

To: Board of Supervisor's

From: Gregory Johnson, Hearing Officer

Date: April 18, 2023

Re: Index of Documents for Hearing Appeal for 124-40-002 AND 124-40-004B, ELQUEN LLC, 22-004343

1. Notice of Violation
2. Final Notice
3. Notice of Hearing
4. Pre-Hearing Memo
5. Supplemental Pre-Hearing Memo
6. Exhibit C – Blackhawk Training (video)
7. Exhibit F – Video of vehicles
8. 22-004343 Last Inspection Report
9. Signed Petition to The Hearing
10. Hearing Sign-in-Sheets
11. Hearing Order
12. Hearing Appeal

13. Link to Hearing Audio attached in email.

RCVD COCHISE CNTY BOS
APR 18 2023 PM3:36



Cochise County
Development Services
Public Programs... Personal Service
www.cochise.az.gov

NOTICE OF VIOLATION

December 01, 2022

ELQUEN LLC
Attn: Owen T Lonsdale and Matthew Cutlip
1376 S LEE ST
SAINT DAVID, AZ 85630

RE: NOTICE OF ZONING VIOLATION 22-004343 on Parcel 12440002 and 12440004B

Dear Property Owner(s):

On 11/30/2022, a complaint was received by our department about a possible Zoning Ordinance violation on the residence shown above, the complaint stated, "124-40-002 and 124-40-004B Doing military and law enforcement training in addition to the hunt training. Two mile long shooting range. Helicopter infantry and Sniper Forces training. Shooting is daily & sometimes into the night. Operating under SHI-Ka-She Training Complex.". The applicable sections of the Zoning Regulation(s) are attached.

We would like to work with you to resolve the issue(s), please call me at 520-803-3966 to discuss how best to resolve this.

Sincerely,

Dora Amaya
Zoning Administrator

APPLICABLE COCHISE COUNTY ZONING REGULATIONS

Violation Code: 607 Special Use Authorization

Description: The following land uses require a Special Use Authorization from the Planning Commission in the RU Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

607.09 Outdoor Firearms, Skeet, Archery, or Trap Shooting Ranges.

607.15 Airports, Airstrips, Helipads, and/or Heliports.

607.25 Educational Services.

Corrective Action:

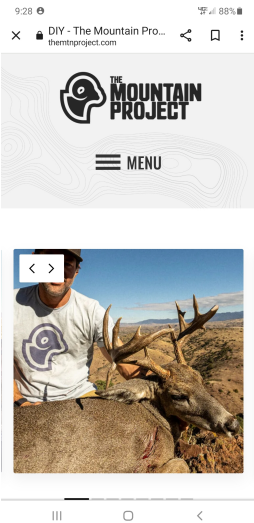
- Apply and obtain a Special Use Authorization and Non-Residential Permit or
- Cease and desist operating without Special Use Authorization and Non-Residential Permit.

Comments: 607.09 Outdoor Firearms, Skeet, Archery, or Trap Shooting Ranges. 607.15 Airports, Airstrips, Helipads, and/or Heliports. 607.25 Educational Services.

Follow Up Date: 12/22/2022

Additional Comments:

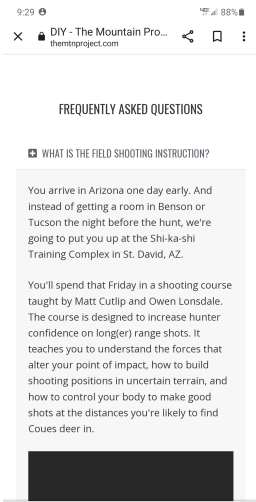
Violation Photos:



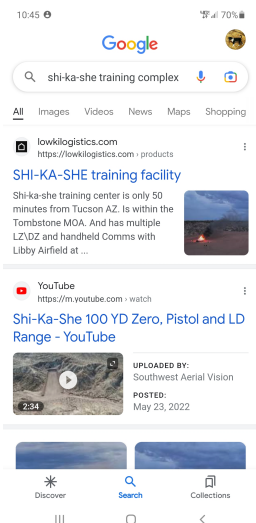
Description:

