

**From:** [Jay Gomes](#)  
**To:** [Kirschmann, Robert](#)  
**Cc:** [Susie Puzas](#)  
**Subject:** Re: Transmittal RZ21-000003(BV Ranchettes)  
**Date:** Friday, February 5, 2021 11:01:22 AM

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**CAUTION: EXTERNAL EMAIL\***

Hello Mr. Kirschmann,

I do not believe this rezoning will create any traffic concerns.

Thank you for including me in your distribution list.

On Fri, Feb 5, 2021 at 8:50 AM Kirschmann, Robert <[RKirschmann@cochise.az.gov](mailto:RKirschmann@cochise.az.gov)> wrote:

Good morning,

Attached please find a transmittal for an application requesting a rezoning from RU-4 to RU-2 on 75 acres in Mescal. Comments are due back by ***Monday, February 22, 2021.***

A 1,000 foot notification radius is proposed for this project.

Best regards,

**Robert Kirschmann**

Planner II

Cochise County Community Development

Development Services Department

126 West 5<sup>th</sup> Street, Suite 4

Benson, AZ 85602

520-432-9248 Direct

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**GIS Online Map: [INFOMap](#)**

**APPLY ONLINE: [CITIZEN SERVE](#)**

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February 21, 2021

Attn: Robert Kirschmann, Planner II

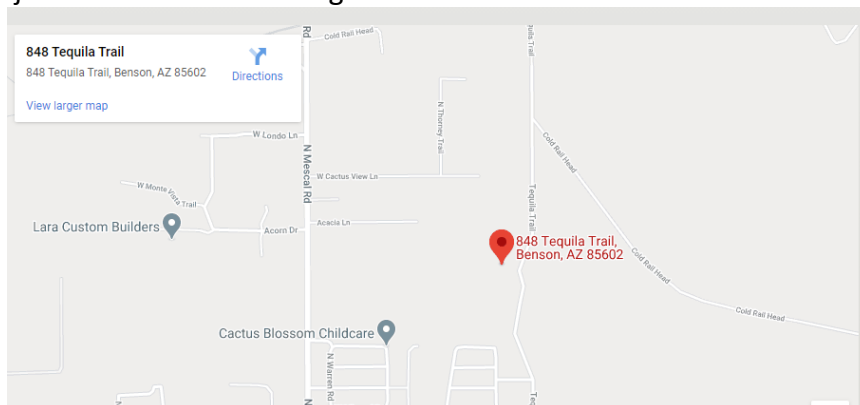
Re: Docket SU-21-000003 BV Ranchettes and transmittal comments

Thank you for the opportunity to comment on this rezoning effort. When we were first informed of the effort to reactivate planning for development for the 75 acres mentioned, we have been challenged with receiving limited information.

When we made our first inquiry, you presented us with this reference map with the note that the property was just north of W. Cactus Blossom Dr.



On the transmittal letter you provided, it states that the parcel numbers are identified as 124-02-13-32. When looking on the County Website, I just located the following under Docket Information for Current Planning Cases.



## **1. What is the relevance of the Tequila Trail address?**

## **2. Where and when was this property posted or will be posted for rezoning? No signage was evident on Mescal or Cactus Blossom during the weekend of the 20<sup>th</sup>.**

Historically, when we have reviewed rezoning requests, an application was made and accompanied with tentative subdivision plans moved forward by a “legal entity” representing various owners/interests. This effort is more complicated since less than six months ago, multiple property owners **each** purchased five to eight lots of the twenty in a 1988 approved subdivision plat even thou the submitting entity was put on notice fourteen years earlier that the County would be abandoning the plat.

## **3. Why didn't the County complete the abandonment process years prior to 2019 when staff focused multiple times into revising subdivision regs and sunset clauses?**

**PLEASE ANSWER ADDITIONAL QUESTIONS BEFORE THIS REQUEST IS RUSHED FORWARD TO THE MARCH 10<sup>TH</sup> OR APRIL MEETING:**

In the cover letter accompanying the application, the property owners state they have not submitted ALL the requested documents because they first want the rezoning to occur so that “**each** of the new owners can retain engineering firms and subsequently submit a final plat design”. At the same time they want to retain the lots they have purchased individually “as is” in the original plat - while simultaneously requesting that the subdivision be officially dissolved.

- **Please clarify if property owners are acting independently and if all signatures have been collected.**

The copy of the application we received was signed by only one property owner although the form states multiple times that if more than one property owner is involved, all property owners must sign the attached consent signature form. The transmittal cover did not indicate all signatures had been received by January 29<sup>th</sup> in order to tentatively schedule for the March meeting. This group does not appear to have formed a “legal entity” to move plans forward for the group nor is it clear in any of the paperwork provided that the group has designated an official representative/agent.

