

Cochise County Planning Commission

Cochise County Complex
Board of Supervisors' Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

Regular Meeting

July 10, 2019

4:00 p.m.

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
3. **APPROVAL OF THE PREVIOUS MONTH'S MINUTES**
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 Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission 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**
6. **PUBLIC HEARING**
 1. SU-13-14A (11P AZ1 LLC Outdoor Expansion) - A Special Use Modification to add outdoor cultivation to an existing approved and operational indoor medical marijuana cultivation and infusion facility.
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
 1. Work Session R-19-04 (Minor Land Division)
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
9. **ADJOURNMENT**

P&Z Agenda Template

3.

Meeting Date: 07/10/2019

Submitted By: Peter Gardner, Community Development

Department: Community Development

Presentation: No A/V Presentation

**NAME
of PRESENTER:**

**TITLE
of PRESENTER:**

Agenda Item Text:

APPROVAL OF THE PREVIOUS MONTH'S MINUTES

Background:

Attachments

June minutes

**PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING HELD ON
Wednesday, June 12, 2019**

A regular board meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, June 12, 2019 at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Wayne Gregan, Vice Chair; Kim DePew, Member; Nathan Watkins, Member; Patrick Greene, Chairman; Jim Martzke, Member; Gary Brauchla, Member

Absent: Pat Edie, Member; Carmen Miller, Member

Staff Present: Daniel Coxworth, Development Services Director
Peter Gardner, Planner II
Robert Kirschmann, Planner II
Christine Roberts, Deputy County Attorney

Chairman Greene called the meeting to order at 4:00 p.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

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

1. **CALL TO ORDER**

2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).

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

Motion by Member Jim Martzke, Second by Member Nathan Watkins

Vote: 6 - 0 Approved

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 Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission 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**

6. **PUBLIC HEARING**

1. Z-19-04 (Womack) Request to Rezone 40 acres from R-36 to RU-4.

Motion by Member Jim Martzke, Second by Vice Chair Wayne Gregan Mr. Kirschmann presented a PowerPoint presentation that is preserved in the files.

Commissioner Gregan questioned and received confirmation that the property could be rezoned in the future.

Commissioner Brauchla asked questions regarding the impacts of the opt out on potential future property owners.

The Applicants spoke in reference to their application and answered questions of the Commission in reference to their intention of the property and the Opt-out option.

Chair Gregan opened and closed the Public Hearing with no request to speak.

Vote: 6 - 0 Approved

2. R-19-01 (Foreclosure Registry) Amendment to the Cochise County Zoning Regulations adding Article 25 Foreclosure Registry, and amendments to Article 2 Definitions.

Motion by Member Jim Martzke, Second by Vice Chair Wayne Gregan Mr. Coxworth presented a PowerPoint presentation on the matter.

Commissioner Gregan questioned Section 25.0102 and whether the lender is paying the property taxes.

Commissioner Brauchla asked about owner carry properties. Mr Coxworth stated this does not apply to those properties. He also asked about how the lenders will know about this process. Mr. Coxworth stated that other jurisdictions already have these in place and will call the County to register with us.

Chair Greene opened and closed the public hearing with no members wishing to address the Commission.

Vote: 6 - 0 Approved

3. R-19-02 (Subdivision Regulations) Staff is requesting to repeal and replace the Cochise County Subdivision Regulations. Amendments to the Subdivision Regulations include: Updating the regulations to conform with current Arizona Revised Statutes; Removing the Minor Expedited Subdivision option as well as the review of tentative plats by the Planning and Zoning Commission; Minor alterations to the Conservation Subdivision article, and performing clerical revisions to reflect current practices. In addition, the document has been reformatted.

Motion by Vice Chair Wayne Gregan, Second by Member Jim Martzke Mr. Gardner presented a PowerPoint presentation saved in the files

Chairman Greene opened and closed the public hearing with no members of the public requesting to speak.

Vote: 6 - 0 Approved

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

Vote: 6 - 0 Approved

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

9. **ADJOURNMENT**

Chairman Greene adjourned the meeting at 4:54 p.m.

APPROVED:

Patrick Greene, Chairman

ATTEST:

Daniel Coxworth, Development Services Director

P&Z Agenda Template

6. 1.

Meeting Date: 07/10/2019

SU-13-14A (11P AZ1 LLC Outdoor Expansion)

Submitted By: Peter Gardner, Community Development

Department: Community Development

Presentation: No A/V Presentation

NAME Peter Gardner
of PRESENTER:

TITLE Planner II
of PRESENTER:

Agenda Item Text:

SU-13-14A (11P AZ1 LLC Outdoor Expansion) - A Special Use Modification to add outdoor cultivation to an existing approved and operational indoor medical marijuana cultivation and infusion facility.

Background:

The Applicant is requesting a Modification of an existing Special Use Authorization to cultivate Medical Marijuana. The request would add exterior grow to existing interior grow. The 66.87 acre site, 201-20-001G, is located on the at 5900 W. Greenhouse Road in Willcox and is zoned RU-4. In a rural zoning district, Medical Marijuana uses require Special Use Authorization. The Applicant is Raymond Klumb on behalf of 11P AZ1 LLC.

Attachments

Staff Report

Application

Public Input



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

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

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket SU-13-14A (11P AZ1 LLC Outdoor Expansion)
DATE: July 1, 2019 for the July 10, 2019 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant is requesting a Modification of an existing Special Use Authorization to cultivate Medical Marijuana. The request would add exterior grow to existing interior grow. The 66.87 acre site, 201-20-001G, is located on the at 5900 W. Greenhouse Road in Willcox and is zoned RU-4. In a rural zoning district, Medical Marijuana uses require Special Use Authorization. The Applicant is Raymond Klumb on behalf of 11P AZ1 LLC.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 66.87 acres
 Zoning: RU-4 (Rural; one dwelling 4 acres)
 Growth Area: Category D
 Comprehensive Plan Designation: Rural
 Area Plan: None
 Existing Uses: Indoor Medical Marijuana Cultivation and Infusion
 Proposed Uses: Previously approved: Indoor Medical marijuana cultivation and infusion, in an existing 7.75 acre greenhouse facility.

