

Cochise County Board of Adjustment, District 3

Benson Service Center
JP Courtroom
126 W. 5th Street
Benson, Arizona 85602

Regular Meeting
June 12, 2018
6:30 p.m.
AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Board members and explain quorum and requirements for taking legal action).
3. **APPROVAL OF PREVIOUS MINUTES**
 1. Approve the minutes of the January 9, 2018 meeting
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Board on any issue within the Board's jurisdiction. Since Board members may not discuss items that are not specifically identified on the agenda, Board action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**
 1. Approve the request to appeal the County Zoning Inspector's determination that the use of Docket BA3-18-01 (Little Family Farm) no longer meets the definition of Agriculture Exempt and therefore the use of the property is subject to meet current zoning regulations standards.
6. **PUBLIC HEARING**
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO BOARD ON RECENT MATTERS.**
9. **ADJOURNMENT**

BOA 3 Agenda Template

3. 1.

Meeting Date: 06/12/2018

Minutes of the January 9, 2018 meeting

Submitted By: Peter Gardner, Community Development

Department: Community Development

Presentation: No A/V Presentation

NAME NA
of PRESENTER:

TITLE NA
of PRESENTER:

Agenda Item Text:

Approve the minutes of the January 9, 2018 meeting

Background:

Attachments

Minutes January 9, 2018



COCHISE COUNTY
COMMUNITY DEVELOPMENT
"Public Programs...Personal Service"

TO: Board of Adjustment, District 3
FROM: Peter Gardner, Planner I
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Minutes of the Regular Meeting of January 9, 2018
DATE: January 10, 2018

Members Present:

Paul Brick, Chairman
Shawn Wales, Vice Chair
Helen Barnard

Staff Present:

Peter Gardner, Planner I
Robert Kirschmann, Planner II

Applicants:

Nathan Richardson

Others Present:

None

These minutes for the BA3 meeting held on January 9, 2018 are complete only when accompanied by the memoranda for said meeting dated January 9, 2018.

Call to Order / Roll Call

Chairman Paul Brick called the meeting to order at 6:35 p.m. at the J.P. Courtroom at the County Service Center in Benson. He explained the procedures of the meeting to those present, and noted that all three Board were present and that as such, a quorum was established and business could proceed.

Mr. Wales made a motion to approve the minutes of the June 13, 2017 regular meeting. Ms. Barnard seconded the motion and the vote was 3-0 to approve the minutes of the June 13, 2017 meeting.

NEW BUSINESS

Item 1

Docket BA3-17-02 (Richardson):

The Applicant is requesting variances to permit the construction of a replacement 31' 4" accessory building to house a workshop and storage. The property is zoned R-36 and Section 704.02 requires all accessory structures to be no more than 20' in height. The subject parcel, 120-16-014C is located at 740 N. Puesta Del Sol, in St. David.

Chairman Brick called for the Planning Director's presentation of the Docket. Planner Peter Gardner delivered the report noting that the request was a Staff error from the Applicant's previous request, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variance. He concluded by offering factors in favor and against approval.

Chairman Brick noted that the Applicant was present and invited him to make a statement.

Mr. Nathan Richardson explained his request, and how it would not impact neighboring properties.

Chairman Brick then opened the Public Hearing.

There being no speakers, Chairman Brick closed the Public Hearing.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variance.

Chairman Brick asked for a motion. Mr. Wales made a motion to grant the Variances as recommended by Staff citing the factors in favor and Ms. Barnard seconded. There was no further discussion, and Mr. Brick called for a vote.

The vote was 3-0 to approve the motion.

Planning Director's Report:

Mr. Gardner offered a brief Director's Report informing the Board that there were no Dockets for the next month.

Ms. Barnard made a motion to adjourn. Mr. Brick seconded, and the meeting was adjourned at 7:13 p.m.

BOA 3 Agenda Template

5. 1.

Meeting Date: 06/12/2018

Little Family Farm

Submitted By: Dan Coxworth, Community Development

Department: Community Development

Division: Development Services

Presentation: No A/V Presentation

NAME Dan Coxworth

of PRESENTER:

TITLE Director

of PRESENTER:

Agenda Item Text:

Approve the request to appeal the County Zoning Inspector's determination that the use of Docket BA3-18-01 (Little Family Farm) no longer meets the definition of Agriculture Exempt and therefore the use of the property is subject to meet current zoning regulations standards.

