

Reference RZ23-11/CAP 23-03 (Hereford Moson)

There was some confusion regarding when we would have the opportunity for follow-up questions on commentary by the Board and the responses by the petitioner. The following presents our feedback and additional questions to adequately address the new and often conflicting input and feedback from the petitioner elicited by the board's subsequent questions and additional research.

The petitioner's submission for proposed structures, uses, and businesses were described: convenience store, gas station, retail sales, indoor self-storage unit. However; when questioned by the Board for details, he did not present a substantive plan for any specific business. The County Staff identified 18 possible future uses under the rezoning, ranging from car washes to a shopping center. Without appropriate information (i.e., an informal business plan, the selection of a specific business) it is not possible for anyone to make a qualified judgment on such vague information. It does suggest that the petitioner chose not to specify. In his undated Memorandum he stated:

"The parcel is currently vacant, but I would like to consider adding commercial uses in the future."

This further suggest that the rezoning request is for selling the rezoned commercial property vs. actual building.

The petitioner stated in his application: "The parcel is of a sufficient size to accommodate a less intensive commercial use. A convenience store with a gasoline/service station on the corner of Hereford Rd. and Moson Rd. could provide over 10,000 residents who would otherwise have to drive a further distance for fuel." The statement is deceptive and does not consider the area of Hereford (Zip Code 85615/Sierra Vista Southeast-- United States zip codes.org) which includes the Nicksville and Hereford (populated places); Palominas and Parker Lake (census-designated places) which are miles apart and a distance from the intersection of Moson and Hereford. It is questionable why 10,000 residents would travel out of their way for a Moson/Hereford intersection based business when there are existing business more convenient. This again points to the objection of the need to create any of these conveniences since they exist within a few miles of these population clusters.

The petitioner wants to work with the local population and environment in harmony. If rezoning is approved without a concrete concept of what type of business the local population loses all opportunity for viable in-put. The statement of working with the local population is a great sound bite. The petitioner or whoever the petitioner sells the rezoned property to is not held accountable or responsible for the actions that follow.. the second and third order effects.

How can harmony transpire if we do not know what the plan is? If he resells, then how does he judge future actions of the new owner will be in harmony with the local environment. Another great sound bite. The Residents pay the price.

The petitioner stated in his application he would estimate using 50 gal of water per day. Search of the AZDWR did not have a well registered to the applicant on this property. Petitioners application is confusing as to the source of the water and how much will be used. Since there is no well, does not have a plan for land use; he can not adequately estimate any water usage (or sewage and waste.) The AZDWR website states an average Arizona resident uses about 146 gallons per day. The estimated use of water for a service station is 10 gal per vehicle (7 customers exceeded the quoted 50 gal./per day). Water needs to be addressed.

Petitioner said he wants to work with local population and solicited feedback. In his UNDATED memorandum, he stated his intent is to make changes in order to raise property values. That translates into raised taxes of an unwanted proposal. He also stated his desire to add a higher level of convenience to nearby residents of the property: but he has yet to state what the final convenience will be.

The county should not accept vague proposals for change. While change maybe good, it can also be harmful. The recommendation was approved (5-3). The County prepared its Staff estimate and recommendations based on 4 inputs, the application, and their research. The Rezoning Board acknowledged there were 11 written; verbal and online response and a petition with over 100 signatures—ALL recommending disapproval.

Lastly, the Staff recommended conditions stated that the applicant shall obtain a building/use permit for development of the property within **ten years of Board of Supervisors' approval**. We do not know the future; what we do know, an approval places countless property owners in an a very and unnecessary awkward position for the stake of an incomplete and unwanted proposal.

Recommend denying the application and review a resubmission when key questions are concerns are addressed. There are reasons why the county's zoning plan of 2015 placed this land in the RU-4 category and NONE of those reasons have changed. The zoning is to improve and sustain the area for population growth by capitalizing on the factors of why people come to Cochise County. Within the stated policies, people are free to do what they wish, but not by changing the rules based on incomplete or incorrect data.

CITE Cochise County Zoning Regulations 10 Feb 2023: 601 PURPOSE RU (Rural) Zoning Districts are established to achieve the following purposes:

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.

601.03 To preserve the agricultural character of those portions of the County capable of resource production.

601.04 To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities.

601.05 To provide recreational support services that are compatible with rural living.

601.06 To protect the quality of the natural environment as it relates to safeguarding the health, safety, and welfare of the people in Cochise County; and 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.

We cannot agree to rezoning at this time. The applicant continually says he is doing thing which is in our best interests. He has not lived here for decades and has no known plans to do so. How does he presume to know what is "best for us". A good neighbor does not raise property values increasing

CITE: The Cochise County Comprehensive Plan:

I. Rural Character Element

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.

The Rural Character Element seeks to preserve and enhance the rural nature of Cochise County, protect the character, landscape, and development patterns that many Cochise County residents embrace. Although a number of unique crossroad communities with diverse attitudes and interests exist in the county, the scenic rural landscape represents a commonly shared value. This Element works in harmony with other Plan Elements to provide additional guidance about the types and patterns of development appropriate in our rural areas.

Maintaining Cochise County's rural character is fundamental to residents whose lifestyles and economic activities depend on it. It is also important to larger incorporated communities which benefit by close proximity to the scenic vistas and recreation opportunities of the County's rural lands.

Goal

1. 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.

Policies

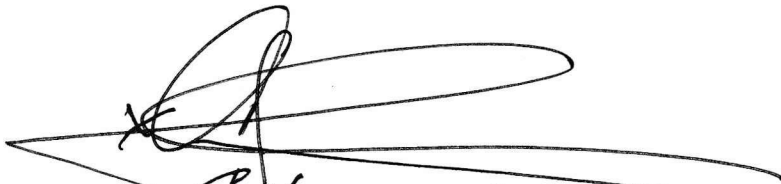
- a. With property rights considered, protect rural character from the intrusion of urban uses and recognize that resources, such as agricultural lands, open space, and scenic view sheds, provide economic, social, and environmental benefits.
- b. Maintain and enhance a reasonable and diverse overall level of rural development that balances the need for rural growth against impacts on rural character.
- c. Encourage conservation design practices and other land use strategies, such as conservation subdivisions and cluster development for new residential and commercial projects.
- d. Encourage protection of Cochise County's scenic resources and recognize these resources are a vital part of the county rural character by discouraging development which has the potential to seriously compromise view shed integrity.
- e. Recognize the importance of rural, native-surfaced roads for the purpose of protecting rural character and ensure that these roads help to maintain this character considering new road improvement standards.
- f. Support the establishment of voluntary County transfer of development rights (TDR) programs with landowners who adopt conservation easements to preserve habitat.
- g. Develop a recognition program to encourage habitat protection and enhancement, to recognize efforts by individuals, communities, and developers.

Goal


2. Preserve the dark night skies of Cochise County, to the greatest extent possible.

Policies

- a. Discourage new billboards in order to preserve dark skies and scenic vistas.
- b. Encourage lighting practices and systems that will minimize the adverse man-made light pollution effects of sky-glow, glare, and light trespass.
- c. Encourage the use of low pressure sodium lights or other low intensity lights in commercial developments.
- d. Encourage pedestrian-scaled and shielded lighting.
- e. Encourage new technologies such as timers, dimmers and motion sensors, and other methods to limit unnecessary lighting during the nighttime hours.
- f. Discourage lighting that is misdirected, excessive, or unnecessary.


CHERYL A. MORGAN

21 Jul 2023

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21 Jul 2023