

ZONING ORDINANCE 21-___

**AMENDING CERTAIN ZONING DISTRICT BOUNDARIES
FROM R-36 TO RU-2, PURSUANT TO THE APPLICATION OF GREENSTONE LAND
HOLDINGS, LLC**

WHEREAS, Arizona Revised Statutes (“A.R.S.”) § 11-814 allows property owners or their authorized agent to request amendments to the Zoning District boundaries through the Board of Supervisors in a public hearing; and

WHEREAS, the Cochise County Board of Supervisors (“Board of Supervisors”) recognizes that zoning amendments can affect land use patterns and therefore, warrant careful consideration of local and regional impacts at a public hearing; and

WHEREAS, Tax Parcel 107-01-001C is zoned as R-36, but is an undeveloped parcel that has not been developed in accordance with the R-36 Zoning District to date; and

WHEREAS, Greenstone Land Holdings LLC (the “Applicant”) wishes to bring the Zoning into compliance with the actual development pattern and to amend the zoning to RU-2; and

WHEREAS, the requested zoning district represents a reduction in density in accordance with the Comprehensive Plan; and

WHEREAS, the requested zoning district is harmonious with the surrounding zoning districts; and

WHEREAS, the Board of Supervisors promotes effective, early and continuous public participation by citizens; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendments to the Zoning District boundaries proposed by the Applicant; and

WHEREAS, the Board of Supervisors conditionally approved the request for a change in the Zoning District boundaries,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Zoning District Boundaries shall be amended as follows:

The zoning classifications for Tax Parcel 107-01-001C as shown on the map attached to this Resolution as Exhibit A, are changed from R-36 to RU-2.

The subject parcel is adjacent to the eastern boundary of Sierra Vista, approximately 0.75 miles northeast of Buena High School, and is bisected by E Charleston Road. It is further described as being situated in Section 28 of Township 21 South, Range 21 East, in Cochise County, Arizona.

The Board of Supervisors approves Docket Z-20-14, subject to the following conditions of approval (included as part of SU-20-17):

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 A.R.S. § 12-1134. Prior to operation of the Special Use, the applicant shall apply for a building/use permit for the project within 18-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 24-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 apply to the proposed use pursuant to other federal, state, or local laws or regulations;
3. A detailed site plan shall be provided with non-residential permits;
4. Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for

- reasonable identification of the manufacturer or operator of the solar energy project;
5. The applicant shall provide the type of perimeter fencing indicated in the application narrative, where shown on the concept plan. The applicant shall provide no less than a 40-foot-wide buffer along all perimeters of the site. However, this buffer shall be increased to no less than a 120-foot-wide in the southeastern corner of the subject parcel adjacent to Dake Road. The increased buffer shall cease where parallel with the western boundary of parcel APN 10720020G, which is approximately 875 feet west of the eastern subject parcel limits. Native vegetation, where present shall be preserved to the greatest extent possible. Also, the applicant must establish perennial native vegetation over the entire disturbed soil area at a minimum density of 70 percent of the native vegetative coverage;
 6. The applicant shall incorporate best management design practices of the AGFD within construction plans, to the greatest extent possible, to minimize potential project impacts to wildlife;
 7. Prior to the issuance of a building permit the applicant shall provide a decommissioning plan, which should include the anticipated life of the project and the projected cost for its removal and site restoration. The owner or operator shall be responsible for the complete physical removal of the project by the date of abandonment included within the decommissioning plan or within 12-months of the project being rendered offline (whichever is sooner). The applicant shall also submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County to secure the cost of removing the system and restoring the site to its original condition to the extent reasonably possible;
 8. 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.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 26th day of January 2021.

Ann S. English, Chair
Cochise County Board of Supervisors

ATTEST:

Kim Lemons, CPCC
Clerk of the Board

APPROVED AS TO FORM:

Christine J. Roberts 1/26/2021

Christine J. Roberts, Esq.
Chief Civil Deputy County Attorney

EXHIBIT "A"