Background:

See Memo

Attachments

Memo Packet



Cochise County

Development Services

Public Programs...Personal Service

www.cochise.az.gov

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Dan Coxworth, Planning Director
SUBJECT: Docket BA3-18-01 (Little Family Farm)
DATE: June 12, 2018

APPEAL OF INTERPRETATION

The Appellants are appealing the County Zoning Inspector's determination that the use of the property no longer meets the definition of Agriculture Exempt and therefore the use of the property is subject to meet current zoning regulations standards. The property is located at 30 W. Ivey Road in Whetstone. The appellants are Wesley and Donna Graybill.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 8.69 acres
Growth Area: B
Comprehensive Plan Designation: Developing
Area Plan: None
Existing Uses: Petting zoo, single family home, three RVs, parking area, accessory structures, and agriculture

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	W. Ivey Road / Vacant
South	RU-4	Vacant
East	RU-4	Hwy 90 / Vacant
West	SR-174	Single-family residence

Planning, Zoning and Building Safety

1415 Melody Lane, Building E

Bisbee, Arizona 85603

520-432-9300

II. PARCEL HISTORY

In August 2010, staff received a request for agricultural status for APN 106-05-001 which is an 8.69-acre parcel zoned RU-4. The agricultural status was based on an orchard, pumpkin and vegetable patch used for commercial production. The applicant at the time was James Goad. Staff approved the agricultural status request. The agricultural status would remain provided that the above mentioned agricultural activities are being conducted on the parcel.

In 2011 Special Use Permit (SU-11-10) was granted for Outdoor Recreation to permit agricultural-related recreational uses including hay rides, barrel train rides, and a petting zoo.

In June 2014 there was an approved modification to the Special Use Permit that added an Animal Exhibit and Educational Services to include tours, farming, and garden-related workshops. The request for up to four recreational vehicles was denied as part of the modification request.

In 2017 the Department received a complaint regarding the uses on the property. The May 8, 2017 letter provided to the Graybill's (attached, Exhibit D) explained that the P&Z Commission did not approve the use of recreational vehicles as part of the Special Use modification request in June 2014. The letter further states that if the Graybill's intend to continue the use of recreational vehicles or mobile homes, they must be tied directly to farm workers. The RV's would be exempt from permitting requirements because the farmworker housing is incidental to farming and agriculture activities on the parcel.

In 2018 two property owners in the area requested a meeting with the Director of Development Services and expressed concerns that the use of the property no longer meets the definition of Agriculture Exempt.

On February 23, 2018, the Director of Development Services and Peter Gardner, Planner II, were given a tour of the property by Mrs. Graybill. At the request of staff, the Graybill's emailed the Department (attached, Exhibit C) a site plan illustrating existing uses of the property.

On March 23, 2018, the Director of Development Services, as County Zoning Inspector, sent a letter (attached, Exhibit B) to the Graybill's with the determination that the property no longer meets the definition of General Agriculture, no longer exempt and the use of the property is subject to current Zoning Regulations.

On April 24, 2018, the Graybill's filed an appeal (attached, Exhibit A) of the Zoning Inspector's determination to be heard by the Board of Adjustment District 3.

III. THE BASIS OF ZONING INSPECTOR'S DETERMINATION

The use of the property for commercial agricultural production on five or more contiguous acres has substantially diminished from the initial agricultural exempt status in 2010. This status was based on five or more contiguous acres of orchard, pumpkin and vegetable patch used for commercial production.

In 2011 Mr. Goad applied for, and the Planning & Zoning (P&Z) Commission approved, a Special Use Permit allowing the establishment of a petting zoo, a barrel train ride, and a hay bale maze. In 2014 the Graybill's requested to modify the approved Special Use Permit requesting a recreational vehicle park, animal exhibit, and educational services. The P&Z Commission did not approve the use of recreational vehicles.

The Special Use Permit and modifications were required as the proposed uses were not associated with the commercial production of an agricultural product on five or more contiguous acres. The primary use of the property are activities approved by the Special Use Permit with modifications. Although the activities on the site are similar to activities found on a farm, the animals, except chickens, and related activities are not for or related to the commercial production of an agricultural commodity on five or more contiguous acres.