Date Taken: 11/30/2022

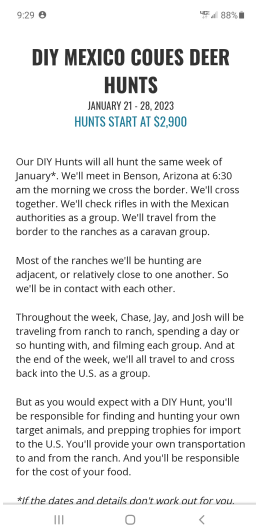
Violation:



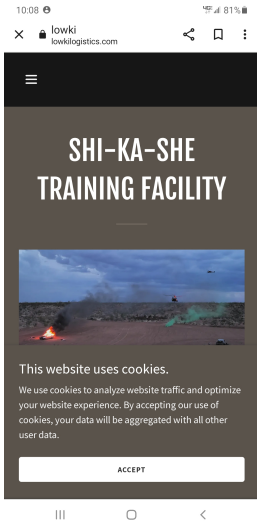
Description:
Date Taken: 11/30/2022
Violation:



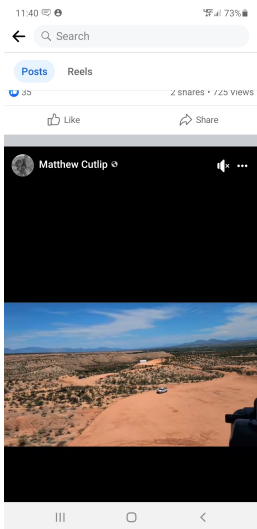
Description:
Date Taken: 11/30/2022
Violation:



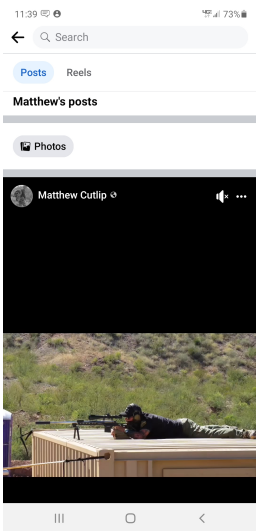
Description:
Date Taken: 11/30/2022
Violation:



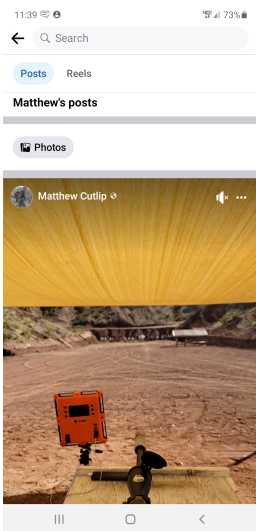
Description:
Date Taken: 11/30/2022
Violation:



Description:
Date Taken: 11/30/2022
Violation:



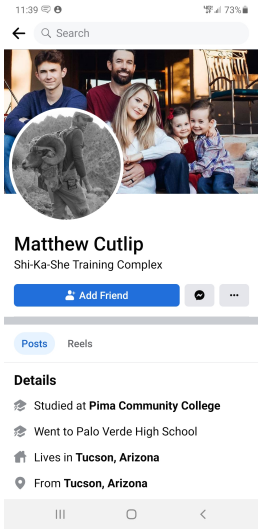
Description:
Date Taken: 11/30/2022
Violation:



Description:
Date Taken: 11/30/2022
Violation:



Description:
Date Taken: 11/30/2022
Violation:



Description:
Date Taken: 11/30/2022
Violation:



Cochise County
Development Services
Public Programs... Personal Service
www.cochise.az.gov

FINAL NOTICE

Certified Mail 7019 2280 0002 1711 3550

December 22, 2022

ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip -

1376 S LEE ST

SAINT DAVID, AZ 85630

RE: FINAL NOTICE OF ZONING VIOLATION 22-004343 on Parcel 12440002 & 124-40-004B

Dear Property Owner(s):

On 12/01/2022, you were informed of Zoning Ordinance violations at the property shown above. The Zoning Ordinance violations have not been corrected. You are listed with the Cochise County Assessor's Office as the owner of the property and are responsible for maintaining it. The applicable sections and required corrective actions of the Cochise County Zoning Regulations are attached.

