

P&Z public meeting presentation

I'm Kathy Glidewell, My parcel number is – 123-09-01108

The purpose of zoning is to maintain the integrity of a community and neighborhood, creating zones of like interest, homes, and lifestyle desires. These zoning regulations also maintain the integrity of the value of homes, land, and businesses within those zones.

Cochise County Subdivision Regulation Article 1 section 102 F, G, H states:

In conformance with the county comprehensive plan, the subdivision regulations are hereby approved and adopted to achieve the following: F. Result in individual lots of reasonable utility and livability and to promote neighborhood stability and protection of property values.

Building such a facility in a rural neighborhood will not achieve the goals of this Regulation Article and will in fact diminish the value of the surrounding properties.

Cochise County Subdivision Article 1, Section 102 G aims to:

Promote conservation of those areas with unique natural features and scenic qualities and provide residents with access to these areas.

Consequently, the Arizona Department of Fish and Game has addressed this issue in their report, and they have strongly suggested that an Environmental Review report be included in the requirements in order for this project to proceed. Contingent upon their review, a study under the National Environmental Policy Act and/or The Endangered Species Act may be required.

Cochise County Subdivision Regulation Article 1 section 103 B declares:

Subdivision in adopted plans – subdivisions within the boundaries of community, regional mast development and other plans adopted as amendments to the Comprehensive Plan shall be developed in a manner that is consistent with the guideline adopted with these plans.

In reality, this proposed project does not conform to any of the rural guidelines which is why it is included in the allowed special uses for that zoning. What is the point of zoning regulations if for a few dollars, some sloppy paperwork and a gratuitous public meeting in which oppositions were ignored, that is overthrown, and anything can be built anywhere? [Suggested revision: Zoning regulations such as these become obsolete if the price is right – and as long as paperwork is submitted, then building may occur anywhere], such as in the situation of proposed SU23-12 (Ocotillo Storage) in which there was a gratuitous public meeting were in which oppositions ignored and the decision to approve was already in place by the end of docket].

Directly behind and across from this proposed project is property already designated B-2 by the City of Benson. This property would not require rezone, special permits, or variances of any kind. There is already an established neutral corridor area between the zones, as a utility right of way. I fail to see a reason to grant a special use permit when property directly adjacent to the proposed change is readily available. In a private meeting with Mr. Malboeuf, he stated he didn't want to build within the city limits of Benson because there are too many regulations.

This proposed facility will increase traffic on North Ocotillo Road, which will damage the road that is not maintained by the City of Benson. North Ocotillo Road between the I-10 exit ramp and W Four Feathers Lane is already beginning to show signs of subsidence from just the local traffic that uses it.

According to Cochise County Zoning Regulations 1716.02 E1:

“Applicant shall provide data supporting the estimated traffic volume as part of the application.”

However, there is no data provided, there has been no research to provide any data. It was recently demonstrated that even minimal traffic increase in the area causes problems as it did during the Benson Musical Festival that was held at the Robertson Horse Ranch off Darby. As a former Manager of a self-storage facility, I can with good confidence state there will be a great increase in traffic, especially if Caleb Malboeuf rents units to contractors as we did in our facility. Contractors came in and out of their units multiple times a day with various sizes of vehicles, from semi trucks making material deliveries to smaller work vehicles. The starting and moving of RVs is quite noisy, especially the larger ones. With the general traffic of people accessing storage units, there will be increased activity of people moving things in and out at all hours of the day.

Additionally, diesel engines initiate fumes and noise disruptive to the environment. Plus, people store chemicals and other hazardous materials in storage units. As a former manager of such a facility, I know particularly if units are rented by contractors, ie, insecticides, paint, solvents etc. Unless Malboeuf intends to do a weekly inspection of all the units there is no way he can monitor what customers store. This is another reason why such units need to be placed in industrial zones, which already exist on two sides of this proposed project.

Caleb Malboeuf also intends to have ingress and egress from Ocotillo, where there is no left turn lane or right turn lane. That access will have to have a culvert installed as it has a heavy flow area during monsoon season, hence the area's designation as part of storm water management. The runoff from this area feeds into the San Pedro River. Reference to this is mentioned in the Fish and Game Report. I'm sure you have a copy of the Fish and Game Report, and I hope you have taken the time to review it.