Little Family Farm, April 2013

Agriculture General - A tract containing a minimum of five (5) contiguous commercial acres which is being used for the production of farm, garden, or orchard crops, or the grazing or raising of farm animals, including feeding pens that are incidental and subordinate to a grazing operation. Examples of commodities produced include vegetables, fruit trees, grapes, cotton, grain, poultry, horses, cattle, sheep, and swine. The term "general agriculture" includes such uses as the necessary treatment, packing, or storage of farm products produced on premises, the sale of any farm crops or livestock raised on premises, and any signs, structures, or fences utilized for agricultural functions. By statute, "general agriculture" includes dairy operations, including areas designated for raising heifers and bulls owned by the same dairy operation that is on property contiguous to the dairy operation or within one-quarter of a mile. It does not include signs advertising off-premise facilities, junkyards, other retail sales, manufacturing, any non-agricultural services, stockyards, slaughterhouses/meat packing plants, commercial pen feeding, production wineries, bone yards, plants for the reduction of animal matter, poultry feeding operations, agricultural processing plants, or the growing of medical marijuana.

IV. THE RESPONSIBILITY OF THE BOARD OF ADJUSTMENT

Zoning Regulations Section 2103.01: Interpretations and Appeals of Interpretations:

The Board of Adjustment shall have the power to interpret any word, phrase, or section of these Zoning Regulations, when there is dispute between the Appellant and the County Zoning Inspector or when the location of any Zoning District boundary is in doubt. An appeal concerning interpretation or administration of these Zoning Regulations may be taken to the Board of Adjustment by any person aggrieved or affected by any decision of the County Zoning Inspector. Such appeal shall be taken within 30-calendar days by filing with the County Zoning Inspector a notice of appeal specifying the grounds therefore on forms provided by the Inspector. The County Zoning Inspector shall transmit to the Board of Adjustment all papers constituting the record of the action being appealed. Such appeal shall stay all proceedings in the matter being appealed, unless the County Zoning Inspector certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, the stay would in his opinion cause imminent peril to life or property. In such case,

proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by a court of record. The Board of Adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein. Appeals of decisions made by the County Zoning Inspector which fall within the scope of Arizona Revised Statutes shall follow those procedures established by ordinance by the Board of Supervisors for the processing of such appeals.

The Board of Adjustment District 3 (BA3) may either decide to uphold or overturn the determination of the County Zoning Inspector. If the BA3 decides to uphold the determination, the site will be subject to current zoning regulations.

VIII. ATTACHMENTS

Exhibit A: Appeal Application

Exhibit B: March 23 Letter – Zoning Inspectors Determination

Exhibit C: Site Plan and letter submitted by Graybill's

Exhibit D: May 8, 2017 Letter from Paul Esparza

Exhibit E: August 2010 Agriculture Status for Permitting Requirements Application



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

Exhibit A:

APPEAL TO THE BOARD OF ADJUSTMENT

DESIRING A REVIEW OF THE INTERPRETATION OF THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS RENDERED BY THE COUNTY ZONING INSPECTOR TO THE HONORABLE BOARD OF ADJUSTMENT DISTRICT _____.

I (We) the undersigned, hereby appeal to the Cochise County Board of Adjustment District _____ to review the decision of the County Zoning Inspector.

State the decision of the Zoning Inspector, the action that has been taken, and the grounds for appeal. Attach additional sheets if needed.

Property no longer meets the definition of General Agriculture

Parcel Number of the subject property: 106-05-001

Address of the subject property: 30 W Ivey Road, Huachuca City, AZ 85616

We the undersigned hereby certify and declare that to the best of my/our knowledge and belief, the data submitted on and attached to this form is true and correct.

Print Name of Appellant (s): Wesley + Donna Graybill

Signature of Appellant (s): *Wesley + Donna Graybill*

Date: 4-20-2018

Mailing Address of Appellant (s): _____

Phone Number of Appellant (s): 520 378 2109 or 520 249 2990

EMAIL Address of Appellant (s): ~~578~~ graybillslittlefamilyfarm@gmail.com

Note: Each application shall be accompanied by a check in the amount of \$150 payable to the Cochise County Treasurer. Return application to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona 85603.

Wesley & Donna Graybill

Little Family Farm

30 W Ivey Road

Huachuca City, AZ 85616

Parcel #106-05-001

SUBJECT: Appeal to Zoning Determination Letter-Denying Little Family Farm Agriculture Exempt Status.

We request a review of the decision made by the Director of Development Services.

The referenced property was purchased by us in November 2014. ;

We are not certain what is meant by the statement “..the use of property...has substantially diminished?” no exact definition was given, leaving us to wonder what exactly was meant by this statement.

