



## SPECIAL USE APPLICATION FOR APPEAL

NAME OF APPELLANT: Willie Navarro

ADDRESS: 408 W. Kaibab Way, Cochise, AZ 85606

PHONE NUMBER: 408-334-4225

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NUMBER OF DOCKET APPEALED: SU 23-05

DATE OF COMMISSION DECISION: 8 Mar 2023

DATE OF APPEAL SUBMITTAL: 17 Mar 2023 FEE PAID: \$ 17 Mar 2023

In addition to the \$600 fee, the following information shall be provided before an appeal can be accepted. If more room is needed please attach additional pages.

1. Description of the decision being appealed. An appellant can appeal the Commission's decision for approval or disapproval or any conditions stipulated as part of docket approval.

Please refer to petition letter dated 13 Mar 2023 (submitted 17 Mar 2023 via email and mailed via Certified Mail with return signature) to Cochise County Board of Supervisors and Planning & Zoning, page 1, paragraphs 1, 2, & 3.

**Planning, Zoning and Building Safety**

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300

520-432-9278 fax  
planningandzoning@cochise.az.gov

**Special Use Appeal Application**

Page Two

- 2. A complete statement of all reasons why the appellant believes that the decision, or any part of the decision was erroneous, arbitrary, capricious, or any abuse of discretion.

Please refer to petition letter dated 13 Mar 2023 (submitted 17 Mar 2023 via email and mailed via Certified Mail with return signature) to Cochise County Board of Supervisors and Planning & Zoning, page 1, paragraph 4 & pages 2 thru 5.

- 3. Written presentation of additional testimony & evidence. A full explanation of the additional testimony & evidence that will be submitted with explanation of why this was not presented to the Planning Commission.

Please refer to petition letter dated 13 Mar 2023 (submitted 17 Mar 2023 via email and mailed via Certified Mail with return signature) to Cochise County Board of Supervisors and Planning & Zoning, page 3, paragraph 5 and pages 4 & 5.

For Signature below, see neighborhood signatures on signature pages of petition letter as submitted.

SIGNATURE \_\_\_\_\_

13 March 2023

From: Concerned residents/property owners/citizens near 372 W. Kaibab Way,  
Cochise, AZ 85606 (the proposed location of Kaibab Manufacturing)

To: Board of Supervisors, Cochise County, Arizona

Subj: Petition Against Approval of Kaibab Manufacturing (Cochise County Development  
Services Docket SU 23-05)

Dear Sir/Madam,

This letter serves to petition against or oppose the approval of Kaibab Manufacturing (Cochise County Development Services Docket SU 23-05) by the Cochise County, Board of Supervisors during its board meeting held 8 March 2023.

The individuals as signed below comprise the residents, property owners, or concerned citizens who are all in opposition/disapproval of the Cochise County's decision to approve SU 23-05. United we are deeply concerned for the safety, health, livelihood, and financial well-being of our own selves, families, children, grandchildren, future generation, the community, and the general public followed by the healthful environment, peacefulness, and orderliness of the rural living area that we came to love and enjoy. Additionally, it's for the welfare of our livestock, pets, and migratory birds that seasonally frequent our area.

The course of the board meeting specifically for SU 23-05 was hurried and there was inadequate time for the public specially the neighbors of the proposed business and facility to properly review, evaluate, comment, and discuss about the business along with all pertinent documents as uploaded in the county's online portal or as presented in the meeting.

In support of the above circumstances, the following are noted discrepancies, questions, and issues by all concerned:

1. Reference page 5 of Cochise County document titled: "SU 23-05 (Kaibab Manufacturing), Special Use Authorization to operate a manufacturing business on a rural-zoned parcel, Planning & Zoning Commission, March 8, 2023".

It states: "Zoning RU-4: Encourage those types of non-residential and non-agricultural activities which **serve local needs or provide a service and are compatible with rural living.**"

**Comment:** The proposed manufacturing facility neither fit within the parameters or specification of the above Cochise County's own definition of Zone RU-4 as designated for the affected parcels of properties nor in any way ***serve local needs or provide a service and are compatible with rural living.*** In fact, our ways of rural living will be severely impacted. In legal terms, the ***county has violated*** its own stated rule by approving this business in total disregard of the huge majority of residents, property owners, and concerned citizens opposing/disapproving SU 23-05. We the

opponents of the county's decision on this matter now question the integrity of the county board's review/control process as held. This clearly justifies escalation of this issue to the full extent of the law.

