

**COCHISE COUNTY PLANNING & ZONING COMMISSION**  
**DRAFT MINUTES**  
**March 14, 2018**  
**REGULAR MEETING at 4:00 p.m.**

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

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Chairman Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated that there were one Special Use and two Rezoning Dockets on the agenda. Chairman Greene explained the consequences of a potential tie vote and the process for approval and appeal.

**2. ROLL CALL**

Chairman Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Jim Martzke, Kim DePew, Patrick Greene, Wayne Gregan, Gary Brauchla, Nathan Watkins, Carmen Miller and Pat Edie) indicated their presence. Staff members present included; Daniel Coxworth, Development Services Director; Paul Esparza, Planning Manager; Elda Orduno, County Attorney's Office; Robert Kirschmann, Planner II; and Peter Gardner, Planner II.

**3. APPROVAL OF THE PREVIOUS MONTH'S MINUTES**

**Motion:** Approve minutes of the February 14, 2018 meeting **Action:** Approve

**Moved by:** Mr. Martzke **Seconded by:** Mr. Gregan

**Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain 3)

**Yes:** Mr. Martzke, Ms. DePew, Mr. Greene, Mr. Gregan, and Ms. Edie

**No:** 0

**Abstain:** Mr. Brauchla, Mr. Watkins and Ms. Miller

**4. CALL TO THE PUBLIC – CALL TO THE PUBLIC**

None

**5. NEW BUSINESS**

**Item 1 Public Hearing Z-18-03 (Santa Lucia)**

Cochise County Development Services is requesting a rezoning from R-36 (Residential, one dwelling per 36,000 square feet) to R-18 (Residential, one dwelling per 18,000 square feet). The request is to make four existing sub-standard lots (three with single family residences) compliant, rebuildable, and the vacant lot buildable.

The subject parcels, APN 107-66-029F (4210 S Santa Lucia Ave), 107-66-029G (4226 S Santa Lucia Ave), 107-66-029C (4409 E Gardner St), and 107-66-029 (4421 E Gardner St) are on the northwest corner of S Santa Lucia Ave and E Gardner Street in Sierra Vista Estates. The parcels are further described as being situated in Section 30 of Township 22 South, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Cochise County.

Chairman Greene called for the Planning Director's report. Planner II Robert Kirschmann presented the docket explaining the proposal, using maps, photos and other visual aids. Mr. Kirschmann noted that this is a County initiated effort, after a citizen purchased parcel from the County at a tax sale that was not compliant with the zoning. After having this parcel brought to Staff's attention, additional non-compliant parcels were noted and included in the application. Staff made contact with each individual property owner and there was no objection to the request. Staff is also requesting approval of modifications to the setbacks, allowing the existing non-compliant homes and structures to remain.

Chairman Greene opened and close the Public Hearing. No one was present to speak on the item.

Chairman Greene then called for Commission Discussion.

Mr. Kirschmann explained that a permit was issued to 107-66-029G in the 1990s in error. The lot did not meet the minimum size which is in part why the County is proactively bringing this item forward. Mr. Kirschmann also answered questions about what to do with other properties in the area and explained that there may be a larger rezoning proposed for the Sierra Vista Estates area in the future.

There being no further discussion, Chairman Greene called for the Planning Director's summary and recommendation. Mr. Kirschmann gave a recommendation of Approval with modification to setbacks for the existing structures. Mr. Greene then called for a motion. Mr. Martzke made a motion to forward the Docket to the Board of Supervisors with a recommendation of Approval. Ms. Edie seconded the motion. Mr. Greene asked for discussion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 8-0.

**Motion:** Forward to the Board with a recommendation of Approval recommended by staff.

**Moved by:** Mr. Martzke **Seconded by:** Ms. Edie

**Vote:** Motion passed (**Summary:** Yes = 8, No =0, Abstain =0)

**Yes:** Jim Martzke, Kim DePew, Patrick Greene, Wayne Gregan, Gary Brauchla, Nathan Watkins, Carmen Miller and Pat Edie

**No:** 0

**Abstain:** 0

## **Item 2 Public Hearing SU-18-02 (Salas)**

The Applicant requests Special Use Authorization to establish an approximately 5,178 square foot Grocery Store per Section 707.09 of the Zoning Regulations. The property is zoned R-36 (Residential; one dwelling unit per 36,000 square feet). Grocery stores are allowed subject to the approval of this Special Use request. The 22,243 square foot, parcel 201-07-117 is located at 5835 MacDonald Drive in the community of Winchester. The Applicant is Graciela Romero Salas.