It was stated by the County Zoning Inspector that the primary use of the property are activities approved by the Special Use Permit with modifications, without any explanation provided on his part as to how he came to that conclusion.

We are not in agreement with the determination based on the following:

We operate the farm on a daily basis (7 days a week) sun rise till sun set and many times beyond. It is a full time farming operation to maintain the farm animals and land. The activities of the Special Use Permit are limited to specific days/times.

During the site visit which was in off season for planting it was explained that over use of herbicides/overplanting and rotation of crops in the years prior to our ownership required a portion of the land to lay fallow for a period of time, fertilizing and getting it back to a natural state. Which we believed fell under the agriculture general and with the other agriculture activities such as the bird, goats, horses and alpacas we were still in compliance.

2015/2016 full crops were planted and partial crops were planted in 2017. Last fall we planted in excess of 5000 pumpkin seeds, 1000 sunflower seeds and 500 gourd seeds, due to weather/drought , insects and rabbits we had less than profitable crops. We did straw bale vegetable gardening with limited success.

Since 2015 our commercial production has been an excess of 400 chickens, ducks, pheasants, peacocks, turkeys and guinea fowl in which we sell the eggs, eggs are hatched to replenish stock or birds are sold. We have been an Arizona licensed egg producer for 3 years (2015 – 2017) and just this past year when the older chickens were molting and the younger chickens were not laying as of yet we became a Nest Run Producer until we reach the 750 dozen limit at which time we may return to a licensed egg producer.

We also trained miniature horses to cart and when the foal we have is old enough she will be trained as a service mobility horse; have goats, horses, alpaca, and chickens using their manure for fertilizer; and alpaca to sell its fleece and end products. We have in excess of 40 peach, plum, pomegranate, cherry and apple trees surrounding and throughout the property (they are not in your typical orchard setting of rows. The eggs and fruit are sold at the Tucson Farmers Market and from the farm. Eggs are also sold to restaurants.

Donkeys , Alpaca , Guinea and Peacocks also serve as dual uses as they are beneficial in providing protection for the farm. And the birds help with insect control. We breed/hatch and utilize their manure, fleece and feathers. These animals are also used for educational purposes.

Over the past years when we have been inspected by the County Zoning Inspector and spoken to the County Planners/Directors they have always been helpful . These inspections have been the direct result of primarily two women who have filed multiple complaints to the point of we see it as harassment, their main concern being our work campers not the farm operation itself. We were lead to believe with the birds alone (not to mention our other products) we were more than in compliance with the regulations of Agriculture Exempt Status. Our operation over the past years has not changed to any major degree and it has never been indicated that we were in jeopardy of violating our Agriculture Exempt Status. Since we have taken ownership we do not believe our property has "substantially diminished" in its use of agriculture and have never been given any reason to think the county thought otherwise.

We have inquired more than once as to how many species of animals are needed to fulfill the requirement for Ag Exempt in lieu of planted crops? And have asked can we switch between different agricultural commodities? How many trees constitute an orchard? We have not received specific answers only that this is a grey area. The purpose of animals for dual use has also never been addressed when we have asked for a definition. Every time a complaint has been filed by these two women our operation goes in a hold pattern pending the County's inspection and each time we have been told we are not in violation, then we are able to move ahead and further develop our farm. Wes being one of the farm owners and operators is a 20 year 100% disabled Military Veteran Doing our research before purchasing the farm we knew that the work camper was a crucial aspect of farm operation. There were many discussions with the County Administration at that time regarding the use of farm/work campers.

There was a mis-communication/understanding regarding the comment " Also, during my site visit on February 23, 2018, you explained to me that donations associated with the petting zoo are your primary source of revenue." Since we were standing in front of the petting zoo donation box when this question was asked I took it to mean how did we support the petting zoo, hence my answer. If I would have understood it to mean the farm my answer would have been through our egg sales, birds, feathers, manure (goat, alpaca, horse, chicken/bird) and pumpkins/other produce that were grown on the farm along with the fruit produced. This is our primary source of income for the farm.

We feel our present operation was not fully understood in the short Friday afternoon visit from Mr. Coxworth, Zoning Inspector along with the information we shared about our future plans to

replenish/expand the orchard to replace trees nearing their useful life this Spring along with raising other livestock and having pasture land along with gardens/crops were not taken into account when this decision was made. We have a unique farm operation that offers a great service to this community.

