

Special Use Docket SUA-19-06 (Counter Intelligence) Appeal

YES, I SUPPORT THIS REQUEST (Supporting the Appeal denies the Special Use)

Please state your reasons:



NO, I DO NOT SUPPORT THIS REQUEST: (Not supporting the Appeal upholds the Special Use)

Please state your reasons:

This country was founded on the pursuit of happiness. The American dream is to be able to work freely and provide a better life for your family. We support small business. The cost of doing business is expensive and if being able to use property you already pay for to help keep the expense down than that makes sense to me.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Melissa Bidan & Peter Bidan

SIGNATURE(S):

[Handwritten signature of Peter Bidan]

YOUR TAX PARCEL NUMBER: 10604146A (the eight-digit identification number found on the tax statement from the Assessor's Office)

399 W. Fwy Rd, Huachuca City, AZ 85616

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Tuesday June 25, 2019 to be included in the staff report to the Board in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however; or you may personally make a statement at the **public hearing on July 9, 2019**. NOTE: Please do not ask the Board Members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

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YES, I SUPPORT THIS REQUEST (Supporting the Appeal denies the Special Use)

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST: (Not supporting the Appeal upholds the Special Use)

Please state your reasons:

Since the Commission unanimously approved the request, I feel that should be it and the special use should be granted.

(Attach additional sheets, if necessary)

PRINT NAME(S):

ADELHEID A. HESS

SIGNATURE(S):

Adelheid A Hess

YOUR TAX PARCEL NUMBER: 106-04-12506 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Tuesday June 25, 2019 to be included in the staff report to the Board in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, or you may personally make a statement at the **public hearing on July 9, 2019**. NOTE: Please do not ask the Board Members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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YES, I SUPPORT THIS REQUEST (Supporting the Appeal denies the Special Use)

Please state your reasons:

BELIEVE THE COUNTY REPORT AND BRIEFING
TO P:Z COMMISSION MISREPRESENTED MANY ISSUES.
BELIEVE IMPRESSIONS WERE GIVEN RATHER
THAN REALITY. SEE ATTACHED

NO, I DO NOT SUPPORT THIS REQUEST: (Not supporting the Appeal upholds the Special Use)

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): LINDA GUNTER

SIGNATURE(S): *Linda Gunter*

YOUR TAX PARCEL NUMBER: 106 -04-109 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Tuesday June 25, 2019 to be included in the staff report to the Board in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, or you may personally make a statement at the **public hearing on July 9, 2019**. NOTE: Please do not ask the Board Members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

There are a number of issues I feel were incorrectly addressed in the County Report to the Planning and Zoning Commission. I believe the discussion provided below changes the rating of 8 out of 10 factors to 'does not comply'.

Specific issues are:

1. Throughout the staff report and the P&Z Commission Meeting of 8 May 2019, the County Planner referred to Counter Intelligence as "akin to a home-based business" and stated it was not manufacturing. This is a misrepresentation of the business at hand and presented an erroneous picture to the P&Z Panel.

The Report stated there is no manufacturing taking place even though the description of the work stated: "Once **raw material** is at the location, the Applicant will then **route, sand, shape and glue** the countertops together ... using **tools** ..."

This statement of work matches the Manufacturing definition provided in the County Zoning Regulation that states: "For the purposes of these Zoning Regulations, "manufacture" refers to a broad category of uses involving the use of **mechanical power** and machinery to **produce products from raw materials**, to prepare or alter **materials for use in a finished product**, or to assemble parts into products, including processing."

2. Analysis of Impact. Factor One. Report states "the proposed project will have minimal impact on the existing neighborhood This area has a variety of agriculture, commercial and home based business **scattered throughout**."

Cochise Ranchos is comprised of RU-4 and SR 174 parcels, no agricultural. There are a few commercial parcels on the outer edge of the community along Hwy 90. They are **NOT scattered throughout**. When asked, the County was able to show one 'home based business in the 138 parcel community ... a Tea Service Consulting Business. They made an assumption there was a construction company working out of a residential property but had they inquired, they would have learned the owner of the construction company only uses the address as a point of mailing. No business is conducted on the premise. Counter Intelligence will be the first manufacturing operation in Cochise Ranchos and will greatly impact the quality of rural residential ambiance residents have worked very hard to create and maintain.

3. Factor Two. The report states: "Section 601.02 states "to encourage those types of nonresidential and nonagricultural activities **which serve local needs or provide a service and are compatible with rural living**."

In conversations with neighbors, Mr. Montez disclosed that Counter Intelligence has a contract with Lowes in Sierra Vista and Tucson for countertops. Their main customer is not the local neighbor but a large building supply company.

4. Factor Three. The SUP application states: "Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a nonresidential 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." The County report also states this requirement.

The property in question is accessed by a private road. No maintenance agreement has been sought to date.

5. Factor Five. The report states that the shop will utilize the existing electric and water on the site.

Upon moving into the residence, Mr. Montez signed a well agreement that limits the use of the well to residential use only. It clearly restricts using the well for any commercial use. Mr. Montez stated at the P&Z hearing that he will use bottled water for the shop. How can that be enforced?

6. Factor 8. Once again the County blatantly states "the applicant will not be manufacturing anything on the premises". It further states that "the finishing process will produce nontoxic dust that will be lighting washed off on to the floor, allowed to dry and be swept up."....'door and windows will be kept closed and air filtration system is used in the building preventing the particulates from leaving the building"

In Mr. Hogan's appeal he referenced a meeting with the HC Public Works Supervisor who stated that the landfill will not accept waste from the fabrication operation due to unaccepted hazard waste risks. Two questions arise: (1) how will the 'dust' be removed from property if not through the normal waste management process and who will ensure all the safety factors will be enforced when the building is built?