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Agricultural land
South	RU-4	Agricultural land
East	RU-4	Agricultural land
West	County Maintained Road/RU-4	N. Fort Grant Road/Agricultural land

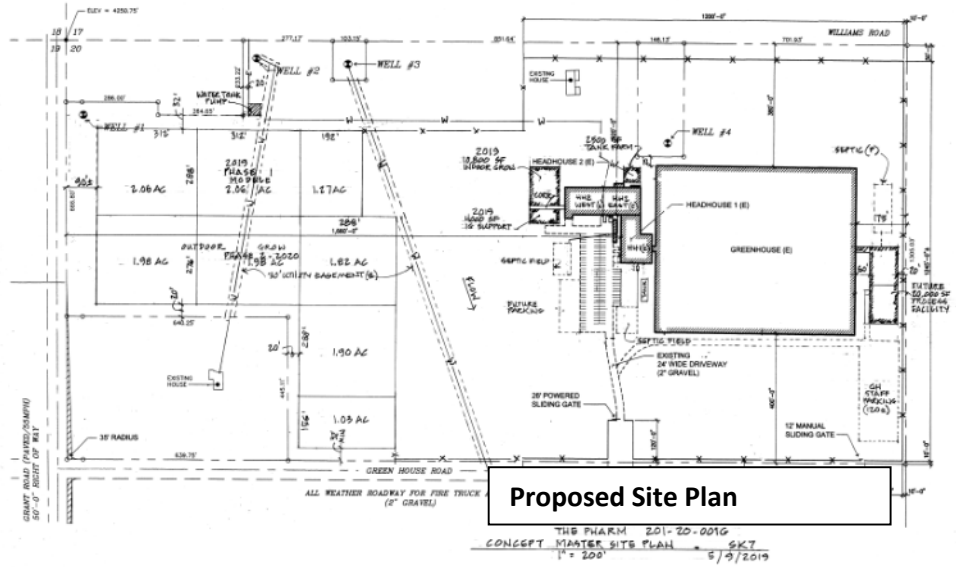
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 highway@cochise.az.gov
 floodplain@cochise.az.gov

II. PARCEL HISTORY

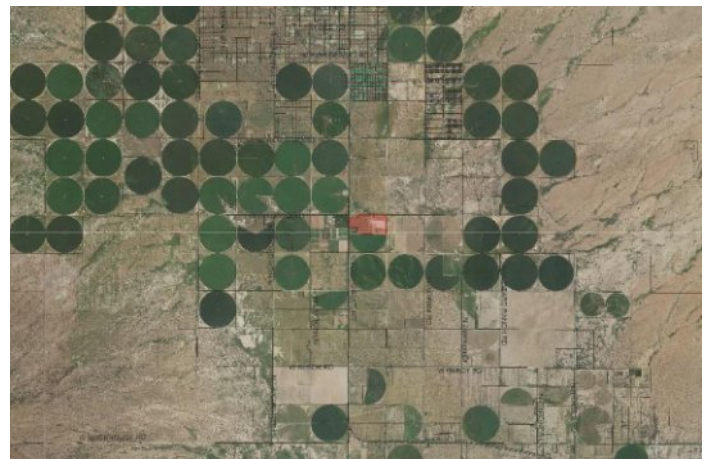
1995 – Greenhouse Established

2013 – SUP for Existing Use
Granted



III. NATURE OF REQUEST

The Applicant is requesting a Special Use modification. Special Use SU-13-14 the conversion of an existing 7.75 acre greenhouse facility into a Medical Marijuana Cultivation and Infusion Facility. The Applicant is requesting to add approximately 14 acres of phased outdoor grow area in addition to new maintenance buildings and enclosing existing irrigation systems.



IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

With the information provided, nine of the ten factors apply to this request. The project, as submitted, fully complies with eight of the factors. One factor does not comply and one is not applicable.

A. Compliance with Duly Adopted Plans: Complies

The proposed project satisfies the criteria for Comprehensive Plan D-Rural areas since the proposal is in an outlying rural area between unincorporated communities that have a low growth rate and is in a very low-density area is surrounded by agricultural and vacant lands.

The proposal also supports the following Comprehensive Plan Elements:

The Agriculture and Ranching Element goal that seeks to "Protect and promote the agricultural economy of Cochise County, its agricultural and ranching lands, and related land uses."; and the policy to "Continue encouraging development of agricultural processing, both on-site and at industrial scale, to support production of value-added agriculture products in Cochise County.



The Economic Development Element that states that "Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness, but will also foster resilience in the face of economic challenges such as natural disasters" and the policy to Continue to communicate with the business community, and be responsive to the changing needs of established and new businesses.'

The Rural Character Element that states "The *Envisioning 2020* process consistently revealed that rural character is an important community asset worthy of protection. Participants in Envisioning 2020 mentioned farming and ranching economies, scenic vistas, ecotourism activities, dark night skies, unimproved roads, and large lots as measures of rural character. One goal of the Rural Character Element is to "Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas."

The project site is not within the boundaries of any area plan.

B. Compliance with the Zoning District Purpose Statement: Complies

By continuing the character of low density housing and agricultural uses, the application complies with two purpose statements in Article 6 by preserving the "Rural" character of the area; and by providing a non-residential service that is compatible with rural living.



C. Development along Major Streets: Complies

Fort Grant Rd. is county-maintained and classified as a Rural Collector roadway, with a Chip Seal surface at the vicinity of this property. No new access is proposed.

D. Traffic Circulation Factors: Complies

This type of use is similar to small-scaled agricultural use: average trip generation rates specifically for this type of growing operation have not been developed on either a national or state-level at this time. The applicant is proposing a staged outdoor grow development with up to eight phases. No new employees will be added with the labor coming from existing staff. After completion of construction negligible traffic increases are expected.

E. Adequate Services and Infrastructure: Complies

All services are existing and adequate.

F. Significant Site Development Standards: Complies

The applicant has not requested any waivers from site development standards. All site development standards must be met to obtain a non-residential use permit, should this request be approved. The property has adequate area for parking. All of the existing structures on the site meet all of the zoning regulations as they pertain to set-backs, off-site parking, and loading areas, land clearing, water conservation, and Section 1825 of the Zoning Regulations pertaining to medical marijuana. Any future construction will be required to meet all site development standards and building permit regulations.

In addition to County regulations, the applicant will be required to meet all regulations and requirements established by the State of Arizona for these types of facilities including security cameras, perimeter fencing and secured access to the cultivation greenhouses.

G. Public Input: Complies

The Applicant mailed letters to property owners within 1 mile of the property prior to application submittal. The Planning Department mailed letters to the same property owners within 1 mile of the subject property, published a legal ad in the *San Pedro Valley News-Sun* and posted legal notices on the property. To date, staff has received four letters, three in support and one in opposition. The opposition letter cited concerns about odors and chemical drift onto other farmland.

H. Hazardous Materials: Not applicable

The applicant has stated that no hazardous materials will be used at this facility.

I. Off-Site Impacts: Does not Comply

Most of the anticipated offsite impacts can be



mitigated except for Odor. When the project was approved to be grown in greenhouses only, commercial filters were proposed to help mitigate any potential odors. Now that outdoor grow is proposed Staff has not been able find a way to mitigate the smell. The Applicant states that the plants only smell when they bloom (approximately eight (8) weeks of the year). There are several residences within one mile of the proposed outdoor grow, none of whom have protested. The solid wall may also help to contain the odor. Despite this Staff believes that the project does not comply with this criteria.

Other than the odor, the proposed facility is not anticipated to produce off-site impacts. The State of Arizona has lighting and screening requirements for medical marijuana facilities. The applicant will be required to install lighting which will be in conformance with the lighting requirements in the County Zoning Ordinance. The Outdoor Grow is also required to be screened by a ten (10) foot tall wall.