Mr. Greene noted that the Applicant is ill and unable to attend, however they have requested that the item proceed. The Commission decided to proceed with the item.

Chairman Greene called for the Planning Director's report. Planner II Robert Kirschmann presented the docket explaining the proposal, using maps, photos and other visual aids. There have been no letters in opposition to the project. Through a translator, the owner of El Aragon Market called to voice their

support for the request. A condition of approval is included that requires the Applicant to work with Staff to prepare a compliant parking and circulation plan to be submitted in conjunction with the nonresidential permit.

Chairman Greene opened and close the Public Hearing. No one was present to speak on the item.

Chairman Greene then called for Commission Discussion.

Mr. Gregan asked questions regarding the alley and if screening is really required. Mr. Kirschmann explained that there are no easements for the alley and therefore staff recommends that access not be taken. Staff is requesting modifications to the screening requirements. Typically all the Commercial activity is required to be screened. The recommendation before the commission modifies these requirements, requiring only a three-foot screen around parking to shield headlights and a six-foot screen around the trash enclosure. Ms. Edie questioned the lot size of 36,000. Mr. Kirschmann explained that the lots are all part of a pre-1975 subdivision and are legal non-conforming. The use is allowed subject to a special use.

There being no further discussion, Chairman Greene called for the Planning Director's summary and recommendation. Mr. Kirschmann gave a recommendation of Conditional Approval. Mr. Greene then called for a motion. Mr. Martzke made a motion to approve the Docket with the Conditions and Modifications recommended by Staff, Mr. Watkins seconded the motion. Mr. Greene asked for discussion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 8-0.

**Motion:** Approve the Docket with Conditions and modifications recommended by Staff

**Moved by:** Mr. Martzke **Seconded by:** Mr. Watkins

**Vote:** Motion passed (**Summary:** Yes = 8, No =0, Abstain =0)

**Yes:** Jim Martzke, Kim DePew, Patrick Greene, Wayne Gregan, Gary Brauchla, Nathan Watkins, Carmen Miller and Pat Edie

**No:** 0

**Abstain:** 0

### Item 3 Public Hearing SU-18-03 (Helping Hands Farm)

The Applicant requests a Special Use Permit to permit the breeding of pigs for medical and research purposes, a use considered Animal Husbandry and requiring Special Use Authorization per Section 707.16 of the Zoning Regulations. The property is zoned R-36 (Residential; one dwelling unit per 36,000 square feet) and accommodates a manufactured home and residential accessory structures. The Applicants have requested Special Use Authorization in order to construct accessory structures for the breeding of pigs for medical and research purposes. The 5-acre site, parcel 202-29-003D, is located at 1363 N. Tys Lane in Willcox, AZ. The Applicant is Helping Hands Farm.

Chairman Greene called for the Planning Director's report. Planner II Peter Gardner presented the docket explaining the proposal, using maps, photos and other visual aids. Mr. Gardner states the proposed use is animal husbandry. This particular use requires USDA approval and licensing. Applicants live onsite and use will be located on south site of parcel. Mr. Gardner explains the regulation for keeping of livestock for personal use and how that interacts with the request for Special Use. Mr. Gardner discusses neighbor opposition and conditions of approval to address their concerns. Additionally, staff shows photo and discusses a portion of the building has already been constructed without permits.

Chairman Greene asked why there was no correspondence from the U of A. Mr. Gardner deferred to the Applicant.

Mr. Gregan stated there is a limit to 12 breeding females in the conditions and asked if there is a limit to the total number of animals kept on site. Mr. Gardner said that Staff has put a limit on breeding females because the smaller animals would come and go and by limiting the breeding females onsite it would cap the other numbers as well.

Mr. Brauchla questioned if the walls under construction, shown in the pictures is onsite. Mr. Gardner confirmed that the photo is of the site and construction was done without a permit. Mr. Brauchla stated that they are being requires to approval an illegal structure.

Mr. Greene asked for the Applicant's statement. Mr. Kevin Caffal of Willcox spoke to explain the request. Mr. Caffal explained his business. He stated that they do not currently have a contract with the U of A. He went on to explain that the U of A requires high cleanliness and USDA approval.

Mr. Greene opened the Public Hearing.

Ms. Paula Blank of Willcox spoke in option to the request. She stated that she spoke to the applicant and if they could convince her that there would be no smell, and promise that property values would not negatively be impacted that she might change her mind. She also raised concerns about future expansion and asked what happens if they do not get the contract.

Mr. Jerry Ellis of Willcox spoke in support to the request.