If you correct the violation(s) and maintain your property in accordance with the requirements of the Zoning Regulations we will not need to take further action.

If you correct this violation prior to 01/31/2023, please notify us immediately to request a re-inspection.

Unless we receive response from you by 01/31/2023 indicating a time frame and resolution for the violations stated above, this case will be referred to The County Hearing Officer. The Officer may order abatement and impose fines up to \$750.00 for a private property and up to \$10,000.00 for an enterprise (corporation, association, labor union or other legal entity) for every day that the violation is not resolved.

If you have any questions concerning this matter, please call me at 520-803-3963.

Sincerely,

Chris Saylor
Code Compliance Officer

APPLICABLE COCHISE COUNTY ZONING REGULATIONS

Violation Code: 607 Special Use Authorization

Description: The following land uses require a Special Use Authorization from the Planning Commission in the RU Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

607.07 Animal Husbandry Services.

Corrective Action:

- Apply and obtain a Special Use Authorization and Non-Residential Permit or
- Cease and desist operating without Special Use Authorization and Non-Residential Permit.

Comments: 607.09 Outdoor Firearms, Skeet, Archery, or Trap Shooting Ranges. 607.15 Airports, Airstrips, Helipads, and/or Heliports. 607.25 Educational Services.



Cochise County
Development Services
Public Programs... Personal Service
 www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER
4001 E. Foothills Drive
Sierra Vista, Arizona 85635
(520) 803-3988

COUNTY OF COCHISE, COMPLAINANT

CASE NO. 22-004343

VS.

ANSWER

ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip,
, RESPONDENT(S)

If you disagree with the complaint, you should explain why in the space below, (use extra sheets, if necessary). Mail this sheet to the Hearing Officer Clerk not less than ten (10) days before the hearing date.

In response to the allegations in the zoning/building enforcement complaint in this case, the respondent(s) state the following:

Respondent's address for purposes of further correspondence on this matter is:
 (Enter your mailing address)

Dated this ____ day of _____, 20 ____

 Signature of Respondent



Cochise County
Development Services
Public Programs... Personal Service
www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER
4001 E. Foothills Drive
Sierra Vista, Arizona 85635
(520) 803-3988

COUNTY OF COCHISE, COMPLAINANT

VS.

CASE NO. 22-004343

ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip,
, RESPONDENT(S)

COMPLAINT

Address of Respondent(s):

Property Location:

1376 S LEE ST
SAINT DAVID, AZ 85630

, AZ

Tax Parcel Number and Legal Description of Property:
12440002

****L E G A L****

S2 NW S2NE SEC 11 18 20 560AC

ZONING/BUILDING ENFORCEMENT COMPLAINT

The undersigned says that the Respondent(s) on the 12/22/2022, through the 02/21/2023, did commit a violation of the Cochise County Zoning Regulations, Resolution No. 84-64, sections(s) 607 Special Use Authorization, and 2301 as currently amended, as follows:

DOING MILITARY AND LAW ENFORCEMENT TRAINING IN ADDITION TO THE HUNT TRAINING. TWO MILE LONG SHOOTING RANGE. HELICOPTER INFANTRY AND SNIPER FORCES TRAINING. SHOOTING IS DAILY & SOMETIMES INTO THE NIGHT. OPERATING UNDER SHI-KA-SHE TRAINING COMPLEX., which constitutes a public nuisance.

I certify that upon reasonable grounds, I believe the Respondent(s) committed the act(s) described contrary to law.

Complainant's Name: Chris Saylor
Title: Code Compliance Officer

Signature: 

Date: February 21, 2023



Cochise County
Development Services
Public Programs... Personal Service
www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER
4001 E. Foothills Drive
Sierra Vista, Arizona 85635
(520) 803-3988

GENERAL INFORMATION FOR RESPONDENT(S)

You have been served with a Complaint for violation of the Cochise County Zoning Regulations. The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Development Services department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Development Services department representatives will have a similar opportunity.