J. Water Conservation: Complies

The project site is not located within the Sierra Vista Sub-Watershed. Drip irrigation will be utilized, conserving water over other methods.

V. PUBLIC COMMENT

Staff mailed notices to neighboring property owners within 5,280 feet of the subject property, posted the property, and published a legal notice. In response to applicant and County mailings, the Planning Department received one letter of opposition and three letters of support from surrounding property owners.

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve the addition of outdoor cultivation to the existing indoor cultivation and infusion of medical marijuana in at 5900 N. Greenhouse Road, Willcox, AZ.

No waivers or modifications have been requested. Any State of Arizona requirement for cultivation, security and lighting requirements will be met.

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval, the proposed use would fully comply with eight of the ten Special Use factors used by staff to analyze this request with another factor not being applicable;
2. The proposal complies with the Adopted Comprehensive Plan Agriculture and Ranching, Economic Development and Rural Character Elements;
3. The proposal complies with the Zoning Ordinance Category D purpose statement;
4. The proposal would have the same visual impact as any other agricultural use that would be allowed by right as a principal permitted agricultural use;
5. The proposal is not expected to generate additional traffic beyond the existing use.
6. The Planning Department has received three letters in support to the request.

Factors Against Allowing the Special Use

1. The Planning Department has received one letter in opposition to the request;

2. The Applicant does not comply with the Off-Site impacts factor.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Approval** of the Special Use request.

Should the Commission approve the Application, staff recommends the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission;

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-13-14A, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

VIII. ATTACHMENTS

- A. Staff Report
- B. Application, Site Plan, Maps
- C. Public Comments



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

Special Use Project Application

Applicant's Certification & Acknowledgement

By signing below, I certify that:

1. I am the Owner or authorized Agent of the Owner of the property being developed.
2. I am applying for the meetings/ review(s) indicated below.
3. I have read and understand the information provided in this Application Guide.
4. This application is complete and accurate to the best of my knowledge. Submission of false information may constitute fraud, and may be punishable by fine, imprisonment, or both pursuant to A.R.S. §13-2310.
5. I hereby request all inspections necessary to process this application, and if the permit is issued I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit.

By signing below, I acknowledge that:

6. Incomplete or inaccurate submittals by the Owner, Applicant or any other representative may result in delays, return of submittals, or denial of this application.
7. The submittal is subject to an administrative review of 10-business days (5-business days initial review, 5-business days resubmittal review) at which time I will receive written or electronic notice if the application is complete or, in the case of an incomplete application, a list of deficiencies that need to be corrected. An application will not pass the review for administrative completeness until all deficiencies have been corrected.
8. If the County does not issue a written or electronic notice of administrative completeness within the 10-business days, the application will be deemed administratively complete and the substantive review process begins.
9. The overall review time is 130-business days.
10. The substantive review process is 120-business days.

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520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

By signing below, I acknowledge that:

11. A complete response to any correspondence will be submitted to Cochise County for any subsequent reviews.
12. The Applicant or Agent will be sent written or electronic notice of a license approval or denial within the substantive review period.
13. All required permits must be obtained prior to any construction and that failure to obtain permits may result in fines or other penalties.
14. The Applicant or Agent is responsible for all changes and additional time required to correct plans and/or development as a result of differences between the proposed use and what is permitted in the zoning district in which the property lies.
15. The project review process and timeframe is suspended when a project triggers the requirement for an application for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

By signing below, I acknowledge that:

16. An appeal protesting any denial of an application may be made to Cochise County Community Development Department, Planning Division Deputy Director, Beverly Wilson, 1415 Melody Lane, Bldg. E. Bisbee, Arizona 85603. The appeal shall set forth all relevant facts pertaining to the denial, and must be in writing. It must be filed within ten-days from the date of the denial letter.
17. If the County does not issue to the Applicant the written or electronic notice granting or denying a license within the **overall** time frame or within the mutually agreed upon time frame extension, the county SHALL refund the Applicant all fees charged for reviewing the applications and SHALL excuse any fees not yet paid. The refund SHALL be made within 30-working days after the expiration of the agreed upon time frame pursuant A.R.S. § 11-1605(J).

Ray → KLb. 5/9/2019
Signature Date

RAYMOND KLUMB, ARCHITECT Owner Agent
Print Name/Firm

COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 201-20-001G

APPLICANT RAYMOND KLUMB

ADDRESS 571 N. FRONTAGE ROAD - PO BOX 126 - PEARCE, AZ 85625

CONTACT TELEPHONE NUMBER (520) 826-5352

EMAIL ADDRESS: rkarch64@gmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) IIP AZ 1 LLC

ADDRESS 11440 W. BERNARDO COURT, STE 220
SAN DIEGO, CA 92127

DATE SUBMITTED 5/9/2019

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>150</u>
Building/Use Permit Fee	\$ _____
Total paid	\$ <u>150</u>

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
6. Hazardous or Polluting Materials Questionnaire, if applicable.

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

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report

6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

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

PART TWO - QUESTIONNAIRE

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

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

1. What is the existing use of the property?

MEDICAL MARIJUANA CULTIVATION + PROCESSING

SU 13-14 (WEST EDGE)

What is the proposed use or improvement?

PHASED - FENCED OUTDOOR GROW - MED MARIJUANA, ADDITIONAL

INDOOR GROW, MAINTENANCE / STORAGE BUILDING, ADDTL PARKING
STRUCTURE TO ENCLOSE IRRIGATION TANKS

2. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties?

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

FINISHED FLOWER (MEDICAL MARIJUANA)

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

METAL FENCE, ENGINEERED METAL BUILDINGS

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

6. Provide the following information (when applicable):

A. Days and hours of operation: Days: 5 Hours (from 7³⁰ AM to 3³⁰ PM)

B. Number of employees: Initially: _____ Future: _____

Number per shift Seasonal changes

4 EMPLOYEES / 2 ACRE OUTDOOR GROW
INDOOR GROW

C. Total average daily traffic generated: 10

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

OUTDOOR GROW: 2-3 VEHICLES / SEASONAL
INDOOR GROW: 6 VEHICLES

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

NO INCREASE IN TRUCK TRAFFIC

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

FORT GRANT ROAD

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

90% FROM SOUTH ; 10% FROM NORTH.

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

6-7 AM / 3³⁰ - 4 PM MON-FRI

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

Estimated total gallons of water used: per day _____ per year _____

OUTDOOR GROW: 8000 GALLONS/DAY; 1.92 MILLION GALLONS/YR (8 MONTHS)

INDOOR GROW:
9000 GPD
3.24 MILLION
GALLONS/YR

Will you use a septic system? Yes No _____ If yes, is the septic tank system existing?

Yes No Show the septic tank, leach field and 100% expansion area on the site plan.