7. Factor 9. Once again the County erroneously refers to the manufacturing process as a home based business. It further states 'that IF the applicant were to reduce the shop to no less than 25% of the primary structure (456 sq. ft.) it could be permitted as a matter or right.' This is a moot point as the application requests the erection of a **1,600** sq. ft. structure.

8. Factor 10. The statement made regarding the "use of a water nozzle rated at ½ gallon per minute to wash off excess material" is unwarranted as the business cannot use the well water for commercial use. It will not have any pressured water available.

From: [Jackson_656 Jackson](#)
To: [Kirschmann, Robert](#)
Cc: [Judd, Peggy](#)
Subject: Appeal for Decision on Manufacturing Special Use on Busick Rd
Date: Tuesday, June 25, 2019 12:08:59 PM

CAUTION: EXTERNAL EMAIL*

Mr. Kirschmann

This email is to advise the county that I support the Request to Appeal the Special Use permit.

The information provided to the Planning and Zoning was not complete or correct. This request is not a simple home based business in any way.

I also do not believe that the county staff should be advising residents that they do not have to comply with the CCR's in this neighborhood. I understand the county does not enforce CCR's, however, to advise residents to disregard them is not right. To state that the CCRs are not being followed currently, is a legal interpretation and may not be entirely true. Especially in regards to a manufacturing business.

There are a multiple things wrong with this request for a special permit. I do not believe that the staff looked at the entire situation, i.e., no water supply, hazardous waste, noise, etc. Bottom line, this is a going to be a manufacturing facility with paid employees and not a home based business. Our neighborhood is not the place for this.

Thank you

Kim Jackson

188 W Camino De Mesa

Whetstone

106-04-115a6



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YES, I SUPPORT THIS REQUEST (Supporting the Appeal denies the Special Use)

Please state your reasons:


SPECIAL USE WOULD RUIN THE FRAGILE ENVIRONMENT. SPECIAL USE WOULD DESTROY THE LAND AND OPEN THE AREA UP TO MANUFACTURING AND OVER CONSUMPTION OF THE WATER TABLE. SPECIAL USE WOULD ALLOW THE CULTIVATION OF NARCOTICS AND DRUG PARAPANELIA.

NO, I DO NOT SUPPORT THIS REQUEST: (Not supporting the Appeal upholds the Special Use)

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): JUDAH MUSASHI MACCABEE

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 10604116 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Please state your reasons:

PLEASE ENFORCE COCHISE COUNTY ZONING REGULATIONS.
SECTION 1807.02M - NO BUILDING PERMIT FOR NON-RESIDENTIAL
USE SHALL BE ISSUED ... PUBLICLY MAINTAINED STREET OR
COUNTY MAINTAINED ROAD. THIS RESIDENCE DOES NOT COMPLY.
OTHER ISSUES PRIVATE WELL - NOT A COMMERCIAL WELL, INGRESS
: EGRESS, NOISE, RESIDENTIAL NEIGHBORHOOD. PLEASE SEE
ADDITIONAL DOCUMENTATION ENCLOSED.

NO, I DO NOT SUPPORT THIS REQUEST: (Not supporting the Appeal upholds the Special Use)

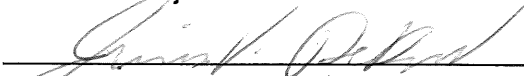
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

JAMES V. Debra A. De Rosa

SIGNATURE(S):


Debra A. De Rosa

YOUR TAX PARCEL NUMBER: 106-04-121 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Tuesday June 25, 2019 to be included in the staff report to the Board in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, or you may personally make a statement at the **public hearing on July 9, 2019**. NOTE: Please do not ask the Board Members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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Bisbee, AZ 85603

Respectfully request Denial of Montez's Special Use Permit:

James V. and Debra A. DeRosa purchased 10 acres at 356 W Camino De Mesa 5/30/1997 from Dorothy Busick, Zoned RU4. Camino De Mesa is a County Maintained Road of which we have 629' that fronts Camino De Mesa. The property is on the corner of W Camino De Mesa and N Busick Ranch Road. We have 633' on Busick Ranch Road, which is a **PRIVATE** road. My husband Jim is owner of DeRosa Construction Company. The address is a **MAILING address** for DeRosa Construction. Clients **ARE NOT** met at our residence and materials are dropped at the job sites, **NOT AT OUR RESIDENCE**. I own Preference Properties, LLC and rent an office space in Sierra Vista for \$1,500.00 a month. There are ample vacancies in Huachuca City and Sierra Vista, that Mr. Montez could lease.

The Montez's purchased Tax Parcel #106-04-126A not B on 7/12/2017 it was recorded with 6.83 acres in a **residential subdivision**. RU4 – SR174. (See warranty deed from Estate of Robert B Covert & tax record.)

Point of interest. The current application has Tax Parcel #104-04-126B with only 4.55 acres. When and where did the 2.28 acres get split out and to whom? The 2.28 acres were sold to Larry Lane/Mesquite Creek Builders, the neighbor directly to the west and has a **vested interest** in approval of the application, because they will be the builder of the proposed 1600 sq. ft. building. Mesquite Creek Builders business address is 511 W. Camino De Manana, Huachuca City, AZ 85616. Please note they also use their home address as the mailing address for their business. To my knowledge they do not do any on-site construction at their address either. I have enclosed a copy of the current CRS Property Detail Report from the assessor's office with the Montez's name and parcel ID # of 106-04-126A.

Mr. Montez failed to mention that he has been "awarded" a **contract with Lowe's** to manufacture and install the counter tops etc. to **BOTH Sierra Vista and Tucson**. This will result in an increased drop off and delivery flow going both north and south.