You do have the right to be represented by an attorney or other designated representative at the hearing before the Hearing Officer. The Development Services department will generally not be represented by the County Attorney, unless you choose to be represented by a lawyer. If you do intend to have a lawyer or other representative defend you, please notify the Hearing Officer/Clerk not less than ten (10) days before the Hearing.

If the Hearing Officer does rule against you, you have the right to appeal her decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

If you have any questions concerning the procedures, please contact the Hearing Officer/Clerk at the above phone number or address. You may obtain a copy of the Cochise County Hearing Officer's Rules and Regulations on request.

If you need an interpreter, please bring one with you; the county does not provide an interpreter. Si usted necesita un interprete, favor de traer uno con usted, el condado no le provee un interprete.



Cochise County
Development Services
Public Programs... Personal Service
www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER
4001 E. Foothills Drive
Sierra Vista, Arizona 85635
(520) 803-3988

COUNTY OF COCHISE, COMPLAINANT

CASE NO. 22-004343

VS.

NOTICE OF HEARING

**ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip,
, RESPONDENT(S)**

To: ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip 03/30/2023

**Mailing Address: 1376 S LEE ST
SAINT DAVID, AZ 85630**

Ref: Tax Parcel ID. # 12440002

You are hereby notified that the above case has been set for hearing before the Cochise County Hearing Officer on the 03/30/2023 at 09:00 AM, in the Cochise County Hearing Room, located at 4001 Foothills Drive, Sierra Vista, Arizona. You may disagree with the complaint. If you do, you may file an answer explaining your position on the Answer form included in this packet.

Bring with you any and all exhibits, documents, statements, and witnesses to be offered as evidence in the above case.

IF YOU FAIL TO APPEAR AT THE HEARING, THE HEARING OFFICER WILL CONSIDER THAT YOU HAVE ADMITTED TO THE COMPLAINT AND IMPOSE A CIVIL SANCTION.

You may be represented by counsel or by other designated representative(s) at the hearing. If you are to be represented by counsel, you are requested to notify the hearing officer at least ten (10) days before the hearing date.

If you need an interpreter, please bring one with you, the county does not provide an interpreter.

Si usted necesita un interprete, favor de traer uno con usted, el condado no le provee un interprete.

February 21, 2023

Date

Chris Saylor, Code Compliance Officer

Development Services
4001 E. Foothills Drive
Sierra Vista, Arizona 85635
520-803-3988

planningandzoning@cochise.az.gov



Cochise County
Development Services
Public Programs... Personal Service
www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER
4001 E. Foothills Drive
Sierra Vista, Arizona 85635
(520) 803-3988

COUNTY OF COCHISE, COMPLAINANT

CASE NO. 22-004343

VS.

SUMMONS

**ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip,
, RESPONDENT(S)**

YOU ARE COMMANDED TO APPEAR AT A HEARING IN THE ABOVE-REFERENCED CAUSE TO BE HELD AT THE ABOVE ADDRESS ON THE 03/30/2023, AT 09:00 AM.

FAILURE TO APPEAR MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST YOU.

Acknowledgment:

I hereby acknowledge receipt of the Summons and complaint in the above-referenced cause.

Signature

Printed Name

Please keep a copy of this Summons and accompanying Complaint and return a signed copy of this acknowledgment to:

**Cochise County Hearing Officer
4001 E. Foothills Drive
Sierra Vista, AZ 85635**



Cochise County
Development Services
Public Programs... Personal Service
www.cochise.az.gov

PRE-HEARING MEMORANDUM

To: Gregory L. Johnson, Cochise County Hearing Officer
From: Chris Saylor, Code Compliance Officer
For: Dan Coxworth AICP, Director
Through: Dora V Amaya, Zoning Administrator
Date: 03/02/2023 for the Hearing on 03/30/2023
Respondent: ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip
Violation Number: 22-004343
Parcel Number: 12440002

I. Nature of Violation and History

ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip is/are in violation of the Cochise County Zoning Regulations 607 Special Use Authorization, and 2301 (Violations Deemed a Nuisance). The violation(s) occurred on parcel 12440002, located at . Staff verified from the Assessor's records that the owners is/are ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip. The property is located in the RU-4, zoning district, Growth Category D-RURAL RESIDENTIAL.

