



**Cochise County
Community Development
Highway and Floodplain Division**

Public Programs...Personal Service
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INTEROFFICE MEMO

Date: March 7, 2018
To: Robert Kirschmann, Planner II
From: Brad Simmons, P.E. Civil Engineer II, Highway and Floodplain
For: Joaquin Solis, P.E., Interim County Engineer
Subject: Review for Campos Special Use Permit #SU-18-05/Parcel 104-84-02B. Floodplain Comments/Conditions/Permits.

The Cochise County Highway and Floodplain Dept. have reviewed the subject special use permit application and have found it sufficient.

Thank you for the opportunity to review and comment on the Campos Special Use Permit. The application is approved from the Floodplain Department.

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Kirschmann, Robert

From: George Castillo <GCastillo@bisbeeaz.gov>
Sent: Wednesday, March 21, 2018 1:35 PM
To: Kirschmann, Robert
Subject: RE: Docket SU-18-05 (Campos)

Good Afternoon Robert,

There has been concerns about access to that area when flooding, Our department does cover that area for EMS coverage. Not sure if any upgrades Have been done to the road or washes in that area. But other than that I have no issues.

Thanks,
Chief G.Castillo
Bisbee Fire

From: Kirschmann, Robert [mailto:RKirschmann@cochise.az.gov]
Sent: Wednesday, March 21, 2018 9:55 AM
To: George Castillo
Subject: FW: Docket SU-18-05 (Campos)

Good morning Chief Castillo,

There have been concerned expressed by members of the public that this site will be very difficult if not impossible to access during rain events. I wanted to see if your department has any concerns on this Docket.

Thank you,

Robert Kirschmann
Planner II
Cochise County Community Development
Development Services Department
1415 Melody Lane, Building E
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From: Kirschmann, Robert
Sent: Tuesday, March 06, 2018 10:54 AM
To: McGee, Michael S <MMcGee@cochise.az.gov>; McCoy, Randy <RMcCoy@cochise.az.gov>; Lambertson, Karen L <KLamberton@cochise.az.gov>; Murphy, Teresa <TMurphy@cochise.az.gov>; Garcia, Teresa M <TGarcia@cochise.az.gov>; Solis, Joaquin <JSolis@cochise.az.gov>; Simmons, Bradley A <bsimmons@cochise.az.gov>; Cratsenburg, Diane E <dcratsenburg@cochise.az.gov>; Flores, Dora V <DFlores@cochise.az.gov>; Orduno, Eida E <EOrduno@cochise.az.gov>; Capas, Carol <CCapas@cochise.az.gov>; 'cobfire@cityofbisbee.com' <cobfire@cityofbisbee.com>; 'mark@palominasfire.com' <mark@palominasfire.com>; 'eric.odden@dhs.gov' <eric.odden@dhs.gov>; 'info@herefordnrcd.com' <info@herefordnrcd.com>
Cc: BOS-Supervisors <BOSSupervisors@cochise.az.gov>; PNZ-Commission <PNZCommission@cochise.az.gov>; Gardner, Peter B <PGardner@cochise.az.gov>; Esparza, Paul <PEsparza@cochise.az.gov>; Coxworth, Daniel

Kirschmann, Robert

From: Capas, Carol
Sent: Wednesday, March 21, 2018 10:42 AM
To: Kirschmann, Robert
Subject: RE: Transmittal- Docket 18-05 (Campos)

Good Morning Mr. Kirschmann,

The Sheriff's Office has historically been in the midst of community vocalization during any monsoon or rain event specifically due to the area proposed not having county road coverage for maintenance. This is been a public safety issue in the past also due to residents on the Interior of the location off of Paloma Trail being "trapped" by water/flooding and no access to get out for medical or personal needs (e.g. food)

If this proposed location is going to be approved for use as requested, it would most likely be appropriate for some type of legal notification of the environmental dangers during certain seasons, and/or have a method of rectifying the ingress/egress with road upgrades, etc... (Which most likely will not occur for financial reasons)

With all of that being said, I am not sure that we (as a law enforcement entity) can deny the application legally on these grounds so perhaps that County Attorney can also weigh in with thoughts.

Hope some of this helps, and thank you for reaching out!

Let me know how it goes, and have a great day!

Cc

From: Kirschmann, Robert
Sent: Wednesday, March 21, 2018 9:57 AM
To: Capas, Carol <CCapas@cochise.az.gov>
Subject: Transmittal- Docket 18-05 (Campos)

Good morning Ms. Capas,

There have been concerns expressed by members of the public that this site will be very difficult if not impossible to access during rain events. I wanted to see if your department has any concerns or comments on this Docket.