Malboeuf planned the septic tank in what the county has designated as Storm water management area. This is a potential contamination disaster ripe for contaminating both of my wells and those wells farther north. There is an underground river that flows north through this area.

There is also a planned RV storage area in the proposed project. There is no description of any screening or sound barriers on the submitted site plan. Section 1103.04 covers the requirement for screening. Section 1203.07 clearly states that “no noise or vibration shall be permitted which is discernible on neighboring residential sites...” In alignment with this prohibition, we purchase our homes in rural areas because we want the space and quiet that larger lots afford us. Placing a busy storage/RV storage area destroys that atmosphere.

Such facilities are natural breeding grounds for rodents. Additionally placing poisons in this location for rodent control is not safe for the local wildlife that inhabit this natural area. This is a rural area surrounded by natural desert and as such will always be plagued by rodents and other pests. There are various predators that would suffer from secondary poisoning. The Arizona department of Fish and Game has provided a list of such animals in their report on the area.

In addition, general traffic causes dust unless Malboeuf intends to pave the entire area. This would be against the regulation that allows for only 60% ground coverage. From the limited site, this appears to be the case. Malboeuf will need to create a water management plan to handle all the runoff from the property during monsoon season since all excess rainwater will run-off with little or none soaking into the ground. My property already has a problem with runoff during Monsoon. Drainage during Monsoon is a huge problem. Improperly cared for it will cause damage to surrounding properties, roadways and can make the ground even more unstable, causing building damage. This issue needs to be addressed. From the proposed site plan

Malboeuf submitted, water management has not been considered. The front 50 feet of proposed phase 1 is partly in the storm water management area. This is also where he intends to put ingress and egress to the property. The property slopes toward the north and east and will require water runoff/retention measures so as not to flood the road (Four Feathers Ln.) or the adjoining properties.

According to his application, Mr. Malboeuf intends to install motion sensor lights, which will be intermittent at all times of the night. Local wildlife will set off the lights. Additionally, unless he intends to limit access to the property, people will be setting them off as well. Any lights will have to be shielded from view by the neighboring properties according to the County regulations and may not be more than 75 watts (candescent). This will also be a major disturbance to night predators. This issue is also addressed in the Arizona Department of Fish and Game, which states that low voltage shielded lighting be used.

Importantly, the ground is unstable and will need to have extensive compression testing done to ensure the buildings of this size will remain stable after construction. Proposed condo's/townhouses on Darby were not built as the ground tested too unstable for structures equal to the size of the proposed storage facilities. Testing must be done to prove the ground is stable enough for structures of that size to be built. Should testing be neglected and the structures built, then settling will occur damaging the structures, which, as this would be a public facility, it could possibly be condemned. Once the nature of the area is destroyed, the neighborhood would be left with an abandoned building eye sore, creating a hazard for wildlife and homeless vagrants that traffic the area.

Furthermore, this proposed facility will not benefit local residents. Properties in the rural zoning district have plenty of space to build their own storage. Residents in rural zones purchase their properties because they don't want neighbors right next door. Placing a busy storage facility/RV storage area disturbs the peace and quiet that drew us to buy in this area. We ask that you preserve our neighborhood by not allowing this project to destroy our quality of life.

There are already 5 other storage facilities in Benson, all of which have vacancies. It is not prudent for local development to add yet another one with a special use permit while there are adjoining parcels already zoned for such use.

I respectfully request this SU23-12 Ocotillo Storage project be denied.

Mr. Malbeouf has already called for blue stake on the 18th, with the intent of clearing the land (according to blue stake) additionally he removed the county posted signage for this meeting about a week before that. He has apparently been given the go ahead by county officials well in advance of this meeting.