2. Timeline with the publication of public notices relative to this business proposal is improper, questionable, and not giving adequate or reasonable time for those affected residents, property owners, and concerned citizens to timely respond or submit their public comments or opinions.  
**Comment:** As a case in point, owners of immediate neighboring properties did not receive the mailed public input notices until 25 Feb 2023. However, two mailed in responses from unknown individuals were supposedly been received by the county and stamp dated 9 & 10 Feb 2023 were included in the documents for this meeting. The Public Input form has indicated 27 Feb 2023 as the last day of required submission. Acknowledging USPS' servicing issues for this area of Cochise County, meaning delayed mail processing and deliveries, this sequence of events appears questionable requiring explanation.
  
3. Meeting protocol was announced only at the start of the meeting. There was no mention of limiting only one person can speak up for a residence or property. With that restriction, only one spouse was allowed. Same applied to the other couple in virtual attendance of the meeting.  
**Comment:** That county's self-dictated rule violates a state's community property law. With the State of Arizona, a community property state, each spouse has an equal ownership interest in virtually every piece and aspect of a property. Therefore, **both spouses have the right for an equal voice**. The *Business Owners (BO)* were seemingly been favorably accommodated and allotted with most time to say anything including those that are not relevant to their business proposal. Interestingly, both Mr. Christopher Rush and Mrs. Gloria Grogan Rush, husband and wife, owners and representing the proposed manufacturing facility, **were allowed to speak individually** as witnessed by all attending. Additionally, they were allowed **extra time** to display and talk about their business products to the panel of board members. Suspiciously, the BO seem very comfortable and welcomed by the board members. An opposing resident owner, who was physically present at the meeting questioned the ratio of public disapproval and approval per submission of their written public input was **ignored and left unanswered by the board**. He added, business industries belong to the other side of Cochise and not in this residential neighborhood; thereby recommending for this proposed manufacturing facility to move to that area. Series of events as observed and recorded were evident of a **bias and unfair conduct of the board's review and decisions**, all in favor of the business and its ownership.
  
4. Other noted and observed inconsistencies:
  - a) Docket SU 23-05 was labeled as "Kaibab Manufacturing". This was consistent with the statement in the Application for A Special Use, Concept plan Instructions for Special Uses, page (3), "We **manufacture Electrical Components** such as ...". However, during the board meeting, the nature of the business was downplayed by both business owners and the board

to simply an assembly type of operation. All factors presented and implied were contradictory to claimed mode of operations, assembly versus manufacturing.

- b) Ref: page (6) of document as identified in item c above, it stated the impact of the business on the traffic volume of roads serving the subject property to “Little to none”. This is absolutely an incorrect claim. BO stated no other vehicles will be accessing the property but only commercial delivery vehicles i.e., UPS and FedEx. At the meeting, a board member (NOT specific of the future) asked the BO for the frequency of the deliveries, BO stated once this week. This is false, deceiving, and contrary to visual observation by neighboring property owners where two (2) semis were noted to have unloaded bulky materials at the business owners’ property during the past few days. With the anticipated full operation of the business, more vehicles will be traveling those nearby roads resulting in: a) increased deterioration of the current unpaved roads b) more pollution i.e., dusts, vehicular noise, manufacturing noise, polluted air & water, people, etc. The board’s questions should be all relative to the future factors attributable to the business (if approved) and not at the current state.
- c) With SU 23-05’s Conditional Approval, a set of conditions (briefly flashed as a presentation slide) are not acceptable due to the following reasons:
  - 1) The conditions were pre-generated and not discussed in the meeting.
  - 2) The conditions were irrelevant or did not address the issues and public concerns.
  - 3) The slide’s instantaneous appearance in the order of slide presentation indicates a pre-set sequence and not as a result of this meeting’s discussion. In no time a hint of disapproval was evident.

Note: Evidence of the above claims can be examined by reviewing the meeting’s audio-visual recording media.
- d) A sample motion to approve page (and none for disapproval) have been included with the uploaded/posted package of documents online. Items c & d are suspiciously odd leading to an indication of a pre-scripted sequence of meeting events, a pre-approved SU 23-05.
- e) There is no mention of the company’s name in the business application (SU 23-05) as submitted to the Cochise County. For accountability and liability reasons, we the public require the following immediate information:
  - a) Name of the business as registered/licensed with the applicable federal, state, and local agencies
  - b) Registered business owner(s)
  - c) Registered business address

5. Non-transparency and absence of the business information as stated in item 4.e) above, it necessitated further research and investigation about the business based on public records and information pending reports to the appropriate agencies for their action.