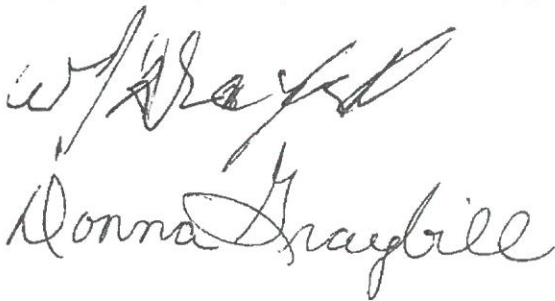
An open invitation is given for any Board member to come visit the farm to see our operation.

We, respectfully, request

* that the Little Family Farm Agriculture Exempt Status be allowed.

*we be given written guidelines to know exactly how a small farm of our nature needs to operate according to County standards so we may proceed without concerns of the continual complaints from the same 2 people over and over which utilizes valuable County Resources and obstructs our private property rights.

Sincerely and Thank you for your time in reviewing this appeal.


Donna Graybill



Cochise County
Development Services
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

Exhibit B

March 23, 2018

Wesley & Donna Graybill
30 W Ivey Rd
Huachuca City, AZ 85616

Re: Zoning Determination Letter - Little Family Farm Agriculture Exempt Status

Mr. & Mrs. Graybill:

Determination of Agricultural Exempt Status:

Thank you for submitting to the Development Services Department the site plan illustrating the current uses of your property to determine if the property meets the definition of General Agriculture (attached), per the Cochise County Zoning Regulations. After reviewing the site plan and a site visit on February 23, 2018, I have determined, as County Zoning Inspector, the use of the property no longer meets the definition of General Agriculture.

Background and Basis of Determination:

In August 2010, staff received a request for agricultural status for APN 106-05-001 which is an 8.69-acre parcel zoned RU-4. The agricultural status was based on an orchard, pumpkin and vegetable patch used for commercial production. The applicant and property owner at the time was James Goad. Staff approved the agricultural status request.

Since 2010, the use of the property for commercial agricultural production on five or more contiguous acres has substantially diminished. In 2011 Mr. Goad applied for, and the Planning & Zoning (P&Z) Commission approved, a Special Use Permit allowing the establishment of a petting zoo, a barrel train ride, and a hay bale maze. In 2014 you requested to modify the approved Special Use Permit requesting a recreational vehicle park, animal exhibit, and educational services. As you are aware, the use of recreational vehicles was not approved by the P&Z Commission. Also, the Special Use Permit and modifications were required as the proposed uses were not associated with the commercial production of an agricultural product on five or more contiguous acres.

The primary use of the property are activities approved by the Special Use Permit with modifications. Although the activities on the site are similar to activities found on a farm, the animals, except chickens, and related activities are not for or related to the commercial production of an agricultural commodity on five or more contiguous acres. Also, during my site visit on February 23, 2018, you explained to me that donations associated with the petting zoo are your primary source of revenue.

Planning, Zoning and Building Safety

1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

The Cochise County Zoning Regulations:

Currently on the site exists recreational vehicles that were allowed under the Agricultural Exempt status to house workers in direct support of the commercial production of an agricultural commodity on five or more contiguous acres. As a result of this Determination, the site and use of the property are subject to Cochise County Zoning Regulations.

605.01 Recreational Vehicles (RV's) are allowed as follows:

- A. No permit is required for storage of no more than two RV's on a parcel.
- B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.
- C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
- D. Recreational vehicles accessory to a principal permitted use may not be rented out.

Next Steps:

Based on this Zoning Determination letter, you may pursue the following:

- Remove the recreational vehicles that do not conform to Section 605.01, Cochise County Zoning requirements and apply for the necessary permits for the temporary occupancy of one RV if applicable within 30-days of the date of this Zoning Determination.
- Submit an appeal (attached) within 30-days of the date of this Zoning Determination to be heard by the Board of Adjustment District 3.

Failure to pursue one of the above options will lead to code enforcement actions by the County.