Should this project be approved, and construction moves forward; especially since historically, Cochise County Planning and Zoning grants any variance application. Data from just the last 5 years shows approval 96% of the time, 81% in opposition to the surrounding land owners desires. I have a spread sheet from research conducted on all the special use permit meeting in the last 5 years. A copy is attached to this written statement. The Arizona Department of Fish and Game and myself request the following conditions if the building of this facility moves forward:

1. A set back of 200 feet from my property line. As required by the ADWR, septic must be 100 feet from any well. I have a grandfathered agricultural well that is 5 feet from the property line. The 200-foot set back will hopefully mitigate any migration of chemicals spilled, leaks from stored RVs, dumping of liquids from renters of the storage units, leaking from garbage dumpsters or contaminated runoff from the paved areas and roofs.
2. No removal of natural native mesquites as shown on the most recent GIS maps. These are old growth trees; some are at least 80 years old. This is for the preservation of the wildlife corridor that leads to the

San Pedro River. It will help maintain the natural barrier between the adjoining properties, keep the privacy of the adjoining properties, and act as a sound barrier.

3. A minimum of 8 foot block privacy fence, the entire length of the set back area to preserve the wildlife corridor, and the privacy and security of the adjacent properties.
4. No exterior lighting or cameras facing the adjoining properties.
5. No standing storm water retention areas as these breed mosquitoes that are a health hazard to the local residents.
6. Landscaping with local native plants only.
7. Testing to insure ground stability for the proposed structures.
8. Adherence to the additional requirements presented in the Arizona Fish and Game report.
9. Comprehensive and thorough traffic study by a reputable company, not affiliated with Mr. Malbeouf or CM Construction.

Thank you.