Thank you,

Robert Kirschmann

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MEMORANDUM

Date: May 14, 2018
To: Robert Kirschmann, Planner II
From: Karen L. Lamberton, AICP County Transportation Planner
Subject: REVISED Campos Yoga Center/SU-18-05/Parcel # 104-84-02B

The applicant, Julie Campos, is requesting a Special Use authorization to establish a small scaled yoga studio with a tiny campground on a 20-acre site. The property is zoned RU-4, Rural Growth Area D and the proposed uses fall under guest lodging, recreational services and professional services.

Special Use Authorization Conditions

We have no objection to issuing the requested Special Use Authorization with the following conditions:

1. At the Commercial Permit phase, the applicant will be required to submit a Private Maintenance Agreement, per Zoning Code 1807.02A, agreeing to participate in road maintenance, for that segment of roadway from their driveway to Highway 92 via S. Paloma Trail and Javelina Drive.

Background

The applicant is applying for a Special Use Authorization to develop their site as a retreat center providing mediation and yoga workshops with primitive tent and dome camping sites for overnight visitors. Access to the site is from Javelina Drive: a private, native surfaced roadway.

Driveway Access

Commercial uses typically require a commercial driveway apron allowing for two-way traffic (minimum 24 feet per Design Standard CC2015-2). The scale of this use; however, is residential in nature, off-peak hour, intermittent/seasonal and will likely have no more traffic impact on the site than the high-end range of a residential use of the subject parcel. It is also accessing a private, native surfaced roadway, not a county-maintained facility.

It would be appropriate to apply residential driveway standards to this use, as presented in the conceptual plan. We would not object to waiving the commercial site development standards for this proposed use. If the Commission concurs, at the Commercial Permitting phase, a driveway meeting the minimum residential driveway standards (Design Standard

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CC205-1) should be in place. However, the applicant is encouraged to provide the commercial driveway standard width and radii (Design Standard CC205-2), especially if they are newly constructing the site and intend to host visitors that might arrive in large vehicles or RV's. Because access is from a private roadway, no Right-of-Way/Encroachment Permit is required.

Traffic Analysis

The ITE Manual does not specifically address a combined use like the one proposed by this applicant. The scale is akin to a home occupation in that the applicant intends to live on the site and provide workshops, retreats and short-time frame sessions on the 20-acre site. A total of five camping sites (3 tents and 2 domes) is, on one hand, no more than expected for a holiday family gathering and, on the other hand, has potential to grow beyond this small proposal.

Trip generation, for no more than 5 recreational campsites, combined with the primary residential unit, is estimated to be 26.54 vehicle trips per day, per the *ITE Manual, 9th edition*, which is just slightly higher than the high end of one single family residential use. The yoga/meditation center, at peak use might range from 57 to 91 vehicle trips per day, *per the ITE Manual 9th edition*, but as this proposal leans towards individual use or combined with the tent camping use, is likely to be on the low end of that range and not likely every day. This use is likely to increase the trip generation from this parcel slightly beyond that of the high end of the range for a single residential unit but not during peak hours and would be intermittent in nature. Total site trip generation is likely to range from 9 to 20 vehicle trips on any given day.

This site, if built out to its full residential capacity, under current zoning, would have the potential to generate a range of 47 to 110 vehicle trips per day. This proposal is unlikely to exceed the threshold of expected vehicle trips under a residential use.

No off-site improvements will be required. A Private Maintenance Agreement, per Zoning Code 1807.02A, will need to be submitted with their first Commercial Permit application.

Private Maintenance Agreement

Prior to the Zoning Regulation amendment allowing Private Maintenance Agreements, commercial uses in Cochise County were significantly constrained in their site locations by Zoning Regulations that typically required, in keeping with our Comprehensive Plan, that commercial uses take access off of a state or county-maintained roadway facility.

Commercial uses can have different traffic patterns than residential uses and, given that the general public is explicitly invited to those sites, it is typically appropriate to have that traffic on publicly maintained roadways.

However, this rural County is very large and even county-maintained roadways did not always have perfected right-of-way. New commercial uses were facing conditions to fully perfect and construct to county-standards any access roadways to their site. In some cases, like this one, the total traffic impacts were equivalent to the subject parcel being built out to residential uses typically of the area. Variances were often requested, or modifications crafted, for Special use Authorization dockets going before the Planning and Zoning Commission. Often, the County did not want to take on the responsibility of maintenance on small, very low volume roadways yet were compelled to do so when commercial permit holders completed their requirements to improve their access roadways to county standards.