Mr. Greene allowed the applicant to rebut speakers concerns.

Mr. Caffal stated in response to the comments that they have no plans to expand. All solid waste is picked up and then washed into the underfund tank. He stated he is not sure how often it will be required to be pumped. Hydrochloric acid will be added to help neutralize smells. He could not speak to property values.

Mr. Greene closed the public hearing.

Mr. Brauchla asked if they will build the facility if they do not get the contract. Mr. Caffal responded no, that this is only for medical research.

Mr. Greene stated that he grew up on a dairy farm which was sold to a company that used pigs for medical research. He expressed concerns about the proposal including construction and layout of the buildings. He asked the Applicant if he was aware of the requirements by the USDA.

The Applicant answered Mr. Greene's questions.

Mr. Watkins asked how many boars will be onsite and age are piglets when you transport them.

The Applicant responded that three boars would be located onsite. The babies would range from 2 days old to 40 pounds. Most transportation would be done in crates.

Mr. Gregan expressed concerns about the construction within the floodplain and asked how the Applicant will correct the unpermitted construction. The Applicant stated that he may have to add stairs and ramps in order to deal with the floodplain issue.

Mr. Gregan asked questions about the holding tank, how many tanks they will have and how many gallons of water will be used. The Applicant responded that there will be one tank and that he does not know how much water will be used each day.

Mr. Gregan asked how many total pigs he estimates to have onsite. The Applicant responded approximately 30.

Ms. DePew asked how hours animals the pigs will be outside. The Applicant responded approximately 4 hours a day.

Ms. Depew asked about the cleaning of waste outside. The Applicant stated that they will be cleaned daily.

Mr. Greene asked how far along they are with the discussions at U of A. The Applicant responded that they are only having phone conversations until they have USDA approval. Mr. Greene followed up with how far along are you in discussion with the USDA. Mr. Caffal responded that they have the application. Mr. Greene asked why at this location? The Applicant responded that this is where they live, and they would be onsite.

Ms. Depew asked how the information required by the conditions will be provided. The Applicant responded that they would provide copies to the County. Mr. Gardner addressed how staff will monitor the site.

Mr. Brauchla asked why he did not obtain USDA certification before seeking the Special Use. The Applicant responded that there is a \$300 fee and they wanted to see if they could get special use approval first.

Mr. Leo Snyder of Willcox opposes the project because of lower property values and does not meet all Special Use factors.

There being no further discussion, Chairman Greene called for the Planning Director's summary and recommendation. Mr. Gardner gave a recommendation of Conditional Approval. Mr. Greene then called for a motion. Mr. Gregan made a motion to approve the item with the conditions of approval recommended by Staff. Mr. Martzke seconded. Mr. Green opened Commission discussion. Mr. Greene expressed concern that construction has moved to forward, and they have not received USDA approval. Mr. Greene recommended that the item be continued for 90 days to allow the applicant to assemble additional information. Mr. Gregan wants to ensure that Staff will be reviewing the plans, specifically the tank sizing. Mr. Gardner does not believe that is required.

Mr. Greene recommends to table the item to the meeting of June 13, 2018. Mr. Gregan seconded the motion. Mr. Greene asked for discussion. Chairman Greene called for a vote on the motion. The motion passed 8-0.

**Motion:** Postpone the item until June 13, 2018 Meeting to allow applicant to present additional information

**Moved by:** Mr. Greene **Seconded by:** Mr. Gregan

**Vote:** Motion passed (**Summary:** Yes = 8, No =0, Abstain =0)

**Yes:** Jim Martzke, Kim DePew, Patrick Greene, Wayne Gregan, Gary Brauchla, Nathan Watkins, Carmen Miller and Pat Edie

**No:** 0

**Abstain:** 0

**6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**

**Next P&Z Commission meeting**

**April 11, 2018**

- a. SU-93-08C (Arizona Folklore Preserve) Modification of Cultural/Historic/Nature Exhibits
- b. SU-18-04 (Verdugo) Event center and campground near Douglas
- c. SU-18-05 (Campos) Guest Lodging and therapy in Hereford
- d. SU-18-06 (Medical Marijuana) Medical marijuana grow operation in Kansas Settlement
- e. SU-18-07 (Fort Grant Child Care) Expand an existing daycare from 4 children to 10
- f. Z-18-04 (Vicencio) Request to Rezone from RU-4 to RU-2 in Willcox

**7. CALL TO COMMISSIONERS ON RECENT MATTERS.**

None

**8. ADJOURNMENT**

Mr. Greene noted that there was no more business, and the meeting was adjourned at 6:53pm.