There are several false statement/answers in the application

Application Section A – C #3 INGRESS AND EGRESS: The Busick's developed the subdivision. They were adamant that Busick Road itself is **NOT A COUNTY-MAINTAINED ROAD**. Nor is there a maintenance agreement with the other residents of the road. Allowing the zoning change would **constitute a Violation of Section 1807.02 A of the Cochise County Zoning Regulations**. I have provided a photo of the street sign. It is impossible to enter on Camino de Manana during the monsoon rains. Also feel trucks will continue across the **PRIVATE – NOT COUNTY MAINTAINED Busick** Ranch road and go down Camino De Mesa. Camino De Mesa is one of the last owner's participant road, where the owners **paid** their share to pave the road. We paid our share for the 630 feet on Camino De Mesa and Do **NOT** want heavy truck traffic causing additional wear and tear to the road. The Montez's have not and cannot appreciate how hard it was to get Camino De Mesa paved, before they even lived there.

Section A – C - G Legal Access. Please enforce the Cochise County Zoning Regulations Section 1807.02A which stipulates that **NO BUILDING PERMIT** for a non-residential use **shall** be issued unless a site has permanent and direct access to a **County** maintained street or a street where a private maintenance agreement is in place. The access to this property is **NOT on a county or publicly maintained street and there is NOT a Road Maintenance Agreement** which is required, and **Areas of road are NOT 20' wide throughout its entire length, which is another requirement**. Parcel # 104-04-121E, owned by my husband and myself **Jim and Debra DeRosa have 631' along Busick Road**. It has been maintained by Dorothy Busick and occasionally the DeRosa's on a courtesy basis. Prior owner of parcel 106-04-126A, Robert B Covert at some point paid to have gravel laid. If the use permit is approved, this will once again be a **violation of Section 1807.02A of the Cochise County Zoning Regulations – NO MAINTENANCE AGREEMENT**.

Section A – C 7H Deed Restrictions

The applicant states that there are not deed restrictions. **There are existing Deed Restrictions.** Dated October 1957 at the Cochise County Records Office: 12508DK177, page 268 and 269. The very first restriction is item #1.

#1 Said property shall be used for residential purposes only. Single family homes only. I have attached a copy. And had supplied the county with my response that was submitted on 4/16/2019.

Section B #3 Noise: Saws, routers, sanders. **We purchased in a QUIET SINGLE-FAMILY NEIGHBORHOOD. Do not want a zoning change.** We have not retired yet, but do not want to hear their noise M-F 8 am to 5 pm. Even if the doors are closed. **We have no objections to a large shop or garage. Just not any changes to zoning for a business.**

Section C: Water use is questionable. This home is on a **shared RESIDENTIAL well** and at the time of Montez's application the Busick's had NOT been consulted about additional use of the well for the manufacturing and rinsing of the counters etc. of which do to health issues they are unable to be here to address. However, Dorothy Busick supplied the **DOMESTIC** well agreement of which I have provided a copy.

Paragraph 1, last sentence: continuous operation of a **DOMESTIC, NON-COMMERCIAL WATER WELL AT SAID LOCATION.**

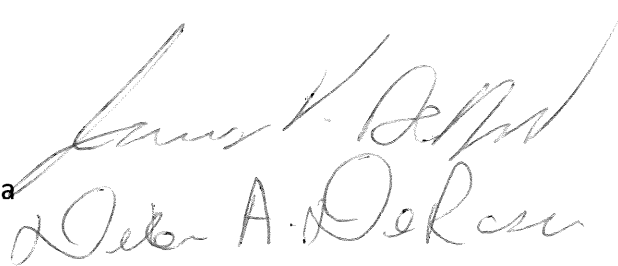
Paragraph 4, last two lines: THE PARTIES AGREE TO REASONABLE USAGE OF WATER SUPPLIED BY THE WATER WELL SYSTEM AND AGREE TO LIMIT USAGE TO **NORMAL DOMESTIC, NON-COMMERCIAL USE.**

The Montez's purchased the home knowing it was in a residential neighborhood with RU4 zoning. We wish them the best of luck in their expanding business however, the requested use is **NOT consistent with our residential neighborhood.**

We request that the Planning and Zoning Committee please enforce the zoning codes and listen to the 69+ NO votes from the Cochise Ranchos subdivision residents and deny this special use permit, just as they would if the request was for their own neighborhood.