Sincerely,

Dan Coxworth, Director
Development Services

CC:
Peggy Judd, District 3 Supervisor
Brill Hanson, Cochise County Attorney's Office
Peter Gardner, Planner II

114' x 372' = 42,408
 Horses, chickens, ducks, peacocks
 Hay-feed - tack storage
 Coups / free range

- Not included in calculation
 Shed
 2nd worker site

93' x 168' = 15684
 goats - chickens
 Bldg for egg cleaning

OSFRC well
 House
 Center
 Storage
 Eggplant Repair

* This area can be tilled, planted for grazing or used for add'l poultry/livestock

Learning Center

Goats arena
 Haybale maze

chuck wagon

Parking

Trey Road

Mini Petting Zoo

Turkeys, Guinea's, Chickens, Pheasants

Garden 159' x 92' = 14,628

Alpaca, cows, miniature horses
 Rotating pasture and crops
 Raising, breeding and training livestock

worker's site 30' x 92'
 - Not included in calculation
 Gate

314' x 500' = 157,000

Driveway

House

Exhibit C

* Not to scale

Aug 90

Coxworth, Daniel

From: Gardner, Peter B
Sent: Monday, March 12, 2018 7:59 AM
To: Coxworth, Daniel
Cc: Esparza, Paul; Kirschmann, Robert
Subject: FW: Site plan for Little Family Farm
Attachments: 20180311_215411.jpg

Peter Gardner

Planner II
Cochise County Community Development
Development Services Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
520-432-9300
520-432-9278 fax

Public Programs...Personal Service

www.cochise.az.gov

From: Donna Graybill [mailto:graybillslittlefamilyfarm@gmail.com]
Sent: Sunday, March 11, 2018 11:42 PM
To: Gardner, Peter B <PGardner@cochise.az.gov>
Subject: Site plan for Little Family Farm

Hi Peter,

Please find attached the site plan.

In measuring we were very conservative. There are areas we believe we could have included such as the work camper sites, storage trailer, shed we use for tack, arena with land behind it and outback goat area. The middle area is used as necessary for free ranging and can be planted we did not include this area either.

Our plans have been to be a very unique - diversified while small agricultural farm rotating raising miniature horses, donkeys, cows, alpaca, sheep, goats and other livestock with pasture, crops and gardens, along with our chickens, ducks, peacocks, guinea, and pheasants.

Trees need to be planted/added in our orchard as some of the fruit trees are reaching their useful life and some have succumbed to Texas root rot. Looking to plant fruit/nut and other trees such as evergreen and native.

Or other agricultural such as a Butterfly Habitat. Once land is brought back to condition our hopes are to not 'lock' the possibilities and be a Diversified natural small farm.

We also have been researching other agricultural commodities and resources that would best utilize our land. Have spoken with Arizona Department of Agricultural, Farm Services and other Agencies.

Our calculations to the best of our abilities show 229,660 square feet.
Based on the 5 commercial acres (175,000) requirement we exceed the requirement for being ag-exempt.



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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

Exhibit D

May 8, 2017

Wesley & Donna Graybill
30 W Ivey Rd
Huachuca City, AZ 85616

Re: Little Family Farm

Mr. & Mrs. Graybill:

In response to the complaint we received regarding the uses on your parcel, I have reviewed the Special Use Permit (SU-11-10A) that was granted in 2011 for Outdoor Recreation to permit agricultural-related recreational uses including hay rides, barrel train rides and a petting zoo. There was a subsequent Special Use Permit modification approval in June 2014 that added an Animal Exhibit and Educational Services to include tours, farming and garden-related workshops. Your request for up to four recreational vehicles was denied as part of the modification request. The current uses appear to be consistent with those granted under the Special Use and Special Use modification.

The complaint regarding your parcel centers around the lack of agricultural activities and the number of motor homes and travel trailers in use on your parcel. I will address each item separately.

In August 2010, staff received a request for agricultural status for APN 106-05-001 which is an 8.69 acre parcel zoned RU-4. The agricultural status was based on an orchard, pumpkin and vegetable patch used for commercial production. The applicant at the time was James Goad. The agricultural status request was approved by staff. The agricultural status would remain provided that the above mentioned agricultural activities are being conducted on the parcel.

The use of recreational vehicles was not approved by the P&Z Commission as part of your Special Use modification request in June 2014. If you intend to continue the use of recreational vehicles or mobile homes it must be tied directly to farm worker housing. You would be exempt from permitting requirements because the farm worker housing is incidental to farming and agriculture activities on the parcel. ARS Section 11-812 states:

A. Nothing contained in any ordinance authorized by this chapter shall:

2. Prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres.

Planning, Zoning and Building Safety

1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
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floodplain@cochise.az.gov

This means that farm workers must be working on your farm in order to occupy farm worker housing on this parcel that is exempt from permitting requirements. It is important that this is occurring as staff would deem the use of travel trailers and mobile homes non-permissible if the use of this temporary housing is not directly related to agricultural purposes.