DATA FOR P&Z COMPLAINT TO AAG office

DATE	DOCKET NUMBER	PUBLIC OPPOSITION VOTES	PUBLIC IN FAVOR	P & Z DECISION	APPEALED?	COUNTY COMMIS DECISION
6/13/2018	SU-18-05		9	2 NO		
6/13/2018	SU-18-12		0	0 YES		
6/13/2018	SU-18-11		1	0 YES		
7/11/2018	Z-18-06			1 YES		
8/8/2018	Z-18-07		1	YES		
10/10/2018	Z-18-08		0	0 YES		
11/14/2018	Z-18-09		1	0 non recorded		
12/12/2018	SU-18-10		2	0 YES		
12/12/2018	Z-18-11		0	0 YES		
12/12/2018	Z-18-14		5	0 YES		
1/9/2019	Z-18-10		1	0 YES		
1/9/2019	Z-18-11		0	0 YES		
1/9/2019	SU-15-25A		3	0 YES		
3/13/2019	SU-19-01		0	0 YES		
3/13/2019	SU-19-02		7	0 YES		
4/10/2019	Z-19-03		0	0 YES		
4/10/2019	SU-19-03		0	0 YES		
4/10/2019	SU-19-04		0	0 YES		
4/10/2019	Z-19-02		2	0 YES		
4/10/2019	SU-19-05		2	0 YES		
5/8/2019	Z-19-01		0	0 YES		
5/8/2019	Z-19-02/SU-19-02		7	0 YES		
5/8/2019	SU-19-06		5	1 YES		
6/12/2019	Z-19-04		0	0 YES		
7/10/2019	SU-13-14A		0	0 YES		
8/14/2019	Z-19-06		0	0 NO		
9/11/2019	SU-19-08		0	1 YES		
10/9/2019	SU-19-06		12	1 NO		
12/11/2019	Z-19-07		0	2 NO		
1/8/2020	SU-19-10		0	0 YES		
1/8/2020	SU-19-11		2	0 YES		
3/11/2020	Z-20-02		1	0 YES		UNAUTHORIZED REZONE OF TR-36
3/11/2020	SU-20-01		0	0 YES		
3/11/2020	SU-97-08A		0	0 YES		
3/11/2020	Z-20-01		2	0 YES		
3/11/2020	Z-20-03		2	0 YES		
4/8/2020	SU-20-04		0	0 CONTINUED		
4/8/2020	Z-20-06		0	0 CONTINUED		
4/8/2020	SU-20-02		0	0 YES		
4/8/2020	DOCKET 20-05		0	0 YES		
4/8/2020	DOCKET 20-04		0	0 YES		
4/8/2020	SU -20-03		0	0 YES		
5/13/2020	SU-20-04	83%	14%	YES		PERCENTAGE OF SURROUNDING LAND OWNERS
5/13/2020	Z-20-06	83%	14%	YES		PERCENTAGE OF SURROUNDING LAND OWNERS
6/10/2020	SU-20-05		1	0 YES		
6/10/2020	SU-20-03		0	0 YES		
6/10/2020	CP-20-01		1	0 YES		IMPROPER NOTIFICATION OF REZONING OF PROPERTY
6/10/2020	Z-20-06			CONTINUED		
7/8/2020	Z-20-07		0	0 YES		
7/8/2020	SU-20-06		5	4 YES		
7/8/2020	R-20-04		1	1 YES		
8/12/2020	Z-20-08	100%	0	0 YES		CHANGE TO ZONING REGS
8/12/2020	SU-20-07	100%	0	0 YES		PERCENTAGE OF SURROUNDING LAND OWNERS
9/9/2020	SU-20-09		0	0 YES		
9/9/2020	Z-20-09		0	0 YES		
9/9/2020	SU-20-08		0	0 YES		
9/9/2020	SU-20-10		1	0 YES		
10/14/2020	DOCKET 20-10		0	0 NO		
10/14/2020	DOCKET 20-11		0	0 NO		
10/14/2020	DOCKET 20-12		0	0 YES		
11/10/2020	DOCKET 20-13		0	0 YES		
11/10/2020	SU-20-11		0	0 YES		
11/10/2020	SU-20-12		0	0 YES		
12/9/2020	Z-20-13		0	0 YES		
12/9/2020	SU2A-97-08		0	0 YES		
12/9/2020	SU-20-15		0	0 YES		
12/9/2020	SU-20-16		0	0 YES		
12/9/2020	SU-20-17			CONTINUED		
12/9/2020	SU-20-18		0	0 NO		
12/9/2020	Z-20-15		0	0 NO		
1/13/2021	SU-20-17		0	0 YES		
1/13/2021	Z-20-14		0	0 YES		
1/13/2021	Z-20-16		0	0 YES		
2/10/2021	SU-20-19			CONTINUED		
2/10/2021	SU-20-20		0	0 YES		
2/10/2021	RZ20-000007		0	0 YES		
3/10/2021	SU-20-19			CONTINUED		
4/14/2021	su-20-19			CONTINUED		
4/14/2021	RZ21-01		0	0 YES		
4/14/2021	RZ21-04		0	0 YES		
4/14/2021	SU21-06		0	0 YES		
4/14/2021	SU-21-08		0	0 YES		
4/14/2021	SU-21-09		0	0 YES		
4/14/2021	R-21-01		0	0 YES		
5/12/2021	SU-21-12		0	0 YES		
5/12/2021	SU-21-13		1	0 YES		
5/12/2021	SU21-11		1	1 YES		
5/12/2021	SU-21-15		2	2 NO		
6/9/2021	RZ21-09		0	0 YES		
6/9/2021	RZ21-05		0	0 YES		
6/9/2021	RZ21-10		0	0 YES		
7/14/2021	SU-21-16		0	0 YES		
10/13/2021	RZ21-13		0	0 YES		
10/13/2021	SU-21-15		0	0 YES		
11/10/2021	SU-21-14		0	0 YES		
11/10/2021	RZ-21-14		0	0 YES		

poorly drafted minutes not details of voting
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NOTE; FROM THIS POINT ON THE MINUTES
ARE DRAFTS AND NOT VERY
DETAILED. FURTHER DETAILS
WILL REQUIRE HOURS AND HOURS
OF VIEWING THE MEETINGS.

UNAUTHORIZED REZONE OF TR-36

PERCENTAGE OF SURROUNDING LAND OWNERS
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IMPROPER NOTIFICATION OF REZONING OF PROPERTY