- a) Corporate’s profile as found online: REM Products, is an IRS registered S Corporation company with last known business address at 3830 E 40th St., Tucson, AZ 85713, and a registered Veteran owned with 15 employees. REM Products was found in 1995 by Mr. Charles E. Lipscomb who has deceased in Mar 2021. Current public records show Mr. Christopher Rush

as the reported company Director/ President/ CEO/ Shareholder/ Vice-President/ Agent and Ms. Gloria Rush as the treasurer.

Reference the letter mentioned in item 6 below, Chris and Beth Rush stated, "... we are looking to **relocate our business to our home, located at 372 W Kaibab Way, Cochise, AZ 85606, parcel number 20622115.**" This proposed relocation of the manufacturing company/facility to a rural-residential zoned area, by all means applicable, all prior government certifications, permits, or licenses tied to REM Products will become invalid, suspended, or terminated pending satisfactory inspections and compliance audit of the new proposed location. Current standing of the company in association with the government and Department of Defense contracts require referral, inspection, review, and audit if not an investigation to ensure compliance to all applicable federal and state laws and regulations. All manufacturing industries identifiable with REM Products' NAICS codes (as listed in item 5.b below) require safety and compliance requirements not limited to but including EPA, OSHA, USDOT, GSA, DCMA, ATSDR, and other federal and state agencies.

- b) Public/government records show REM Products have the assigned North American Industry Classification System (NAICS) codes as listed below:

*Note: NAICS code is used by the government to track and determine how much public tax money is spent for that business category.*

**NAICS Codes for REM Products:**

- 1) 33299 - Ball and Roller Bearing Manufacturing
- 2) 33512 - Other Lighting Equipment Manufacturing
- 3) 33531 - Power, Distribution, and Specialty Transformer Manufacturing
- 4) 33531 - Motor and Generator Manufacturing
- 5) 33531 - Switchgear and Switchboard Apparatus Manufacturing
- 6) 33531 - Relay and Industrial Control Manufacturing
- 7) 33591 - Storage Battery Manufacturing
- 8) 33591 - Primary Battery Manufacturing
- 9) 33592 - Other Communication and Energy Wire Manufacturing
- 10) 33593 - Current-Carrying Wiring Device Manufacturing
- 11) 33599 - All Other Miscellaneous Electrical Equipment and Component Manufacturing
- 12) 33641 - Other Aircraft Parts and Auxiliary Equipment Manufacturing
- 13) 33699 - All Other Transportation Equipment Manufacturing
- 14) 81121 - Communication Equipment Repair and Maintenance
- 15) 81121 - Other Electronic and Precision Equipment Repair and Maintenance

6. Consistent with the above NAICS codes and confirmed within the letter dated 20 January 2023 from Chris and Beth Rush as received by most neighbors in their mailboxes, it stated that, "We are a small business that manufactures Electrical Components for the Department of Defense such as ... **Circuit Cards.**", research revealed the following health and environmental issues and concerns particular to Printed Circuit Board (PCB) (aka Circuit Cards) manufacturing:

- (Ref: National Institute of Health) - Large quantities of hazardous chemicals such as formaldehyde, dimethylformamide, and lead are used by the printed circuit board industry.
- Printed circuit boards (PCBs) include a number of hazardous heavy metals, including copper (Cu), tin (Sn), lead (Pb), and others (Zn, Ni, Fe, Br, Mn, Mg etc.). These discarded metals without treatment threaten the economy, the environment, protected animal habitat, livestock, and human health. Chemically intensive and often sloppy manufacturing processes exposed tens of thousands of workers to a large number of chemicals that are now known to be reproductive toxicants and carcinogens.
- (Ref: Environmental Protection Agency (EPA)) – The use of certain solutions to manufacture printed circuit boards may result in the manufacture of one or more chemical substances as byproducts. Byproducts resulting from the manufacture of printed circuit boards are subject to Chemical Data Reporting (CDR) rule, issued under the Toxic Substances Control Act. EPA uses the data, which provides important screening-level exposure related information, to help assess the potential human health and environmental effects of these chemicals and makes the non-confidential business information it receives available to the public.
- The above represents only one item from the long list of NAICS' line of industry products by REM Products as disclosed by Chris and Beth Rush in their letter identified above. Scrutiny of other REM Products and their associated processes and by-products will follow in accordance federal and state laws and regulations.
- Approval authority is at the Federal and State levels. Any damages, consequences, or costs due to violations of pertinent laws and regulations will be dealt with by the accountable entities associated with the business.