I hope this clears up any questions or concerns that you may have regarding the uses that are occurring on your parcel. Please do not hesitate to contact me if you have questions by phone at (520) 432-9240 or by email at pesparza@cochise.az.gov.

Sincerely,

Paul Esparza
Planning Manager

Exhibit E



COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240

(fax) 432-9278 **COCHISE COUNTY**

AGRICULTURAL STATUS FOR PERMITTING REQUIREMENTS

AUG 30 2010

PLANNING

TO BE COMPLETED BY APPLICANT:

Tax Parcel No: 106-05-0012 Total Acres of Subject Parcel: 8.14

Name of Applicant: JAMES R. GOAD

Mailing Address: 1581 N. SAN MARCOS DE LIZA DR
SIERRA VISTA AZ 85635

Telephone: 520-255-1073

Proposed Structure(s): SIGN

Proposed Use of Structure(s): ADVERTISE

Describe how the subject parcel is used for commercial production of an agricultural crop or commodity (cropland, grazing, etc.): ORCHARDS, PAMPAH PATCH, VEGETABLE PATCH

Proof of commercial viability, receipts, tax forms, etc (attached applicable info): _____

How many years has it been in active production? 0-1

CERTIFICATION SIGNATURE:

I hereby certify that I am the owner or duly authorized owner's agent and that all information on this form is accurate. I understand that if any of this information is false, it may be grounds for denial.

Signature: J. Goad

Date: 30 Aug 10

FOR STAFF USE ONLY:

Existing Zoning on Parcel: RU-4

Zoning Map Referenced: MV

Growth Area Category: B

Plan Designation: Developing

Assessors Usage Code: 0713

No longer available
(attach printout from DOR) SFR on SAC Rural Subdivided

Is Proposed In Conformance With Ag Status? Yes or No _____

If "No" what are the issues: _____

Date Information Transmitted to Applicant: _____

Prepared By: Mark Cook, zoning Administrator

"Public Programs, Personal Service"

www.cochise.az.gov



ARIZONA DEPARTMENT OF REVENUE
LICENSE & REGISTRATION SECTION
1600 WEST MONROE
PHOENIX, ARIZONA 85007-2650

EFFECTIVE DATE
October 1, 2010

TRANSACTION PRIVILEGE TAX LICENSE
-NOT TRANSFERABLE-

The licensee listed below is licensed to conduct business upon the condition that taxes are paid to the Arizona Department of Revenue as required under provisions of A.R.S. Title 42, Chapter 5, Article 1.

1000023088825



20595669

ALL communications and reports MUST REFER to this LICENSE NO.

Issued To: PERI GOAD
PERI'S FARM
1581 N SAN MARCOS DE NIZA DR
SIERRA VISTA AZ 85635

BUSINESS CLASS

017 Retail

Location: PERI'S FARM
30 W. IVEY RD.
HUACHUCA CITY AZ 85616

PROGRAM CITIES

HUACHUCA CITY

This License is issued to the business named above for the address shown. Licenses, by law, cannot be transferred from one person to another, nor can they be transferred from one location to another. Arizona law requires licensees to notify the Department of Revenue if there is a change in business name, trade name, location, mailing address, or ownership. In addition, when the business ceases to operate or the business location changes and a new license is issued, this license must be returned to the Arizona Department of Revenue.

According to R15-5-2201, license must be displayed in a conspicuous place.