G. Does your parcel have permanent legal access*? Yes No _____ if no, what steps are you taking to obtain such access?

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

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

Attached _____ NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	PRIVATE WELL	
Sewer/Septic	SEPTIC	
Electricity	SSVEC	
Natural Gas	SOUTHWEST GAS	
Telephone	VTC	
Fire Protection	WILCOX RURAL	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

MEDICAL MARIJUANA CULTIVATION - FENCED AREA

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

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

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

4. Will odors be created? Yes No ___ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

OUTDOOR GROW - APPROX 8 WEEKS/YEAR

WHEN PLANTS BLOOM

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

6. Will outdoor lighting be used? Yes No If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. SECURITY ONLY (MOTION SENSORS)
7. Do signs presently exist on the property? Yes No If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.
- A. _____ B. _____ C. _____ D. _____
8. Will any new signs be erected on site? Yes No If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

9. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?

Yes No

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

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

Yes No N/A

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

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

CRUSHED AGGREGATE

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

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

SECTION C - Water Conservation and Land Clearing

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

2. How many acres will be cleared? _____
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used

(Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes ___ No If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

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

SECTION E - Applicant's Statement

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

Applicant's Signature Raymond Klumb

Print Applicant's Name RAYMOND KLUMB

Date signed 5/9/2019

Concept Plan Instructions for Special Uses

Sometimes, an applicant will seek approval for a particular special use or uses on a piece of property well ahead of actual construction or operation of that use. Often the exact dimensions of structures or configuration of uses on the property are not known yet until the uses have been approved and the applicant has invested resources into site planning. The Zoning Regulations (Section 1716.02.K.2) allow for the submittal of a "Concept Plan" in lieu of a site plan in the case of phased special uses on one property or a special use where construction is not anticipated within one year. However, if the use(s) are approved by the Planning and Zoning Commission, then a detailed site plan meeting the requirements of Section 1705 of the Zoning Regulations will be required for each use or phase, and shall be in substantial conformance with the approved special use. If the site plan is not within substantial conformance with the approved use and concept plan, then the special use will need to be reviewed, in a public hearing, by the Commission once again to modify the original proposal. **Note: any anticipated waivers of site development standards such as setbacks, screening, landscaping or parking spaces must be requested, justified, and approved by the Commission prior to the issuance of a building permit.**

In order to adequately review the proposed special use(s) on a piece of property, a Concept Plan must include at a minimum the following information:

- Parcel boundaries and adjacent roads;
- The general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries, washes and road travelways;
- The general location and minimum number of parking spaces to be provided, including proposed surface and width of driveways;
- Proposed screening and landscaping;
- Any significant topographical features (washes, hills, rock outcroppings, wetlands) and cultural features of the property and adjacent parcels; *N/A*
- If applicable, project phasing (approximate schedule of uses and construction) and any other information deemed necessary to effectively review the Special Use.

Special Use Docket SU-13-14A (IIP-AZ 1 LLC Outdoor Expansion)

X **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

The Pharm, LLC is an experienced, licensed medical-use cannabis operator with a proven track record and dedication to compliance. Allowing for an expansion to existing operations will provide The Pharm with the ability to grow its operations responsibly, providing for additional good-paying jobs and additional tax revenue for the county and municipality.

_____ **NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Brian Wolfe, Vice President of IIP-AZ 1 LLC

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 201-20-001G (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 Monday, July 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Robert Kirschmann at pgardner@cochise.az.gov that must be received by July 9, 2019 to have your support or non-support noted verbally at the meeting. You may also personally make a statement at the **public hearing on July 10, 2019**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

From: [Ronald Klump](#)
To: [Gardner, Peter B](#)
Subject: Permit
Date: Friday, June 28, 2019 3:57:05 PM

CAUTION: EXTERNAL EMAIL*

Mr. Gardner

I will be out of the state on July 10th. I am in support of the Pharm growing marijuana outside. I don't feel that it would be any different than growing it inside.

Thank you,

Ronald and Dayla Klump

[Sent from Yahoo Mail on Android](#)

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 SU-13-14A (11P AZ1 LLC Outdoor Expansion)

YES, I SUPPORT THIS REQUEST

Please state your reasons:


Economic growth for the community.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Randy Smith

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 201-20-001C (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 Monday, July 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Robert Kirschmann at pgardner@cochise.az.gov that must be received by July 9, 2019 to have your support or non-support noted verbally at the meeting. You may also personally make a statement at the **public hearing on July 10, 2019**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Special Use Docket SU-13-14A (11P AZ1 LLC Outdoor Expansion)

COCHISE COUNTY

JUL 01 2019

YES, I SUPPORT THIS REQUEST

Please state your reasons:

PLANNING

Blank lines for providing reasons for supporting the request.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

The smell is terrible and chemical drift could be a problem with it being outside there to much other farming going on around the property

(Attach additional sheets, if necessary)

PRINT NAME(S): Doug Dunlap

SIGNATURE(S): [Handwritten Signature]

YOUR TAX PARCEL NUMBER: 20120002 (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 Monday, July 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Robert Kirschmann at pgardner@cochise.az.gov that must be received by July 9, 2019 to have your support or non-support noted verbally at the meeting. You may also personally make a statement at the public hearing on July 10, 2019. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

P&Z Agenda Template

7. 1.

Meeting Date: 07/10/2019

Work Session R-19-04 (Minor Land Division)

Submitted By: Robert Kirschmann, Community Development

Department: Community Development

Division: Development Services

Presentation: No A/V Presentation

NAME of PRESENTER: Christine McLachlan

TITLE of PRESENTER: Planner II

Agenda Item Text:

Work Session R-19-04 (Minor Land Division)

Background:

Docket R-19-04 is a proposed amendment to the Cochise County Zoning Regulations to establish the regulation of minor land divisions within Cochise County. Minor land division is defined as a division of one parcel into five or fewer parcels, any of which are ten acres or smaller in size. Currently, the County does not regulate this practice and, instead, only records such divisions.

Please see full Staff report and Draft Ordinance attached.

Attachments

Staff Report

Draft Ordinance

PowerPoint



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket R-19-04 (Minor Land Division Ordinance)
DATE: June 20, 2019 for the July 10, 2019 meeting

I. BACKGROUND AND PROPOSED CHANGES

Docket R-19-04 is a proposed amendment to the Cochise County Zoning Regulations to establish the regulation of minor land divisions within Cochise County. Minor land division is defined as a division of one parcel into five or fewer parcels, any of which are ten acres or smaller in size. Currently, the County does not regulate this practice and, instead, only records such divisions.

During the June 11, 2019 work session with the Board of Supervisors, Staff provided a presentation regarding the need, precedent and general parameters for minor land division to the Cochise County Zoning Regulations. An absence of regulation has led to the County-wide proliferation of residential areas that lack basic infrastructure and vehicular access. In addition, many property owners are unable to meet their underlying zoning requirements, rendering their property unbuildable, following improper parcelization.