Respectfully submitted

James V and Debra A. DeRosa

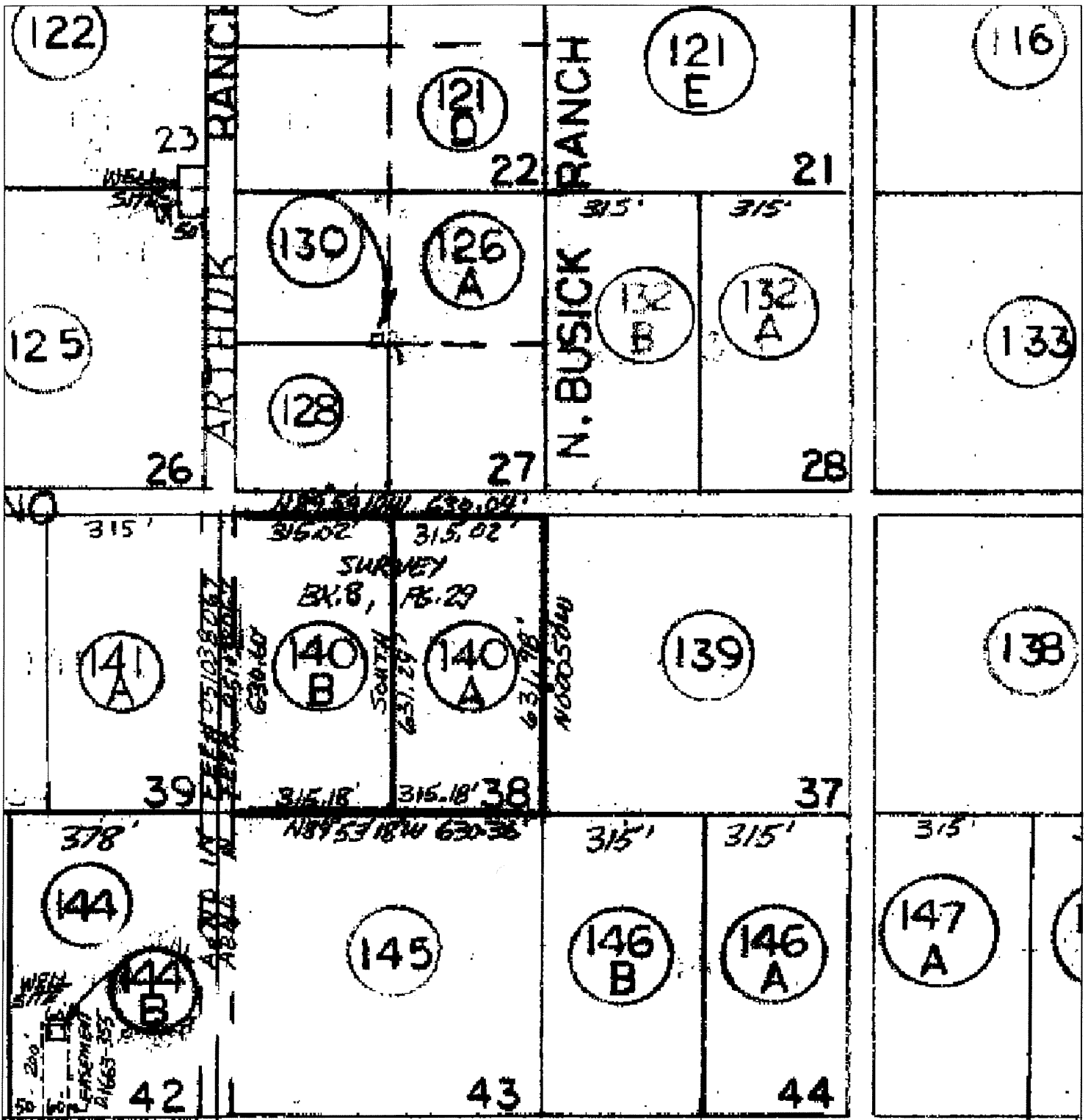


If use were permitted which would be ignoring the County's established Zoning Regulations, are the Montez's going to be required **per county regulations**, to install: FIRE SUPPRESSION SYSTEMS or a Sally Port and a 10,000-gallon water reserve? Also, what about the required ADA parking and bathrooms?

Exhibit A

The Northeast quarter and Southeast quarter Lot 27, COCHISE RANCHOS, according to Book 3 of Maps, page 159, records of Cochise County, Arizona;

EXCEPT from said Northwest quarter, a rectangular well site, being 30.00 feet North to South and 12.00 feet East to West in the extreme Southwest corner thereof.



COCHISE
BK. 3

RANCH
PG. 159

MAP 5 ↓



Monday, June 24, 2019

LOCATION

Property Address 2439 N Busick Ranch Rd
Huachuca City, AZ 85616-8221

Subdivision

Carrier Route R002

County Cochise County, AZ

PROPERTY SUMMARY

Property Type Residential

Land Use Residential Improvement >5 Acres

Improvement Type Single Family Home

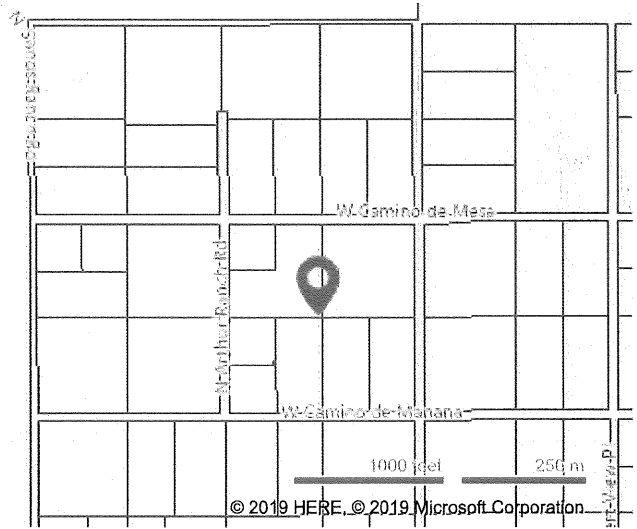
Square Feet 1828

GENERAL PARCEL INFORMATION

Parcel ID/Tax ID 106-04-126A

2010 Census Trct/Blk 13/4

Assessor Roll Year 2017



CURRENT OWNER

Name Montez Jonathan M Montez Simara C

Mailing Address 3720 S Inca Dove Pl
Sierra Vista, AZ 85650-5308

SALES HISTORY THROUGH 06/12/2019

Date	Amount	Buyer/Owners	Seller	Instrument	No. Parcels	Book/Page Or Document#
7/12/2017	\$55,700	Montez Jonathan M	Covert Robert B	Warranty Deed		2017-14400
7/12/2017	\$55,700	Montez Jonathan M	Covert Robert B	Warranty Deed		0000014400
6/8/2017	\$14,000	Lane Larry L	Covert Robert B	Warranty Deed		2017-11736
6/8/2017	\$14,000	Lane Larry L	Covert Robert B	Warranty Deed		0000011736
4/14/2000		Covert Robert B		Joint Tenancy		410/589
3/20/1997	\$82,000	Covert Robert B		Joint Tenancy Deed		
4/22/1992	\$74,900			Joint Tenancy Deed		

