



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket SU-19-09 (Douglas)
DATE: September 27, 2019 for the October 9, 2019 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant requests a Special Use Authorization to approve a firearms range and training facility. The facility will be located on approximately 20 acres adjacent to Bureau of Land Management property. The parcels, 108-38-018A, 018B, 018C, 019, & 019A, is located at 1962 E. Headless Man Trail in Huachuca City, AZ and is zoned RU-4 In a Rural zoning district, Firearm Ranges require Special Use Authorization (Section 607.19 of the Cochise County Zoning Regulations). The Applicant is Dean Douglas.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 20 Acres
Zoning: Rural (RU-4; one dwelling per 4-acres)
Growth Area: Category D (Rural)
Comprehensive Plan Designation: Rural
Area Plan: None Applicable
Existing Uses: Single family home, Home Occupation (gunsmithing)
Proposed Use: Same, with legitimized shooting range

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant/ Rural Residential
South	RU-4	Vacant/ Rural Residential
East	RU-4	Vacant BLM/Cattle grazing
West	RU-4	Vacant/ Rural Residential

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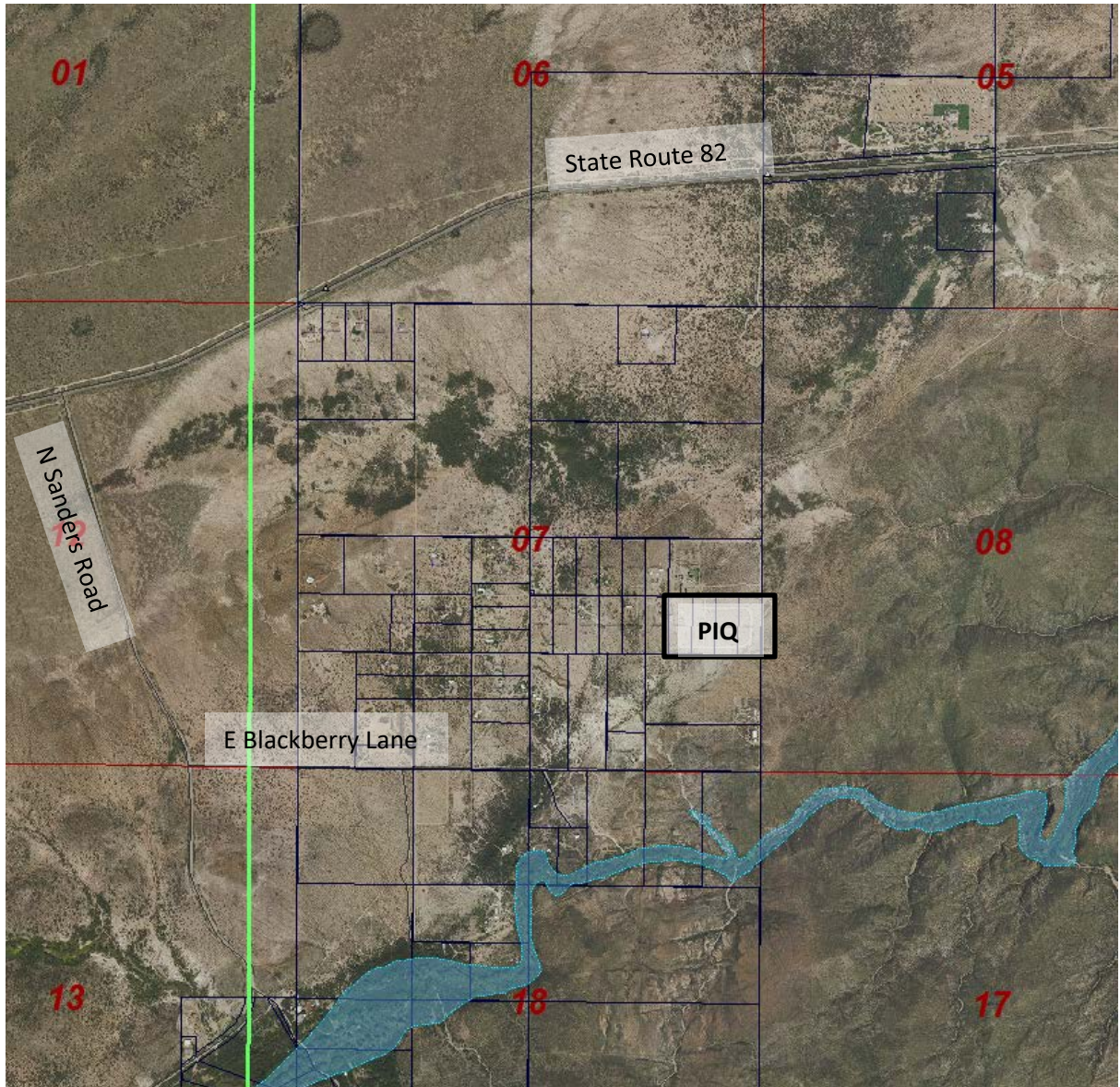
II. PARCEL HISTORY