As a result, staff was directed by the Board to amend the Zoning Regulations to incorporate the regulation of minor land division. By state law, County review is limited to the following:

1. The lots, parcels or fractional interests each meet the minimum applicable county zoning requirements of the applicable zoning designation.
2. The applicant provides a standard preliminary title report or other acceptable document that demonstrates legal access to the lots, parcels or fractional interests.
3. The applicant provides a statement from a licensed surveyor or engineer, or other evidence acceptable to the county, stating whether each lot, parcel or fractional interest has physical access that is traversable by a two-wheel drive passenger motor vehicle.
4. The applicant reserves the necessary and appropriate utility easements to serve each lot, parcel or fractional interest created by the land division.

Consequently, all applications for minor land division that fulfil each of the above requirements will be approved. At the July 10, 2019 meeting, staff will provide a presentation as well as a draft ordinance for review and discussion by the Commission.

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

II. SUMMARY AND RECOMMENDATION

Staff has presented a presentation and a draft ordinance for Planning Commission for consideration and discussion.

III. ATTACHMENTS

Attachment A Draft Cochise County Minor Land Division Ordinance

Attachment B Draft Cochise County Minor Land Division Presentation

1721 Minor Land Divisions

1721.01 Intent

The intent of this Ordinance is to provide for the orderly growth and harmonious development of Cochise County by prescribing certain minimum requirements regulating the conditions under which minor divisions of land within Cochise County may be permitted and by establishing a review procedure for minor divisions of land within Cochise County.

1721.02 Purpose

The purpose of this ordinance is to provide a process to divide land into five (5) or fewer lots, tracts, parcels, sites or divisions, any of which is ten (10) acres or smaller in size, with a level of review to ensure the division of land complies with zoning regulations and does not constitute a subdivision of six or more lots as defined by Arizona Revised Statutes (A.R.S.). This ordinance is not intended to prohibit or prevent the division of land as otherwise authorized and permitted by the A.R.S. and Cochise County Zoning Regulations and Subdivision Regulations, but to allow for staff review and approval of minor land divisions.

1721.03 Permit Required

- A. No land may be divided into five or fewer lots, parcels, or fractional interests, any of which is ten acres or smaller, unless a minor land division permit has been issued by Cochise County.
- B. The lots, parcels or fractural interests may not be a part of a County-approved subdivision plat,
- C. Payment of an applicable minor land division fee, in accordance with the adopted fee schedule, is required as a condition of obtaining a minor land division permit.

1721.04 Jurisdiction

The provisions of this ordinance shall apply to all divisions of land located within the unincorporated territory of Cochise County, excluding lands outside the authority of Cochise County.

1721.05 Application Submittals

- A. The applicant must submit a properly completed and filled out minor land division application to the Cochise County Development Services Department along with the associated processing fee and any required supporting documentation for staff review as set forth below.
 - 1. Names, addresses, and telephone numbers of all parties of interest to the division

2. A statement from a registered land surveyor, or other evidence acceptable to the county, stating whether each lot, parcel or fractional interests has physical access that is traversable by a two-wheel drive passenger motor vehicle.
3. Survey Map: The legal descriptions and map shall be prepared by a Registered Land Surveyor (R.L.S) and comply with all state and County standards in a format acceptable to the County Recorder and shall include:
 - a. A standard engineering scale not to exceed 1" = 200' (one inch equals 200 feet). Scale used must be indicated.
 - b. A north arrow.
 - c. Area and dimensions of all proposed lots, parcels or fractional interests.
 - d. The current zoning of the parcels proposed to be divided.
 - e. A public or private road, or a private driveway easement, as defined by the *Cochise County Road Design & Construction Standards & Specifications for Public Improvements* shall provide legal access to each parcel.
 - 1) A private easement with a minimum width of twenty-four (24) feet. A private easement will be considered legal access only if it runs with the land and expressly allows ingress and egress by any utility company providing services to the new lot or parcel, any provider of emergency services (fire, police, ambulance, etc.) to the new lot or parcel, and any public official (building inspector, health inspector, etc.) requiring ingress and egress to the new lot or parcel in connection with the official's lawful duties.
 - 2) Public roads, to be maintained by Cochise County, shall be constructed to the standards included in the *Road Design & Construction Standards & Specifications for Public Improvements* and then adopted or accepted by the County Board of Supervisors prior to sale of any of the divided lots.
 - f. Location and width of all easements within and bordering the minor land division.
 - g. Location, width and designation of roads bordering the property indicating whether they are public or private.

1721.06 Definitions

- A. "Minor Land Division" means land or lands that are proposed to be divided for purposes of sale or lease into five (5) or fewer lots or parcels
- B. "Subdivision" or "subdivided lands":
 1. Means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels or fractional interests.

2. Includes a stock cooperative, lands divided or proposed to be divided as part of a common promotional plan and residential condominiums as defined by ARS.
- C. "Legal access" means a public right of vehicular ingress and egress between the lots, parcels or fractional interests being created.
 - D. "Minimum applicable county zoning requirements" means the minimum acreage and dimensions of the resulting lot, parcel or fractional interest as required by the County's zoning ordinance.
 - E. "Utility easement" means an easement of a minimum of eight (8) feet in width dedicated to the general public to install, maintain and access sewer, electric, gas and water utilities.

1721.07 Review Criteria

- A. An application to split a parcel of land shall be approved if the following items are submitted for review by the Development Services Department and found to be complete:
 1. Each newly-created parcel must meet the minimum zoning requirements of the applicable zoning designation.
 2. The applicant provides a standard preliminary title report or other acceptable document that demonstrates legal access to the lots, parcels or fractional interests.
 3. The applicant provides a statement from a licensed surveyor or engineer, or other evidence acceptable to the county, stating whether each lot, parcel or fractional interest has legal and physical access that is traversable by a two-wheel drive passenger motor vehicle.
 4. The applicant reserves the necessary and appropriate utility easements to serve each lot, parcel or fractional interest created by the land division.

1721.08 Action by the Development Services Department

Upon receipt of the submitted documents, the Development Services Department shall review to determine their completeness. If the application is complete, it shall be date-stamped showing the day it arrived complete. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies. The application will not be formally accepted for processing until the missing items are submitted.

Upon receipt of the completed application, the Development Services Department shall:

- A. Distribute the submitted application for review and comment to the appropriate departments as deemed necessary by the Development Services Director.

- B. Review the submitted survey map and supplemental information to determine compliance with the Zoning and Subdivision Regulations and prepare its report, which shall include comments received from other departments.
- C. Based on the above findings, the Development Services Director shall then approve, conditionally approve, or deny the application within thirty (30) business days from the date a completed application was filed unless the applicant consents to an extension of the review period in writing. If review of the request is not completed within thirty business days from receipt of the request, the land division shall be deemed approved.
- D. The County may not deny approval of any land division that meets the requirements of this section or where the deficiencies are noticed in the deed. The County may not require a public hearing on a minor land division request.
- E. If an applicant chooses to record a minor land division survey without an approved permit, any-and-all deficiencies shall be noticed in the deed including noncompliance with the requirement for legal access and/or noncompliance with applicable zoning regulations.