TAX ASSESSMENT

Appraisal	Amount	Assessment	Amount
Appraisal Year	2018	Assessment Year	2018
Appraised Land	\$31,467	Assessed Land	\$3,147
Appraised Improvements	\$69,374	Assessed Improvements	\$6,904
Total Tax Appraisal	\$100,841	Total Assessment	\$10,051
Tax Area	170	%Improvement	69%
		Exempt Amount	\$3,838

TAXES

Tax Year	City Taxes	County Taxes	Total Taxes
2017			\$770.54
2016			\$852.66
2015			\$948.06
2014			\$1,068.50
2013			\$963.04

MORTGAGE HISTORY

Date	Loan Amount	Borrower	Lender	Book/Page or Document#
07/12/2017	50,130	Montez Jonathan M Montez Simara C	Sunstreet Mortgage	0000014401
07/12/2017	50,130	Montez Jonathan M Montez Simara C	Sunstreet Mortgage	2017-14401

PROPERTY CHARACTERISTICS: BUILDING

Building # 1

Type	Single Family Home	Condition	Units
Year Built	1964	Effective Year	Stories
BRs		Baths	Rooms
			1

Total Sq. Ft. 1,828

Building Square Feet (Living Space)

Building Square Feet (Other)

First Story (Base) 1,828

- CONSTRUCTION

Quality		Roof Framing	Wood Joists
Shape		Roof Cover Deck	Composition Shingle
Partitions		Cabinet Millwork	
Construction	C	Floor Finish	Carpet
Foundation		Interior Finish	
Floor System	Structural Slab	Air Conditioning	
Exterior Wall	Stucco	Heat Type	
Structural Framing	Rigid Frame	Bathroom Tile	
Fireplace		Plumbing Fixtures	

- OTHER

Occupancy **Building Data Source**

PROPERTY CHARACTERISTICS: EXTRA FEATURES

Feature	Size or Description	Year Built	Condition	Building
Concrete Paving	1313			1
Concrete Porch-Patio	36			1
Concrete Porch-Patio	44			1
Enclosed Porch	250			1
Isx	1			1

PROPERTY CHARACTERISTICS: LOT

Land Use	Residential Improvement >5 Acres	Lot Dimensions	
Block/Lot	/27	Lot Square Feet	297,514
Latitude/Longitude	31.706875°/-110.360963°	Acreage	6.83

PROPERTY CHARACTERISTICS: UTILITIES/AREA

Gas Source		Road Type	
Electric Source		Topography	
Water Source		District Trend	
Sewer Source		School District	Tombstone Unified School District
Zoning Code			
Owner Type			