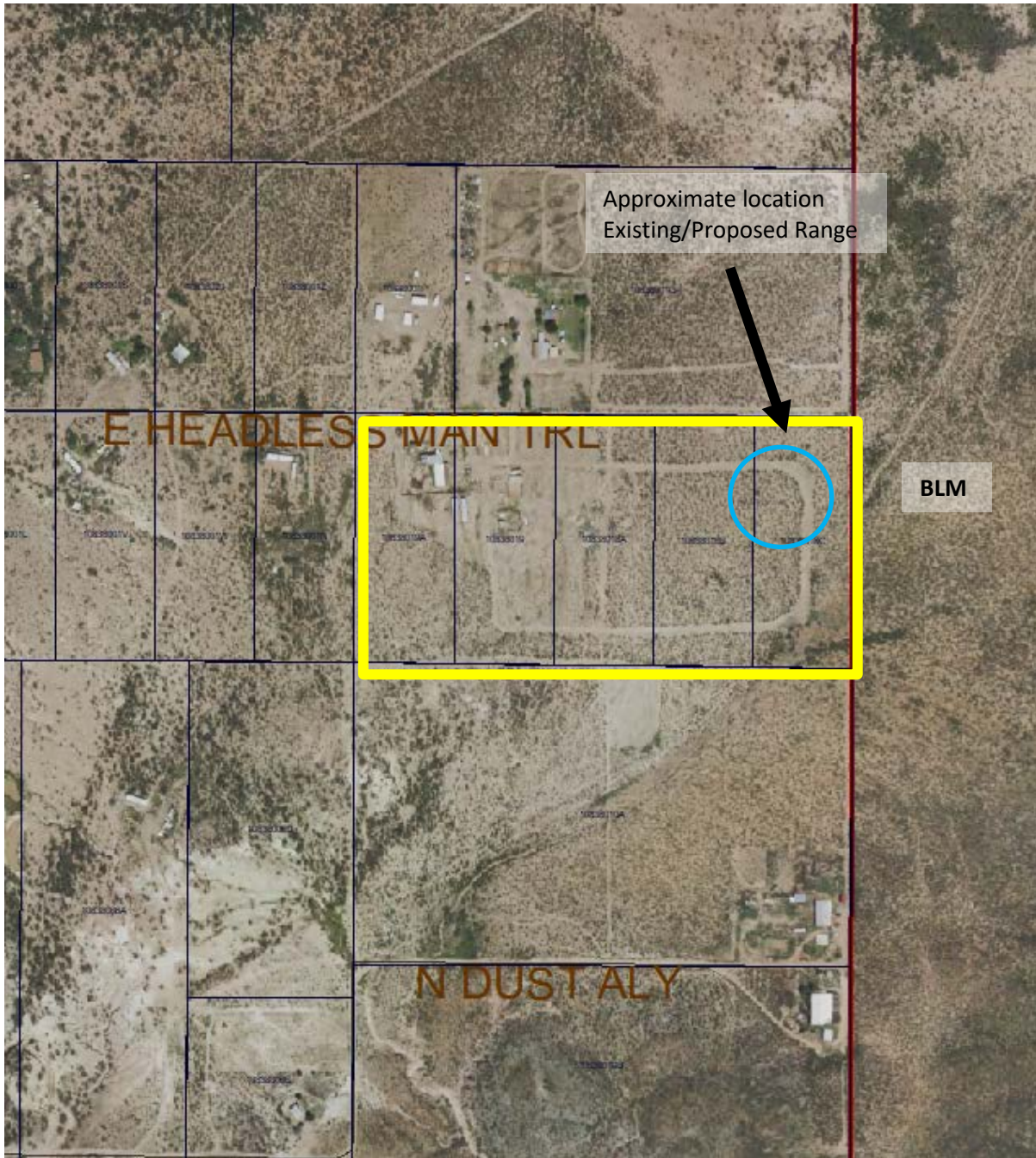
- 2008 Septic Tank
- 2010 Manufactured home
- 2011 Home Occupation for Gunsmithing

