applicable law.

***F. Recreation and Tourism***

1. The County has outstanding potential for recreation and tourism.
2. Resource development, recreation, and tourism are compatible through proper planning and management.
3. Potential developments should include family-oriented activities and developments that are accessible to the general public and not limited to special interest groups.

4. It supports cultivating recreational facility development and maintenance partnerships with other entities, agencies, and general special interest groups.

#### ***G. Wildlife***

1. Properly managed wildlife populations are important to the recreation and tourism economy and to the preservation of the culture and lifestyles of its residents.
2. With proper management and planning, healthy wildlife populations are compatible with other resource development.
3. No increases in wildlife numbers or the introduction of additional species may be made until the increase in forage or habitat has been provided for and the impacts on other wildlife species have been assessed.

#### ***H. Forage Allocation/Livestock Grazing***

1. The proper management and allocation of forage on public lands is critical to the viability of the county's agriculture, recreation and tourism industry.
2. The viability of a large number of agriculture and livestock operations is dependent on access to grazing on public lands.
3. Forage allocated to livestock should not be reduced for allocation to other uses. Current livestock allocation should be maintained.

#### ***I. Off Highway Vehicles (OHV)***

1. OHV's have become an important segment of the recreation industry and is an important tool and mode of transportation for farmers, ranchers, and resource development.
2. Public Land Management agencies must implement and maintain an aggressive OHV program to educate users on how to reduce resource impacts. This is to be followed by an aggressive enforcement program.
3. The non-recreational use of OHVs, such as development and livestock operations, should be provided for in all areas unless restricted by law.