1721.09 Approval

If the minor land division permit is approved, the Development Services Director shall enter the following certification on the approved permit:

“I, _____, Development Services Director of Cochise County, certify that this plat creates a minor land division subject to and approved in accordance with the Minor Land Division Ordinance, and that it meets all statutory requirements for recording.

_____ Date _____ Development Services Director

1721.10 Permit Recordation

- A. Recordation with Approval - After approval of a Minor Land Division Permit, it shall be recorded at the County Recorder’s Office along with any attached supplementary information. Recordation must occur within six (6) months of the approval by the Development Services Department, or the approval shall lapse and become void.
- B. Recordation Without Approval - Pursuant to the provisions of Arizona Revised Statutes, Section 11-831.C, recordation of a division of land may not be denied for non-compliance with the requirement for legal access or compliance with applicable zoning regulations, however, all such deficiencies are required to be noticed in full, detailed description in all deeds. Should an applicant choose to record a Minor Land

Division survey without a permit approved by the Development Services Director, any deficiencies are required to be noticed in full, detailed description in all deeds.

“Notice is hereby given that the parcel of real estate created by the division recorded pursuant to this document either does not conform to the zoning regulations in force at the time of recordation, does not have adequate provision for access to public utilities, or that no legal access exists in accordance with the provisions of the Minor Land Division Ordinance of Cochise County. In consequence, any and all Cochise County Development permits may be denied until such time as deficiencies relative to this parcel are corrected.”

1721.11 Removal of Deficiencies from the Deed

Where access or zoning deficiencies are corrected, through zoning change, variance or acquisition of property for access, it shall be the responsibility of the property owner to remove the deficiencies. All removal of deficiencies shall be subject to the approval of the Development Services Director prior to recording.

1721.12 Acting in Concert

It shall be unlawful for a person or group of persons acting in concert to divide a parcel of land into six (6) or more lots or sell or lease six (6) or more lots by using a series of owners or conveyances in an attempt to avoid the provisions of this ordinance. This provision may be enforced by the County Attorney’s Office or the Arizona Department of Real Estate, or both, pursuant to the laws of the State of Arizona.

1721.13 Penalties

Any deficiencies related to legal access or minimum County zoning will not prevent the approval of a Minor Land Division Permit but shall result in the withholding of any Cochise County permits for development until such time as deficiencies relative to the parcels created by the Minor Land Division are corrected. All such deficiencies are required to be noticed in full, detailed description in all deeds.

COCHISE COUNTY

Minor Land Division Ordinance

Planning and Zoning Commission
July 10, 2019

Cochise County
Development Services



Public Programs...Personal Service

COCHISE COUNTY

What is a minor land division?

Minor land division is when a parcel of land is divided into five or fewer parcels, and which results in the creation of parcels, any of which are ten acres or smaller in size.

Subdivision Regulations apply to a parcel of land that is divided into six or more parcels.

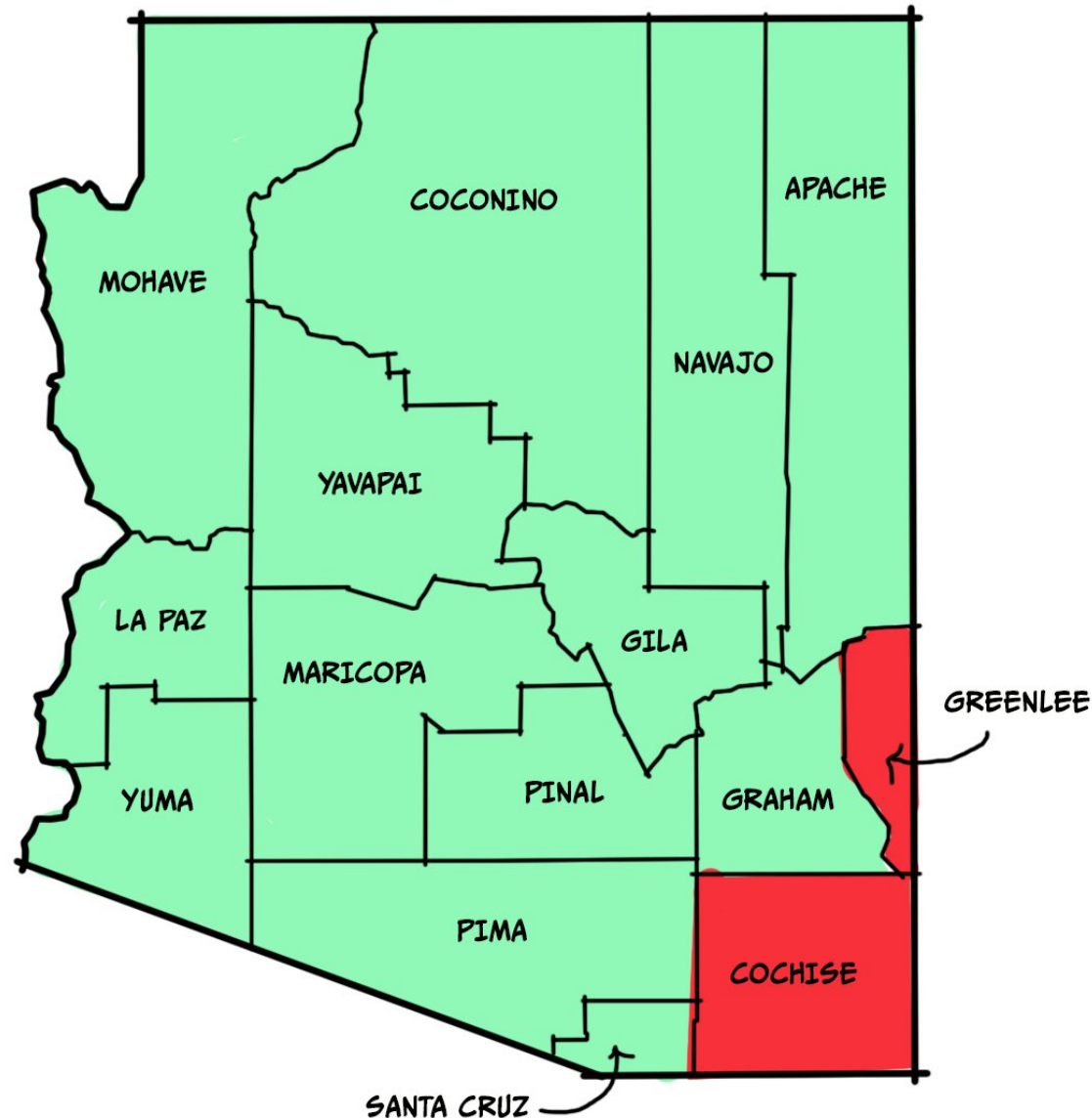


COCHISE COUNTY

Regulation Authority

As a result of the Growing Smarter Plus Act of 2000, Counties are now allowed, but not required, to approve minor land division in unincorporated areas.