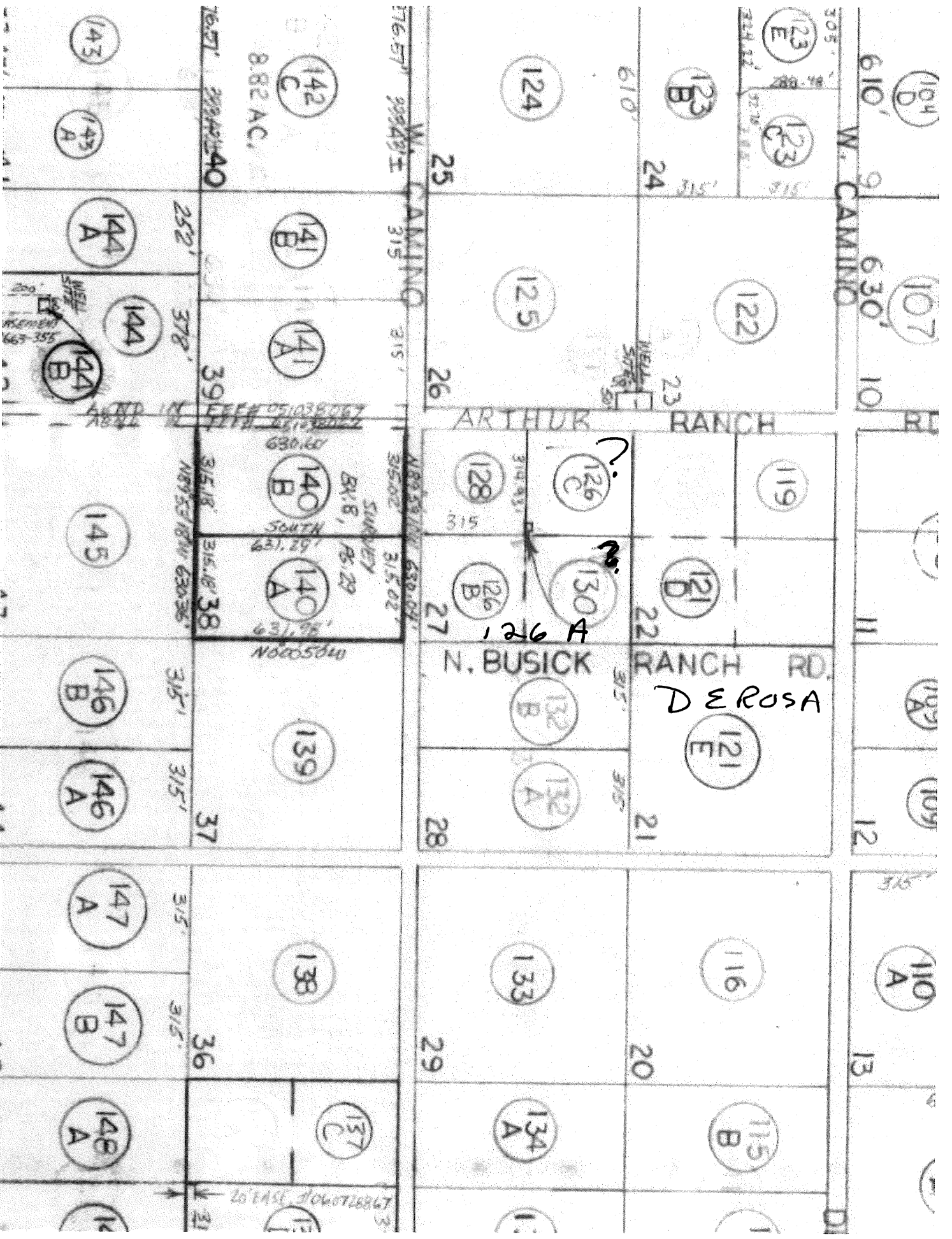
LEGAL DESCRIPTION

Subdivision		Plat Book/Page	
Block/Lot	/27	Tax Area	170

Description

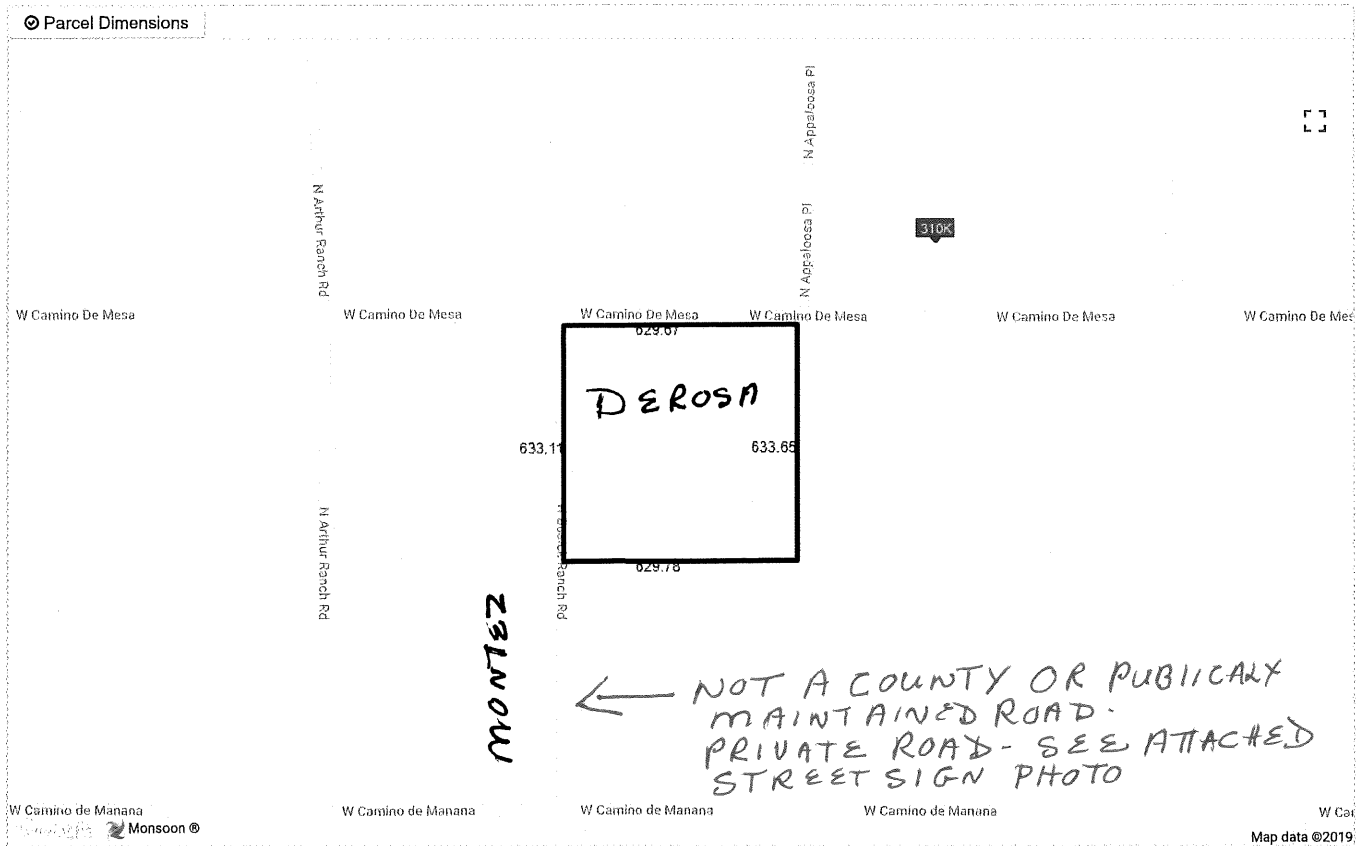
Cochise Ranchos Se4 Of Lot 27 2.28Az; & Cochise Ranchos (A) Nw4 L Ot 27 By M&B: Beg At Nw Cor Of Lot 27 Cochise Ranchos E315' S315' W315' N315' To Beg Exc For 12X30 Wllste Loc 16' W Of The Sw Cor Of The Ne4 2.27Ac & (B) Ne4 Of Lot 27 By M&B Beg At Ne Cor

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356 W Camino De Mesa, Huachuca City, AZ 85616-9605

Cochise Assessor Parcel # 106-04-121-E



- Sold
- Pending
- Off Market
- Active
- Cancelled
- Foreclosure
- UCB
- Expired

Property Information		Area Information	
Property Owner	JAMES V & DEBRA A DEROSA	Subdivision	COCHISE RANCHOS
Property Address	356 W Camino De Mesa Huachuca City, AZ 85616-9605 Cochise County	Census Tract	001300
Tax Mailing Address	James V & Debra A Derosa 356 W Camino De Mesa Huachuca City, AZ 85616-9605	Census Block	4021
Property Type	(8713) SFR ON 5+ AC, RURAL SUBDIV	Latitude	31.7077656177237
Legal Class	(03-01) OWNER OCCUPIED RESID	Longitude	-110.359934487534
		Tax Area	0170
		School Districts	Tombstone Unified District#01