CHANGE TO ZONING REGS
PERCENTAGE OF SURROUNDING LAND OWNERS
PERCENTAGE OF SURROUNDING LAND OWNERS

11/10/2021	RZ-21-15	0	0	YES
12/8/2021	RZ-21-16	0	0	YES
12/8/2021	SU-21-25	0	0	YES
1/12/2022	Z-21-17	0	0	YES
2/9/2022	SU-21-30	0	0	YES
2/9/2022	SU-21-31	0	0	YES
3/9/2022	RZ-22-01	0	0	YES
3/9/2022	SU-22-02	0	0	YES
3/9/2022	SU-22-04	0	0	YES
3/9/2022	CPA-22-01	0	0	YES
4/13/2022	SU-22-05	0	0	YES
4/13/2022	RZ-22-02	0	0	YES
4/13/2022	RZ-22-03	0	0	YES
4/13/2022	SU-22-07	0	0	NO
4/13/2022	SU-22-08/SU-15-25A	0	0	YES
5/11/2022	RZ-22-04	0	0	YES
5/11/2022	RZ-22-05	0	0	YES
5/11/2022	RZ-22-06	0	0	YES
5/11/2022	RZ-22-07	0	0	YES
5/11/2022	SU-22-08/SU-15-25A	3	2	TIE VOTE - REHEARING
6/8/2022	RZ-22-08	0	0	YES
6/8/2022	SU-22-08	4	3	YES
6/8/2022	SU-22-11	2	1	YES
6/8/2022	RZ-22-09	0	0	YES
6/8/2022	SU-22-12	4	3	YES
6/8/2022	RZ-22-10	0	0	YES
6/8/2022	RZ-22-11	0	0	YES
7/13/2022	RZ-22-12	0	0	YES
7/13/2022	SU-22-14	0	0	YES
7/13/2022	R-22-01	0	0	YES
8/10/2022	RZ-22-14	0	0	YES
8/10/2022	SU-22-15	0	0	YES
8/10/2022	RZ-22-13	0	0	YES
9/14/2022	RZ-22-15	0	0	YES
9/14/2022	R-22-02	0	0	YES
10/12/2022	SU-20-22	0	0	YES
10/12/2022	RZ-22-18	0	0	YES
11/9/2022	RZ-22-19	0	0	YES
11/9/2022	SU-22-21	0	0	YES
11/9/2022	CPA-22-03	0	0	YES
12/14/2022	SU-22-24	7	0	NO
12/14/2022	R-22-03	0	0	YES
12/14/2022	R-22-04	0	0	YES
1/11/2023	RZ-22-23	0	0	YES
1/11/2023	RZ-22-24	0	0	YES
1/11/2023	SU-22-19	0	0	YES
2/8/2023	SU-22-27	0	0	YES
2/8/2023	SU-22-31	0	0	YES
2/8/2023	SU-22-33	4	0	YES
2/8/2023	SU-22-34	0	0	YES
2/8/2023	SU-23-01	0	0	YES
2/8/2023	SU-23-02	8	0	NO
3/8/2023	RZ-23-01	0	0	YES
3/8/2023	RZ-23-02	0	0	YES
3/8/2023	SU-23-03	0	0	YES
3/8/2023	SU-23-05	0	0	YES
3/8/2023	SU-23-06	0	0	YES
4/12/2023	RZ-23-03	0	0	YES
4/12/2023	RZ23-04	0	0	YES
4/12/2023	SU-23-07	0	0	YES
4/12/2023	SU-23-08	0	0	YES
5/10/2023	RZ-23-06	0	0	YES
5/10/2023	RZ-23-07	0	0	YES
5/10/2023	SU-23-09	0	0	YES
5/10/2023	SU-23-11	3	0	YES
6/14/2023	RZ-23-08	0	0	YES
6/14/2023	RZ23-09	0	0	YES
6/14/2023	SU-23-12	2	0	YES
6/14/2023	SU-23-13	0	0	YES
6/14/2023	SU-23-14	0	0	YES

NO REASON WAS GIVEN FOR DENIAL

REZONED AGAINST CURRENT ZONING REGS

NOTE 80% SURROUNDING OWNERS IN OPSITION

SUMMARY OF 5 YEARS TO DATE		
TOTAL DOCKET ITEMS - NOT CONTINUED		157
DOCKET ITEMS WITH NO PUBLIC INVOLVEMENT		114
YES VOTES WITH NO PUBLIC INVOLVEMENT		108
YES VOTES IN OPOSITION TO PUBLIC LAND OWNERS		30
YES VOTES IN AGREEMENT TO PUBLIC LAND OWNERS		2
NO VOTES WITH NO PUBLIC INVOLVEMENT		6
NO VOTE IN OPOSITION TO PUBLIC LAND OWNERS		1
NO VOTE IN AGREEMENT TO PUBLIC LAND OWNERS		4

RZ = REZONING
SU = SPECIAL USE
R = ZONING REGULATION CHANGE