All Counties in Arizona, with the exception of Greenlee and Cochise Counties, currently regulate minor land divisions.



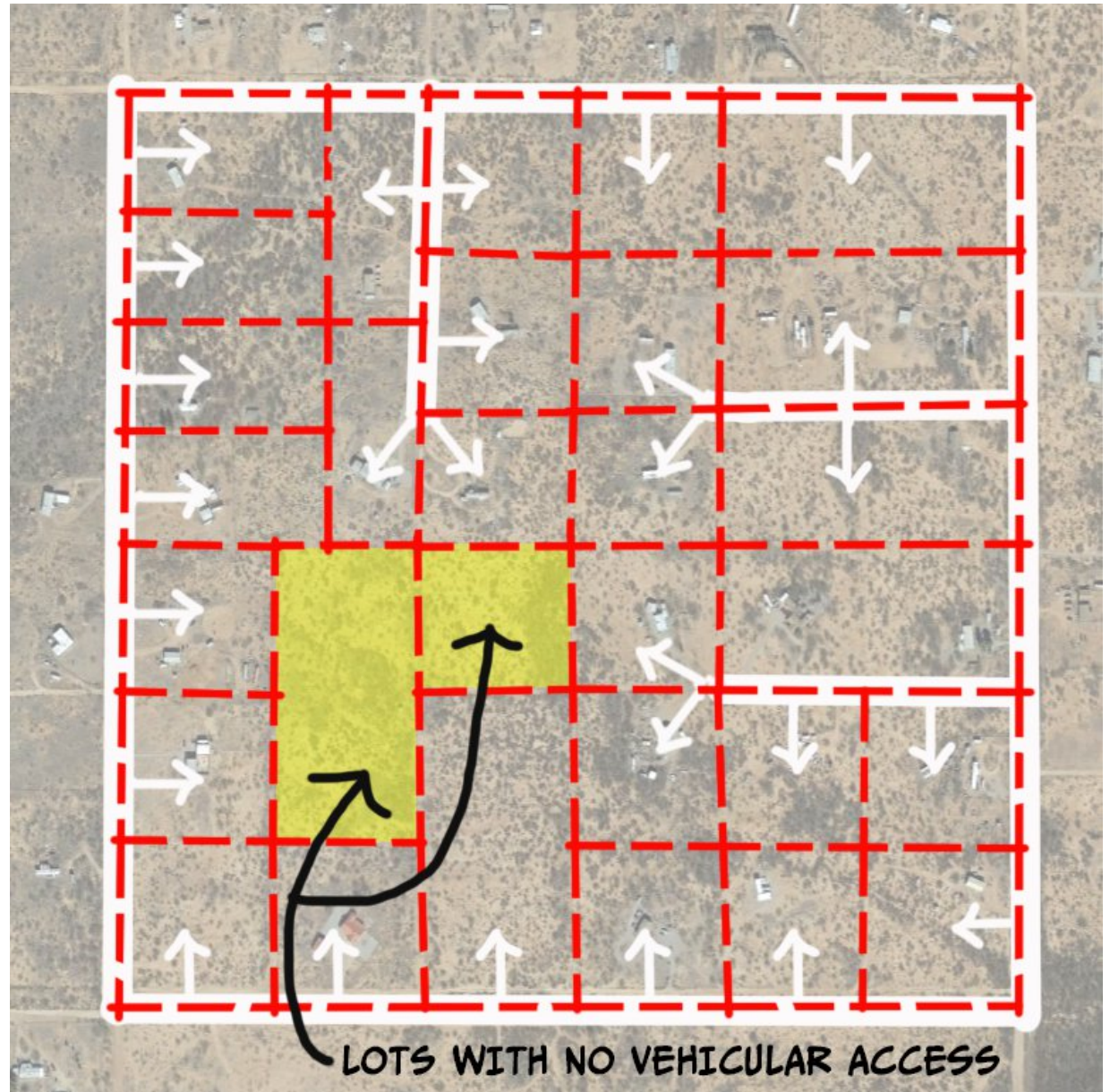
COCHISE COUNTY

PROBLEM: Access

Many unincorporated parcels have poor, or in some cases, no vehicular parcel access.

PROBLEM: Zoning

Property owners may be unaware of their zoning and/or unable to meet the minimum zoning requirements following a lot split.



COCHISE COUNTY

PROBLEM: Roads

Narrow, washed out, un-maintainable roads

Gates installed and blocking right-of-way

Difficult emergency vehicle/bus access

Frustrated constituents/political pressure



COCHISE COUNTY

What can be regulated?

A minor land division ordinance:

- Requires the disclosure of information regarding legal and physical access as well as necessary utility easements.
- Prohibits the issuance of building permits in unregulated development areas until the county's minimum zoning requirements are met.

County review time is strictly limited by state law to 30-days, after which the split is automatically approved.

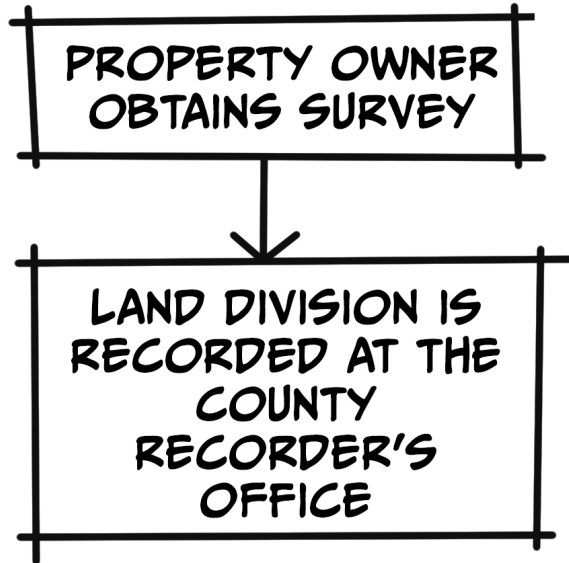
Who benefits from regulations?

- The community, at-large and future property owners.
- Unregulated development transfers the cost of purchasing and developing property.
- In the short run, immediate buyers pay less but in the long run property values tend to decline and political pressure is exerted on the County to fix problems
- Problems resulting from unregulated development are difficult, time-consuming and costly to correct.