Class:: WOOD OR STEEL STUD FRAME



PRIVATE ROAD - NO MAINTENANCE AGREEMENT

(/)

Is this your business? Claim now > (/user/sign_up?register=mesquite-creek-builders-llc&simple_form=true)

BZ SCORE: 90 Verified License Huachuca City, AZ (/Huachuca-City-Az)

Mesquite Creek Builders

(855) 713-1088 CONTACT US BZ SCORE: 90
for local advisor

Summary (/Contractor/Mesquite-Creek-Builders-Llc#About)

HOME (/) / SEARCH (/SEARCH) / BEST GENERAL CONTRACTORS IN HUACHUCA CITY (/HUACHUCA-CITY-AZ/GENERAL-CONTRACTORS)

Location

31°42'20.1"N 110°21'44.7"W
View larger map
Mesquite Creek Builders LLC Address:
**511 W Camino De Manana
Huachuca City, AZ 85616**

Use our bidding system to [request a quote](#)

Map data ©2019 Google, INEGI

Mesquite Creek Builders LLC

Mesquite Creek Builders LLC, 511 W Camino De Manana, Huachuca City, AZ (Employee: Lane Larry Leroy) holds a General Dual license according to the Arizona license board.

Their BuildZoom score of 90 indicates that they are licensed or registered but we do not have additional information about them.

DECLARATION OF ESTABLISHMENT OF
CONDITIONS AND RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

That ARIZONA LAND TITLE & TRUST COMPANY, an Arizona corporation, as Trustee, being the owner of the following real property:

Lots 2 through 15, Lots 18 through 31, Lots 34 through 47, Lots 50 through 63 and Lots 66 through 79 of COCHISE RANCHOS, Cochise County, Arizona, according to the Map or Plat thereof of record in the office of the County Recorder of Cochise County, Arizona, in Book 3 of Maps and Plats at Page 159,

hereinafter referred to as said property, do hereby declare the manner, conditions, restrictions and covenants upon and subject to which all of said property shall henceforth be occupied, used and improved, which covenants, restrictions, and conditions shall be hence-forth construed as covenants running with the land and shall inure to the benefit of the present and all future owners of any of the lots in said property, to-wit:

1. Said property shall be used for residential purposes only.
2. No building or dwelling of frame construction shall be erected or permitted upon said property.
3. No home or dwelling having a living area of less than 1,000 square feet shall be constructed or permitted upon said property. Only one story dwellings are permitted. Minimum setback from any property line shall be 50 feet.
4. No structure other than one home or dwelling, together with attached car porte or attached garage, shall be constructed or permitted upon any single holding or parcel. No single holding or parcel having an area of less than 2 1/2 acres shall be permitted.
5. House trailers may be maintained upon said property for a period not to exceed 90 days, and only during construction of a permanent residence upon the parcel of land upon which such trailer is maintained.
6. No obnoxious, malodorous or offensive trade or activity shall be permitted upon said property. No livestock other than customary domestic pets may be kept or maintained upon said property, except however, that horses, together with proper stable for housing same, may be maintained on parcels having a minimum area of 10 acres.
7. Buildings must have modern sanitary facilities and no outside toilets are permitted.

If the parties hereto, or any of them, or their successors or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any lot or lots in said property to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants: either to prevent him or them from so doing or to recover damages or other dues for such violation.

#12508 Oct. 25, 57 9:00AM
Dk. 177 PE. 268-269

In the event any court of competent jurisdiction shall by decree declare any of the foregoing conditions, restrictions and covenants to be invalid, the invalidation of one or more of said conditions, restrictions and covenants shall in no wise invalidate or render inoperative the remainder of said conditions, restrictions and covenants.

PROVIDED, that any violation of the foregoing covenants, conditions or restrictions shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value as to any portion of said property. But such covenants shall be enforceable against any portion of said property acquired by the mortgagee through foreclosure or by deed in lieu of foreclosure for any violation of the restrictions, covenants and conditions contained herein occurring after the acquisition of said property by mortgagee.

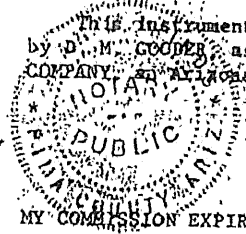
IN WITNESS WHEREOF, the undersigned have executed these presents this 22nd day of October, 1957.

ARIZONA LAND TITLE & TRUST COMPANY
Arizona corporation, as TRUSTEE,

BY: *D.M. Gooder*
Assistant Trust Officer

STATE OF ARIZONA)
) ss.
County of PIMA)

This instrument was acknowledged before me this 22nd day of October, 1957, by D. M. GOODER, as Assistant Trust Officer of ARIZONA LAND TITLE & TRUST COMPANY, an Arizona corporation, as an Act of such corporation.



Jean L. Hinds
NOTARY PUBLIC

MY COMMISSION EXPIRES:
March 13, 1960

STATE OF ARIZONA }
COUNTY OF COCHISE }
Witness my hand and Official Seal
P. W. NEWBERRY, County Recorder
P. W. Newberry Deputy

Ref'd. 504
I hereby certify that the within instrument was filed and recorded at request of
For 2.50 *Arizona Land Title & Trust*
I. R. S. *ucson, Ariz.*
Total \$ _____ Date OCT 25 1957 9:20 AM
Docket 177 Page 268-269 No. 12508



DOMESTIC WATER WELL ADDENDUM

Document updated:
November 2013



The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.



- 1. Seller: Mickey R Covert
- 2. Buyer: Jonathan M Montez, Simara C Montez
2439 N Busick Ranch Rd
- 3. Premises Address: Huachuca City, 85616-8221
- 4. Date: May 10, 2017

5. The following additional terms and conditions are hereby included as a part of the Contract between Seller and Buyer for the above
6. referenced Premises.