III. NATURE OF REQUEST

The Applicant requests a Special Use Authorization to approve a firearms range and training facility. The home has had a home occupation since 2011 for a gunsmithing business. The site has a small unimproved range that was used by the family for target practice and testing of firearms in conjunction with the business. More recently, the Applicants have been using this range to hold classes for the general public. The range is not "open to the public" in that a person can not just show up to use the site. The range will only be used in conjunction with classes.

Arizona Revised Statues, Section 11-812.A.4 states "Prevent, restrict or otherwise regulate the otherwise lawful discharge of a firearm or air gun or use of archery equipment on a private lot or parcel of land that is not open to the public on a *commercial or membership basis*." Since this is open to the public on a commercial basis the County is able to regulate the proposed use.





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.

Nine of the ten factors apply to this request. The project, as submitted, complies with two of those factors, and complies with another six with the recommended conditions and modifications. One factor does not comply.

A. Compliance with Duly Adopted Plans: Complies with conditions

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 scattered rural properties, Federal Land and vacant land.

The proposal also supports the following Comprehensive Plan Elements:

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: 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.*" With the recommended conditions of approval this use would be compatible with the rural environment. The range is limited to classes only and not open to the public on a daily basis.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed project satisfies the following zoning district purpose statements:

- 601.01** To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;
- 601.02** To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;
- 601.05** To provide recreational support services that are compatible with rural living;
- 601.07** To allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.



C. Development Along Major Streets: Complies with conditions

The project site is not located along any major road. The project is approximately 1.5 miles from the nearest paved road (Sanders). The shooting classes have been taking place without issues until a recent complaint was received. The Project is conditioned to enter into a Private Road Maintenance Agreement.



D. Traffic Circulation Factors: Complies with conditions

The use has not created any noticeable issues on local roads. The limitation to only classes and not being regularly open to the public will limit the amount of vehicle traffic. Additionally, the applicant will be required to enter into a Private Maintenance Agreement and help participate with the neighbors in maintaining the local roads.

E. Adequate Services and Infrastructure: Complies

An existing single family home is already constructed on the site. The range does not include the need to extend any additional utilities. The customers will not have an impact on the septic system and separate portable toilets will be brought to the site for the classes.



F. Significant Site Development Standards: Complies with conditions and modifications

The Zoning Regulations do not have any specific standards for shooting ranges, however they do have standards for: parking, parking and driveway materials, screening, etc. Staff is recommending that the site be treated as a residential site in regard to these standards.



Parking: The Zoning Regulations establish parking for shooting ranges at one per station. The site has been cleared and has enough parking to facility the use. Existing parking areas have a dirt and gravel mix. As the site is in such a remote area, on dirt roads staff would recommend a waiver to any additional gravel being provided for parking. In conjunction with the non-residential permit the Applicant shall provide a detailed and dimensioned site plan that shows the location of the parking, dimensions of all driveways, parking spaces, setbacks, berms etc.

Screening: Section 604.06 requires screening (such as solid wall) when ever a Special use abuts a parcel with a rural residential designation. The subject site is not surrounded by any properties with that designation and therefore screening is not required.