COCHISE COUNTY

SEP 29 2010

PLANNING

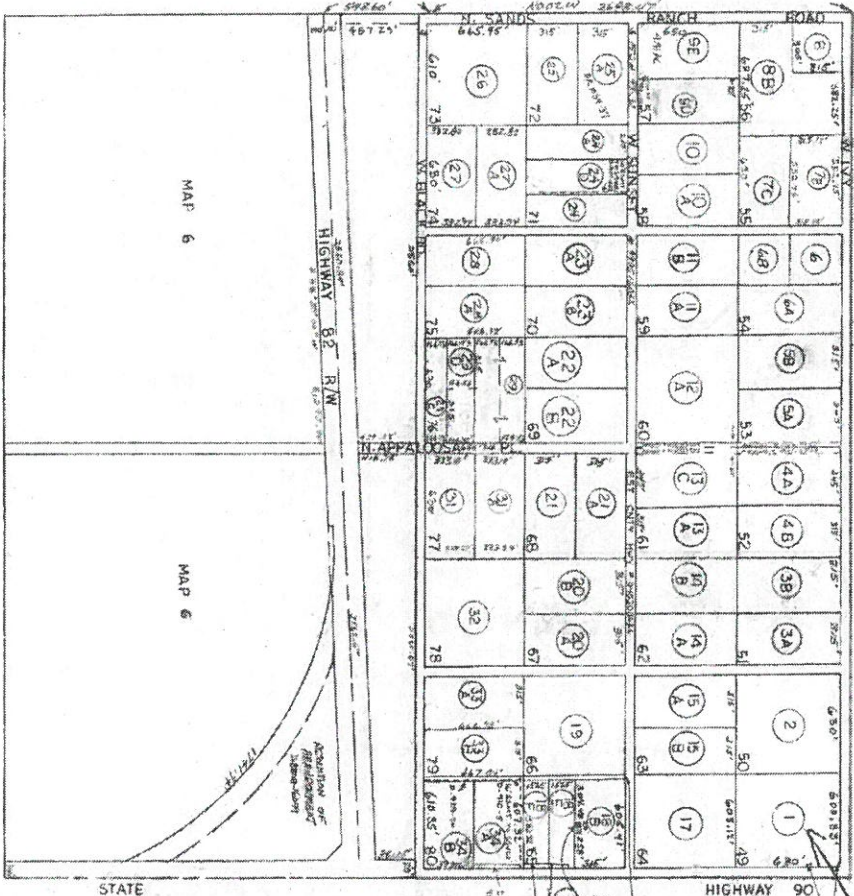
SEC. 13

TN 20

RG. 19

MAP 4 J

BOOK 106
MAP 5
PP. 0176



COCHISE RANCHOS

SCALE 1" = 600'

OFFICIAL COUNTY ASSESSOR
 1810 EAST CENTRAL AVENUE
 TULSA, OKLAHOMA 74104
 AND COUNTY COMMISSIONER & BOARD
 100 WEST CENTRAL AVENUE
 TULSA, OKLAHOMA 74103

COUNTY ASSESSOR'S MAP

Property Records Inquiry

Revise Search

Print This Page

General Information

Property Address		Owner Name & Address	
HWY 90 AND TVEY RD HUACHUCA CITY, 85616		Primary Owner GOAD JAMES R & PERI J 1581 N SAN MARCOS DE NIZA DR SIERRA VISTA, AZ 85635 100.00%	
Legal Description			
Subdivision: Lot: Block:			
Range: -			
Extended Legal: COCHISE RANCHOS LOT 49 LESS .013AC TI STATE 8.689AC SEC 13-20-19 1-07 LV CHT 01-1 + HS			
Property Information			
Parcel Number: 10605001		Account Number: R000025068	
Tax District: 0170		Current Mill Levy: 0	
Square Feet: 378,100.80		Total Acres: 8.68	

Sales Information

Reception #	Sale Price	Deed Type	Sale Date	Grantor	Grantee
19970001115	\$60,000	JOINT TENANTS	01/15/1997		

Value Information Approach: Cost

Abstract Code/Description	Value Type	Appraised Value	Assessed Value	Taxable Value
02RL Ag/Vacant Land Non-Profit		\$82,984	\$13,277	\$13,277
02RI Ag/Vacant Land Non-Profit		\$26,674	\$4,268	\$4,268
Totals:		\$109,658	\$17,545	\$17,545

Property Attributes & Descriptions

Attribute	Attribute Description
The Parcel has the following Exemptions:	
B5 Partial Completions	

Building ID 1

Building ID: 1	Heat: Package Unit	Total Sq Ft: 697
Property Type: Commercial	Roof Type:	Condo Sq Ft: 0
Built As: Shed - Equipment	Roof Cover:	Bsmt. Sq Ft: 0
Occupancy: Shed - Equipment	Foundation:	Bsmt Fin. Sq Ft: 0
Year Built: 2005	Rooms: 0	
Year Remodel: 0	Baths: 0	
Quality: Average	Units: 0	
Condition: Average	Unit Type:	
Class Descr: Wood Frame	Stories: 1	
Exterior:		
Interior: Drywall		

Detail Type	Detail Description	Units
Add On	Paving, Concrete unreinforced - PCU	400
Add On	Paving, Concrete unreinforced - PCU	190
Add On	Paving, Concrete unreinforced - PCU	400