7. A domestic water well is located on the Premises or the Premises is served by a domestic water well.

8. Domestic Water Well/Water Use Addendum to Seller Property Disclosure Statement ("DWWA SPDS"): Seller shall deliver a
9. completed AAR DWWA SPDS to the Buyer and Escrow Company within five (5) days after Contract acceptance. Buyer shall
10. provide notice of any DWWA SPDS items disapproved within the Inspection Period or five (5) days after receipt of the DWWA
11. SPDS, whichever is later.

12. Well Records: Seller shall deliver to Buyer, copies of all Arizona Department of Water Resources ("ADWR") records related to the
13. well in Seller's possession or notice that Seller has no such documents within five (5) days after contract acceptance. Buyer shall
14. provide notice of any items disapproved within Due Diligence/Inspection Period or five (5) days after receipt of documents or
15. notice, whichever is later. Seller does not warrant the information as reflected in the ADWR records.

16. Well Inspection: If well performance or water quality is a material matter to the Buyer, Buyer shall inspect the well, and request a
17. well inspector to send a water sample to a qualified laboratory to determine acceptability for the buyer's use. The well inspector
18. shall verify the well's gallons per minute pumping rate and recharge rate during the Due Diligence/Inspection Period. If applicable,
19. Buyer shall inform Lender that the Property is served by a domestic well and obtain any Lender testing requirements to be
20. performed during the Due Diligence/Inspection Period.

21. Change of Well Information: Escrow Company is hereby instructed to send to the ADWR a complete Change of Well Information
22. form and transfer fee at COE, if the well is located on the buyer's property.

23. Well Transfer Fee: Well transfer fee shall be paid by : Buyer Seller Other _____

24. Jonathan M. Montez 05/10/2017
BUYER'S SIGNATURE MO/DAYR
Jonathan M Montez

Simara C Montez 05/10/2017
BUYER'S SIGNATURE MO/DAYR
Simara C Montez

25. Mickey Covert 5/10/2017
SELLER'S SIGNATURE MO/DAYR
Mickey R Covert

SELLER'S SIGNATURE MO/DAYR

For Broker Use Only:
 Brokerage File/Log No. _____ Manager's Initials _____ Broker's Initials _____ Date _____
(Added February 2012) MO/DAYR

Domestic Water Well Addendum Updated: November 2013
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June 24, 2019

Robert Kirschmann, Planner II
Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603

RE: Docket SU-19-06 (Counter Intelligence)

Dear Mr. Kirschmann:

I SUPPORT the Appeal against the decision made by the Cochise County Planning and Zoning Commission on May 8, 2019, to approve SU-19-06 to construct an 18 foot tall, 1,600 square foot building at 2439 N. Busick Ranch Road to be used in manufacturing counter tops.

Cochise Ranchos, the subdivision in which construction of this building has been proposed, was platted in 1957. In 1975, it was zoned RU-4. Sometime between 1975 and 2000, twelve parcels along Highway 90 were rezoned to GB, but only 7 of those parcels actually have a business on them, while two of the remaining have private residences. In 2000, **80%** of the property owners in Cochise Ranchos rezoned their properties from RU-4 to SR-174, which requires site built homes and removes most of the Special Uses possible with RU-4, including Manufacturing. This zoning change was intended to stabilize and protect single-household residential development. Currently there are 139 parcels in Cochise Ranchos with the majority 4 or more acres. There has been only one Special Use approved in Cochise Ranchos and that was on Highway 90. Thus, in the **62 years** since the original platting of this neighborhood, there has been no intrusion of GB or Special Uses within the interior of our neighborhood. One would have to conclude from knowing this history, that this is **NOT** a developing neighborhood, as the Planning Department would characterize it. It is, in fact, a stabilized, residential neighborhood that has been mistakenly included within a much larger Category B Designated area in the County Comprehensive Plan.

The Planning Department characterized the proposed Busick Ranch Rd. business as a home based business. But, by definition, owners of home based businesses do not construct detached 18 foot tall, 1600 square foot buildings in which to conduct manufacturing activities from 8 am to 5 pm five days per week. In fact, home based businesses, by definition, are within the primary residence and are so discrete that neighboring residents don't even know they exist. That would not be the case here.

Thus, I request that the Board of Supervisors support the continued development of Cochise Ranchos as a residential neighborhood by removing the approval of SU-19-06 by the Planning and Zoning Commission.

Sincerely,



Ann E. Aust

Parcel Number 106-05-007B

From: [Mary Alinen](#)
To: [Kirschmann, Robert](#)
Subject: Appeal for Decision on Manufacturing Special Use on Busik Rd.
Date: Wednesday, June 26, 2019 7:22:23 AM

CAUTION: EXTERNAL EMAIL*

This email is to advise the county that I support the request to appeal the Special Use Permit.

I do not feel this is a “home based” business and if allowed would have a negative impact on our neighborhood.

Mary Alinen
112 W. Ivey Rd.

This E-mail is from an **EXTERNAL** address. **DO NOT click on links or open attachments unless you trust the sender and know the content is safe.** If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

Special Use Docket SUA-19-06 (Counter Intelligence) Appeal

YES, I SUPPORT THIS REQUEST (Supporting the Appeal denies the Special Use)

Please state your reasons:

As I voted before, I do not want this type of commercial usage of the area. Such activity belongs in a commercial zoning

NO, I DO NOT SUPPORT THIS REQUEST: (Not supporting the Appeal upholds the Special Use)


Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

George Espinosa

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 106-04-141B (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Tuesday June 25, 2019 to be included in the staff report to the Board in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, or you may personally make a statement at the **public hearing on July 9, 2019**. NOTE: Please do not ask the Board Members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603