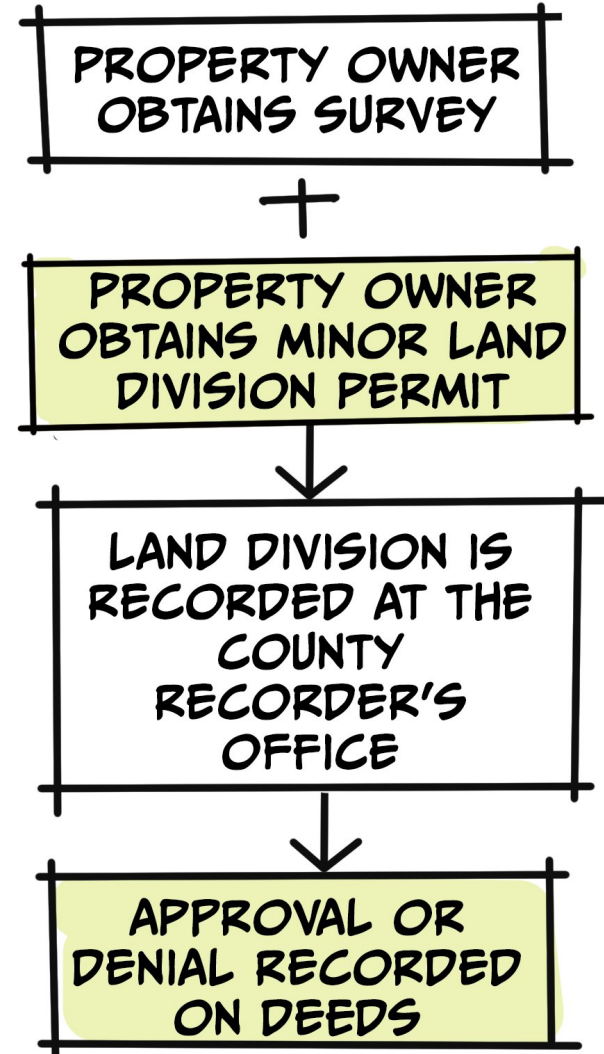


COCHISE COUNTY

Current Minor Land Division Process



Proposed Minor Land Division Process



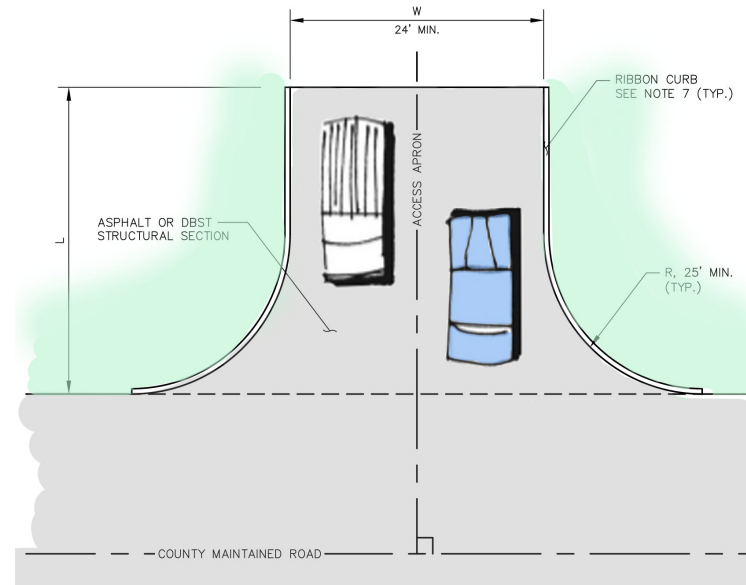
COCHISE COUNTY

Review criteria

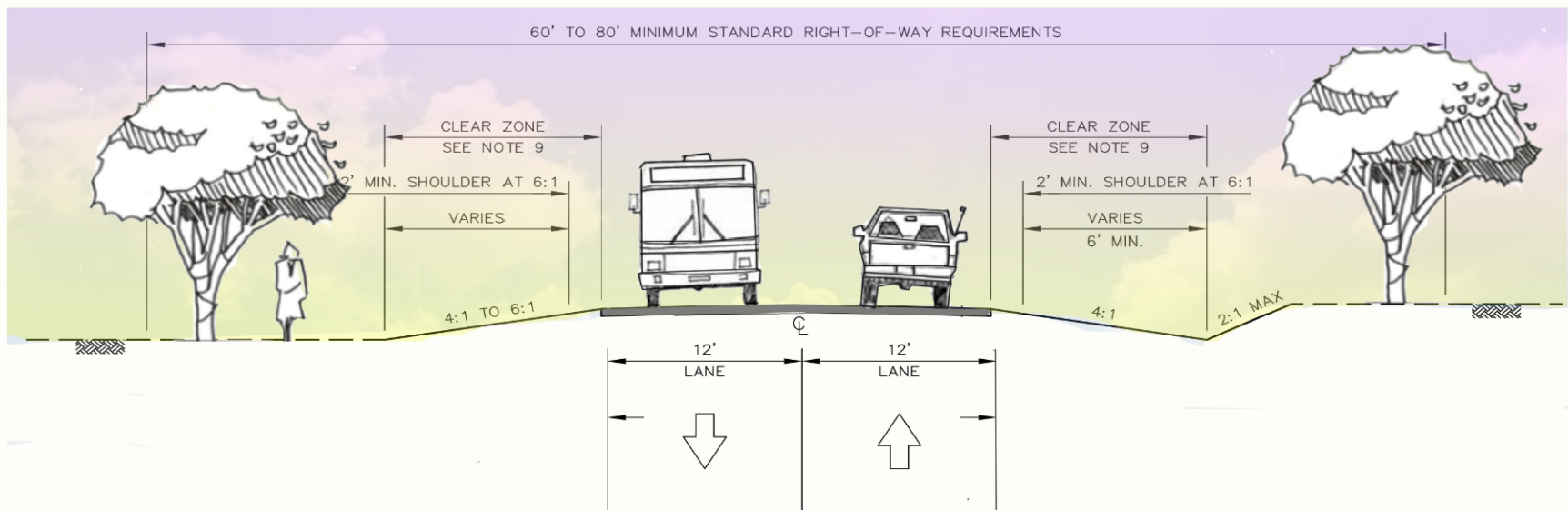
Access:

A public or private road, or private driveway easement, as defined by the County Engineering Road Standards shall provide legal access to each parcel

Private driveway easement



Public (low-volume) road



COCHISE COUNTY

Review criteria

Zoning:

Proposed lots must meet the minimum zoning requirements.

604.01 Minimum Site Area and Maximum Density

District	Minimum Site Area	Maximum Density
RU-36	36-acres	One dwelling per 36-acres
RU-18	18-acres	One dwelling per 18-acres
RU-10	10-acres	One dwelling per 10-acres
RU-4	4-acres	One dwelling per 4-acres
RU-2	2-acres	One dwelling per 2-acres



COCHISE COUNTY

What is included on the permit?

Information that is to be recorded with the deed.

In order for a minor lot split to be recorded, applicant must bring a completed Minor Land Division Permit to the Recorder's office.

If the permit is denied, the land division will be recorded with a denial statement, specifically stating deficiencies.

"Notice is hereby given that the parcel of real estate created by the division recorded pursuant to this document either does not conform to the zoning regulations in force at the time of recordation, does not have adequate provision for access to public utilities, or that no legal access exists in accordance with the provisions of the Minor Land Division Ordinance of Cochise County. In consequence, any and all Cochise County Development permits may be denied until such time as deficiencies relative to this parcel are corrected."



COCHISE COUNTY

Summary and Recommendations:

Staff has presented a draft minor land division ordinance for Planning Commission review and consideration.

Questions?