Please send response to this petition via email to: [rural-living.kaibab@proton.me](mailto:rural-living.kaibab@proton.me)

Respectfully,

Signed by: All concerned neighbors, residents, and citizens as listed and signed in the attached pages.

**Attachments: (Total of 3 pages)**

- a) 2 pages of signed sheets
- b) Letter of Christopher & Beth Grogan Rush to Neighbors

I DO NOT SUPPORT SPECIAL USE  
PERMIT DOCKET SU 23-05  
(KAIBAB MANUFACTURING)

Jayna Ulm 342 W Kaibab ~~Jayna Ulm~~  
JAMES BRUMMETT 438 W Apache Way ~~James Brummett~~  
Cynthia Cash 385 W. Kaibab Way ~~Cynthia Cash~~  
Thomas Apostola 158 E Papago Way ~~Thomas Apostola~~  
KATHLEEN KENNEDY 1710 N PINTO ~~Ky Kennedy~~  
Nancy Jones PO Box 5 Pearce AZ 85615 ~~Nancy Jones~~  
Laray F Harrington 3500 N Sylvia Vista Ln Avila CO AZ 85643  
Laura L. Van Polen 196 W Papago Way <sup>85606</sup> Cochise ~~Laura L. Van Polen~~  
HONNAB BUTTS 878 S PALM RD 1 Butts  
KATHY MOUTON 200 N FORD Pearce ~~Kathy Mouton~~  
Sarah Willig 1317 E. Justin Pearce ~~Sarah E. Willig~~  
Christine Robert 222 N. Sage St. Sunsites ~~Christine Robert~~  
Brittany Lincoln-Rohlfing 542 W. Kaibab  
Carol Cooper / Matheson 1775 N ~~Carol Cooper~~  
JUDY PETTUS 3845 N. GOLDEN Pkwy ~~Judy Pettus~~  
Kurt ~~Kurt~~ 1555 E Apache Way  
Chellie Jones 15892 MESQUITE RD.  
Joseph L. Brown  
Janice Henning 1005 E. Geneva St. Pearce  
John McGuire 2057 First Street, John McGuire  
Sandra Linnell <sup>Cochise</sup> 149 E Kaibab Way  
John Pountney 226 N. SAGE, S.S.  
Phyllis Peachey P.O. Box 783 Pearce A.Z.  
Constance Ryan - 424 W Kaibab Way - Cochise, Az. 85606  
Leonard W Manchester 8108 S Chambers RD  
Deborah Hawk 189 W PAPAGO WAY COCHISE  
Ceryl M Palomo 37 E Apache Way Cochise  
Hazel Hawk 189 W PAPAGO WAY, COCHISE  
Michael Sarain 166 E PAPAGO WAY COCHISE



## REM Products, Inc.



3830 E. 40<sup>TH</sup> STREET  
Tucson, AZ 85713  
Phone 520-747-1939  
Fax 520-747-1933  
E Mail [OFFICE@REMPRODUCT.COM](mailto:OFFICE@REMPRODUCT.COM)  
CAGE CODE 045F6

January 20, 2023

Dear Friends and Neighbors,

Our name is **Christopher and Beth Rush**, and we represent **REM PRODUCTS, INC**. We have an existing business in Tucson and we are looking to relocate our business to our home, located at **372 W Kaibab Way, Cochise AZ 85606, parcel number 20622115**. We have been in **business 28 years** and have **28 years'** experience in manufacturing. We are a small business that manufactures Electrical Components for the Department of Defense such as Thermostatic Switches, Relays, Magnetic Solenoids and Circuit Cards. Our only customer is the US Government, and we will not have the public or daily foot traffic of customers. We are hopeful to continue to grow to include hiring locally a few more employees.

Our Project will include:

- **5000** Square foot building
- **2 employees**, and ourselves
- **7** parking stalls

The county requires us to go through the zoning process of acquiring a special use authorization. Part of that process includes getting feedback from you, our neighbors.

You will also be receiving a letter from the county, with contact information in case of objections to the project. If you have any concerns, questions, or objections, we ask and encourage you to contact us first. We are happy to address them, and it may be something we haven't thought of that will make the project that much better. We hope that this will be the start of a very cooperative relationship.

Thank you for your time and consideration. Please find our contact information below.

Sincerely,  
Chris and Beth Rush  
[Office@remproduct.com](mailto:Office@remproduct.com)  
520-747-1939 phone  
520-747-1933 fax