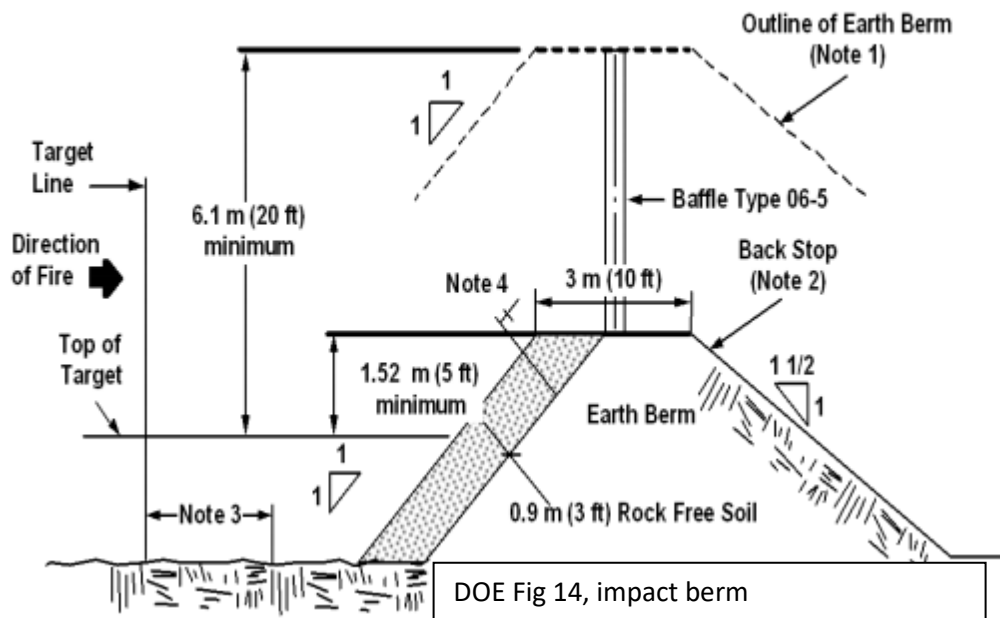


However, Staff does have concerns about the safety of the livestock and ranchers on the property directly east (down range). Currently, there is a berm that at its highest point is approximately four feet in height. This is not adequate to protect the health, safety and welfare of people and livestock. The US Department of Energy has established a Range Design Criteria Manual. This manual provides minimum specifications for safe ranges. This includes Figure 14 which requires a ten foot high earthen berm *and* baffling or a 20 foot high berm.

Other specifications are called out in this manual. Staff has included a Condition of Approval that prior to the use re-commencing that a non-residential permit be secured, including review of plans clearly showing the construction of the berm to these standards, and verification that the berm was built to these specifications. The berm will not only provide a safe and responsible backstop but help to soften the noise on nearby properties.

Detailed plans, potentially requiring an engineer to prepare and stamp the design of the range will be required to be provided with the non-residential permit.

Additional review may be required by the Floodplain department to ensure that the flow of water in the area will not be impacted by the improvements.






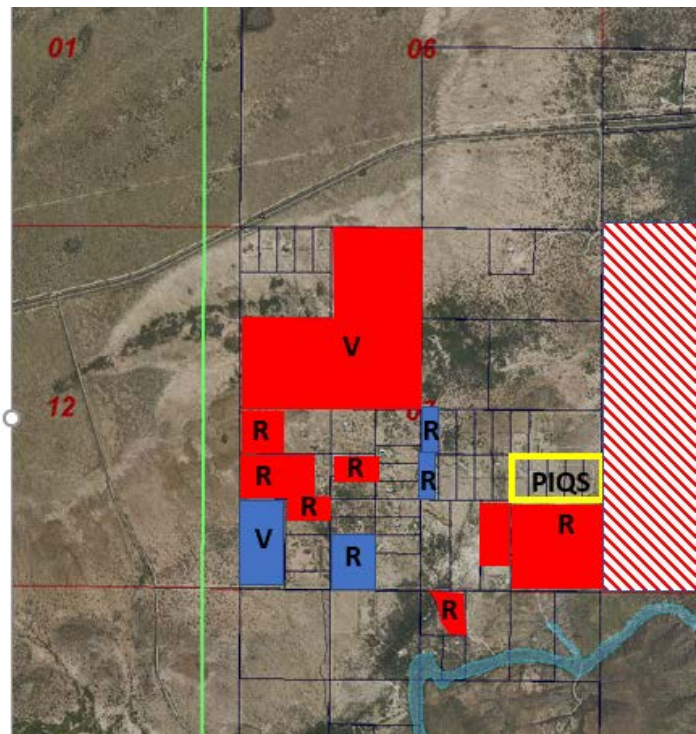
Lighting: No new lighting is proposed. Any future lights would be required to comply with the Outdoor Lighting Regulations.