The purpose and intent of the Private Maintenance Agreement was to provide accommodation to smaller scaled commercial uses, especially those more agricultural or rural in nature. From a planning and economic perspective, it made sense to allow limited, small scaled and agricultural uses on non-maintained roadways. The unintended consequence of doing so was increased conflicts on private roadways in terms of who was responsible for maintaining the roadway. Very often even residential users are unaware of their shared duty to help to maintain the roadway. What concerned the County was an increase in complaints from residents that holders of commercial permits were also unaware of their shared duty to maintain the roadway; and worse, that those commercial permit holders were demanding from their neighbors a higher level of maintenance and even improvements to the private roadway to support their business interests. **The Private Maintenance Agreement came into place to commit the commercial permit holders, in writing, to a level of responsibility for maintaining a private roadway without requiring them to construct to a county-standard when it was not necessary.** In an egregious situation of a commercial permit holder operating outside their permit with higher levels of traffic impacts than was disclosed or coercing neighbors into costs to improve their commercial access the County would have something to pull them back in on a revocation of their permit and then ask for additional traffic studies or roadway improvements.

However, once the use of Private Maintenance Agreements was standardized in our Zoning Regulations, the County began to also see situations when adjacent residents then began to demand higher levels of roadway improvement from the commercial permit holder and to put pressure on them to take over all the roadway users responsibility to maintain the private access roadway(s).

Private Road Maintenance Agreements use the language “passable condition” to describe the condition for which we held the commercial permit holder responsible. The County holds this to mean...can you get from here to there in your vehicle? **The rationale was that if the commercial permit holder wants their business to function they will have to keep the roadway in such a condition that they, and their employees and their customers can get there.** The point of the Agreement, however, is that this was the responsibility of the commercial permit holder, not their neighbors.

From a strict legal standpoint, all users of a private road have a duty and responsibility to work cooperatively with their neighbors to maintain that roadway. Some neighborhoods do this well and others apparently did not understand when they purchased their property on a private roadway that they would have to take on the maintenance themselves. The Highway Dept. has found that often the first some residents fully realize this is when they are processing a commercial use request. The hope is that the commercial permit holder would become a proactive leader in their neighborhood to support the general maintenance of the private roadway, although no specific duty is imposed upon them to do so.

Our analysis of each use looks to a “critical nexus” between the use, the impacts and the mitigation required of each applicant. Depending on that impact the County may ask for mitigation ranging from a county-standard roadway improvement to waiving even the Private Maintenance Agreement completely (an action that may be taken by the Planning and Zoning Commission or the Board of Supervisors for Special Use Authorizations).

In this specific case, no off-site mitigation was deemed necessary or required. The 20-acre site could support, under current Zoning Code, five residential units. The proposed Special Use has a potential traffic impact averaging one residential unit, with the estimated high-end of the range for the Special Use less than the high-end of the range if fully built out as just residential.

Therefore, a condition was not imposed to make it the sole responsibility of this one property owner to maintain Javelina Trail and South Paloma Trail. It is shared responsibility in partnership with other owners that take access along the roadway. However, it is also appropriate to have the commercial permit holder acknowledge that they have some responsibility to hold their neighbors harmless from any increase in travel along their shared, private roadway as a part of their commercial venture.

Applicant Guidance

We have no objection to issuing the requested Special Use authorization with the following advisory notes to the applicant:

- The site plan is adequate to illustrate the concept for this Special Use authorization request. It will not be adequate at the Commercial Permit phase. Please add an illustration of the driveway intersection with Javelina Trail, with the sight distance triangles illustrated. Please ensure that no fixed objects, including signs and mailboxes, interfere with the clear zones.
- This analysis is based on the conceptual plan. If the scope changes over time, a modification to the special use would be required and potentially a more detailed traffic report and/or off-site mitigation will be needed. E.g. campsite numbers increase, addition of RV spaces, daily classes on site, organized retreats for multiple participants. These types of changes would move this into more of a commercial venture than a home-based business.
- There are no plans, either in the near-term or in approved long-range transportation plans, to make improvements to the non-county maintained roadways to this site.



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PRIVATE MAINTENANCE AGREEMENT
JAVELINA DRIVE & PALOMA TRAIL
SU-18-05 (CAMPOS YOGA CENTER)

Julie Campos, owner of parcel 104-84-02B, located on Javelina Drive in the Herford area; agree to participate with other property owners to maintain East Javelina Drive from the driveway of my parcel to the intersection with South Paloma Trail and from there to Highway 92, where state-maintenance begins, in a passable condition for the duration of my permitted commercial land use.

I acknowledge that the Cochise County Community Development, Public Works Department does not, and will not, maintain the access roadways to my parcel.

I acknowledge that the Cochise County Community Development, Public Works Department has no short-range or long-range plans to take into the county's maintenance system or to make any improvements to the access roadways to my parcel.

I acknowledge that the primary access roadways to my parcel are not currently built to a county design standard for native surfaced roadways.

I acknowledge that all-weather access is not assured to my parcel nor are any improvements planned by the Cochise County to improve wash crossings in the foreseeable future.

Signature(s)

Date

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