- **Does dissolving the subdivision upon rezoning also remove the deed restrictions that should have been on the property when they purchased?**
  - Total number of lots limited to 20
  - Individual wells are excluded because water is to be provided by two community wells
  - Streets are private
- **What is the total number of lots these multiple owners are able to move forward when developing a new final plat - RU4 would allow 18 homes. RU2 would allow 37 homes. The “as-is” plat allows a maximum of 20.**
- **Is the application correct and new owners are now able to specify that lots will have individual wells rather than providing the originally platted community wells?**

- **Shouldn't developers need to have a conversation with ADEQ, ADWR and the adjacent water company immediately to appropriately complete the rezoning application specifying critical information as to how water becomes available?** The boundaries of the land requested to be rezoned is within 400 feet of vacant lots on the south that are platted as part of Mescal Lakes Unit 5, to be serviced by the Mescal Lakes Water Company.

**The Application states there is no Comprehensive Plan Land Use Category/Growth Area or Land Use Designation. However, according to the County's comprehensive plan – "Growth Category C – Rural Community Areas characterize the Bisbee,....J-Six/Mescal....areas of the County." Developers forget that taxpayers who have built homes within this Growth Category made an intentional choice.**

**We encourage responsible oversight by county government by keeping the current land restrictions on the property purchased while developing language to indicate rezoning to RU2 is contingent upon this group adequately demonstrating and accepting the full scope of financial commitment in developing a subdivision plat with private streets, utilities, water, etc.**

**Sincerely,**

**Mary McCool, Chair**

**J-6/Mescal Community Development Organization**



# Cochise County Engineering & Natural Resources

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www.cochise.az.gov

JACKIE WATKINS, PE  
Director

## INTEROFFICE MEMO

**Date:** February 8, 2021  
**To:** Robert Kirschmann, Planner II  
**From:** Teresa Murphy, Right-of-Way Agent  
**Subject:** RZ21-000003 (BV Ranchettes)

**Background:** The Applicant requests a Rezoning from RU-4 to RU-2 on approximately 75 acres. The 75 acres was originally platted and approved by the Board of Supervisors in 1988 for 20 residential lots, 2 well sites and a loop road. Per the Assurance Agreement the applicant was to extend the agreement or construct the improvements within three (3) years. Neither was completed. In 2005, the applicant was to put on notice that the agreement had lapsed, and the County should be moving to abandon the plat. The plat has not yet been abandoned and is owned by multiple people. The new applicants wish to build the approved plat, however the RU-4 Zoning only allows 18 homes. Therefore, the applicant is requesting this rezoning. The parcel numbers are identified as 124-02-013 thru 032. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

### Analysis:

- Access via Mescal Road; Mescal Road is County Maintained, (MI#624); 50' dedicated right-of-way per Book 12, page 73.
- Parcels are a part of the Buena Vista Ranchettes, recorded in Book 12, page 73. Private streets, utility easements and common areas are reserved for the property owners. These internal roads are not County maintained and do not qualify for County maintenance.

### Recommendation:

- Any public right-of-way for Mescal Road established by the recording of the Buena Vista Ranchettes plat must either be preserved via the abandonment, a new deed of dedication or on the new plat.

## **Floodplain Comments**

- 1) These parcels are located within FEMA Zone X and A. Therefore, FPUPs will be required for some lots.
- 2) Prior to construction start-up (and since the disturbed construction area is more than one (1) acre):
  - a) A Stormwater Pollution Prevention Plan (SWPPP) will be required from the Arizona Department of Environmental Quality (ADEQ). This will also include a Notice of Intent (NOI) to clear land. A copy of the NOI must be submitted to Cochise County. For more information, please contact: <https://azdeq.gov/AZPDES/CGP>
  - b) A Clearing Permit must be obtained from Cochise County. Please contact: <https://www.cochise.az.gov/development-services/home>
  - c) A Notice to Clear Native Plants must be obtained from the Arizona Department of Agriculture and a copy submitted to Cochise County. For more information, please contact: <https://agriculture.az.gov/plantsproduce/native-plants>
  - d) A Drainage Analysis will be required. This includes, but not limited to, Grading Plans, Site Plans, and Drainage Reports prepared by an Arizona Registered Civil Engineer. Please contact the Cochise County Engineering and Natural Resources Department for a copy of the Floodplain Regulations for Cochise County (December 2015). [https://www.cochise.az.gov/sites/default/files/highway\\_and\\_floodplain/FLOOD\\_REGS\\_2015.pdf](https://www.cochise.az.gov/sites/default/files/highway_and_floodplain/FLOOD_REGS_2015.pdf)
  - e) The previously approved Drainage Analysis from 1988 will be accepted. However, should the post-development scheme vary largely from what was accepted, then the Drainage Analysis will then be needed to be updated to current regulations.
  - f) Be aware that as a part of the Drainage Analysis, (whether it needs to be updated, or not) the engineer needs to show that no adverse impacts to the property, property boundaries, or adjacent properties, will occur as a result of this proposed development. Refer to Section 5.1.D of the Floodplain Requirements.
3. When these items are submitted, then the review process will continue.

## **Health Comments**

1. Well and septic systems must meet setback requirements from each other and neighboring properties.