Setbacks: The Zoning Regulations require a minimum of a 20 foot setback. The closest portion of the range to a property line is over 100 feet away. These will need to be shown on the site plan provided for the non-residential permit.

G. Public Input: Does not Comply

In response to County notification Staff has received 14 letters. Four letters are in support, and ten are in opposition. The letters site concerns about possible increase in traffic, noise and road conditions and safety. Several of the letters appear to not be aware that the business was already in operation. Therefore, no additional traffic should be generated beyond current levels. The Applicant will be required to contribute to maintenance of area roads. As far as noise levels, the berms will help to dampen the sound. As mentioned previously that State does not allow the County to regulate shooting on private property if it is not for a commercial purpose.

-  **Opposition, BLM Grazing rights**
-  **In Favor**
-  **In Opposition**
- V Vacant**
- R Residence**



H. Hazardous Materials: Complies with conditions

Concerns have been raised about the potential for contamination of the soil and surrounding areas due to lead. The Environmental Protection Agency (EPA) has a document *Best Management Practices for Lead at Outdoor Shooting Ranges*. The Applicant is conditioned to comply with the Best Management Practices described in Chapter III. This includes mitigation of water run-off and regularly sifting the soil.

I. Off-Site Impacts: Complies with conditions

The proposed Special Use has been operating for some time with minimal impact. The range is not open constantly for the public, but at certain times for training groups of people. Though the roads are in poor condition, the Special Se will not add a significant amount of traffic. In addition, the applicant will be required to participate in road maintenance. There are noise impacts, however as mentioned above the berms and baffles will help to dampen the sound, we are prohibited from regulating shooting for non-commercial purposes. That means, any of the parcels in that area could shoot, provided they are not accepting money.

J. Water Conservation: Not Applicable**VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within a minimum of one mile of the subject property. Staff posted the property and published a legal notice in the *Sierra Vista Herald*. In response to applicant and County mailings, the Planning Department has received written communication from 8 property owners as noted in Section G above.

VII. WAIVERS

1. Based on the rural location of the site staff recommends waving the requirement for gravel driveway and parking areas.

VIII. SUMMARY AND CONCLUSION

The Applicant requests a Special Use Authorization to approve a firearms range and training facility. With the Conditions of approval and modifications, staff recommends a Conditional approval of the request.

Factors in Favor of Approving the Special Use

1. With the requested Modifications and conditions, the request complies with eight applicable Special Use factors used by staff to analyze such requests;
2. The Special Use Complies with the Zoning District Purpose Statement;
3. The Special Use complies with the Comprehensive Plan goals and policies;
4. The Special Use would provide additional training resources in the County;
5. One property owner has expressed support for the project: and

Factors Against Allowing the Special Use

1. Seven property owners have expressed opposition to the project.

2. The Applicant commenced operation prior to obtaining a Special Use or establishing appropriate berms.

IX. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions and Modification above:

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 will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.
4. At the Commercial Permit phase, the applicant will be required to submit a Private Maintenance Agreement, per Zoning Code 1807.02A, for segments of roadway from their driveway to Sanders Road.
5. In conjunction with the Commercial Permit Submittal, the Applicant shall provide a clear site plan demonstrating proper driveway widths;
6. The Applicant shall submit plans for and construct a berm meeting or exceeding the specifications from the US Department of Energy. Plans will be reviewed by the County including but not limited to the Floodplain Department and it may be required that the applicant provide hydrology analysis.
7. The Applicant shall demonstrate that they are using the EPA's Best Management Practices for reducing any potential lead contamination.

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-19-09 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*