An inspection was conducted on 12/22/2022, which found that they are operating a military & law enforcement training, shooting range, sniper training, day and night. As shown on the attached inspection and photos (Attachment A).

A pre-hearing inspection was conducted on 2/1/2022, which found that they are operating a military & law enforcement training, shooting range, sniper training, day and night. As shown on the attached inspection and photos (Attachment B).

The attached violation log gives a brief synopsis of actions taken on this case (Attachment C).

II. Conclusion and Recommendation

Staff therefore recommends that the respondent(s) be required to:

- Apply and obtain a Special Use Authorization and Non-Residential Permit or
- Cease and desist operating without Special Use Authorization and Non-Residential Permit.


Staff further recommends that the violation be discounted or corrected within thirty (30) days of hearing, and that a fine in the amount of \$500.00 be imposed, with payment due no later than thirty (30) days after the hearing. In the

event that the Respondent(s) may fail to remedy or abate this violation by the designated date of 05/01/2023, the fine shall be increased to the amount of \$750.00 with an accruing penalty of \$50.00 for **each day following** in which the Respondent(s) fail to remedy or abate the violation.

Attachments

- A. Inspection and Photos
- B. Latest Inspection
- C. Violation Log

COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

<input checked="" type="checkbox"/> First Inspection <input type="checkbox"/> Re-Inspect	Parcel #: 12440002	Case#: 22-004343
Property Owner(s): ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip		Zoning: RU-4
Site Address: , , AZ		Category: D-RURAL RESIDENTIAL
Complaint: 124-40-002 and 124-40-004B Doing military and law enforcement training in addition to the hunt training. Two mile long shooting range. Helicopter infantry and Sniper Forces training. Shooting is daily & sometimes into the night. Operating under SHI-Ka-She Training Complex.		
Inspection Instructions:		
Inspection Summary: Gate to the property is locked. could not see what is going on because the property is so large.		
Owner or Resident Contacted? No		
Phone Number:		
Inspection Status: Failed		Date Assigned: 12/22/2022 Date Inspected: 12/22/2022
Inspector Signature: 		

Parcel History:

File#	Permit#	Type	Description	Status	Opened	Issued	Closed
22-004343		Violation	124-40-002 and 124-40-004B Doing military and law enforcement training in addition to the hunt training. Two mile long shooting range. Helicopter infantry and Sniper Forces training. Shooting is daily & sometimes into the night. Operating under SHI-Ka-She Training Complex.	Open	11/30/2022		
22-000236		Violation	Massive land clearing without a permit, widening of the wash to accommodate huge machinery done by Owen Lonsdale	Closed	01/22/2022		02/03/2022

Violation Photo(s):




Taken On: 12/22/2022

Taken By: Chris Saylor

Description: inspection photo 12-22-22

Violation:

COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

<input type="checkbox"/> First Inspection <input checked="" type="checkbox"/> Re-Inspect	Parcel #: 12440002	Case#: 22-004343
Property Owner(s): ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip		Zoning: RU-4
Site Address: , , AZ		Category: D-RURAL RESIDENTIAL
Complaint: 124-40-002 and 124-40-004B Doing military and law enforcement training in addition to the hunt training. Two mile long shooting range. Helicopter infantry and Sniper Forces training. Shooting is daily & sometimes into the night. Operating under SHI-Ka-She Training Complex.		
Inspection Instructions:		
Inspection Summary: The gate was locked. I could not see or hear anything on the property. No permits or Special Use applications have been applied for.		
Owner or Resident Contacted?		
Phone Number:		
Inspection Status: Failed		Date Assigned: 02/01/2023 Date Inspected: 02/01/2023
Inspector Signature: 		

Parcel History:

File#	Permit#	Type	Description	Status	Opened	Issued	Closed
22-004343		Violation	124-40-002 and 124-40-004B Doing military and law enforcement training in addition to the hunt training. Two mile long shooting range. Helicopter infantry and Sniper Forces training. Shooting is daily & sometimes into the night. Operating under SHI-Ka-She Training Complex.	Open	11/30/2022		
22-000236		Violation	Massive land clearing without a permit, widening of the wash to accommodate huge machinery done by Owen Lonsdale	Closed	01/22/2022		02/03/2022

Violation Photo(s):



Taken On: 02/01/2023

Taken By: Chris Saylor

Description: inspection photo 2-1-23

Violation:

FILE SUMMARY REPORT

March 02, 2023

FILE INFORMATION

File #: 22-004343 **Address:**
Status: Open **Parcel #:** 12440002
Open Date: 11/30/2022 **Description:** 124-40-002 and 124-40-004B Doing military and law enforcement training in addition to the hunt training. Two mile long shooting range. Helicopter infantry and Sniper Forces training. Shooting is daily & sometimes into the night. Operating under SHI-Ka-She Training Complex.
Close Date: **Owner Name:** ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip
Type: Violation **Owner Address:** 1376 S LEE ST
 SAINT DAVID, AZ 85630

CONTACTS

CONTACT	ASSOCIATION	CONTACTTYPE	ADDRESS	PHONE
LILY LUDWIG	Complainant	Citizen		

INSPECTIONS

TYPE	INSPECTION DATE	INSPECTOR	STATUS	COMMENTS
Violation Inspection	12/22/2022	Chris Saylor	Failed	Notes: Gate to the property is locked. could not see what is going on because the property is so large.
Violation Inspection	02/01/2023	Chris Saylor	Failed	Notes: The gate was locked. I could not see or hear anything on the property. No permits or Special Use applications have been applied for.

VIOLATIONS

VIOLATION	STATUS	DATES	COMMENTS
607 Special Use Authorization - Special Use Authorization required. - RU ZONING DISTRICT	Open	Open Date: 12/01/2022 Close Date:	607.09 Outdoor Firearms, Skeet, Archery, or Trap Shooting Ranges. 607.15 Airports, Airstrips, Helipads, and/or Heliports. 607.25 Educational Services.

DOCUMENTS

SOURCE	DOCUMENT NAME	DATE	CREATED BY
Document	FW_ Shooting range.pdf	11/28/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 1.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 2.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 3.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 4.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 5.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 6.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 7.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 8.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 9.jpg	11/30/2022	Dora Amaya
Violation Photos (Required)	Complaint Photo - 10.jpg	11/30/2022	Dora Amaya
Merge document	Code - Notice of Violation.htm	12/01/2022	Dora Amaya

Document	EMAIL COMPLAINT FROM NEIGHBOR-.pdf	12/06/2022	Dora Amaya
Document	Complaint Email from Neighbor-.pdf	12/09/2022	Dora Amaya
Internal	20221222_201734.jpg	12/22/2022	Chris Saylor
Merge document	Code - Final Notice.htm	12/22/2022	Chris Saylor
Document	RE_ South Sabin Update.pdf	01/11/2023	Dora Amaya
Internal	20230201_200415.jpg	02/01/2023	Chris Saylor
Merge document	Code - Hearing Notice Forms.pdf	02/13/2023	Chris Saylor
Internal	affidavit.pdf	02/27/2023	Chris Saylor

NOTES

TYPE	DATE	CREATED BY	NOTE
Computer Entry	12/01/2022	Dora Amaya	Owen T Lonsdale phone is 520-370-1045 and Matthew Cutlip phone is 520-975-4268.
Notice Of Violation mailed regular mail.	12/01/2022	Dora Amaya	NOV Mailed.
Computer Entry	12/02/2022	Dora Amaya	Additional note. Angela Camara is the Director of Public Relations at Ft Huachuca. She is also working on this issue. 520-533-1858 email - Angela.l.camara.civ@army.mil
Inspection	12/22/2022	Chris Saylor	property inspected 12-22-22
Letters	12/22/2022	Chris Saylor	final letter was sent certified and regular mail 12-22-22
Letters	01/18/2023	Chris Saylor	certified final letter was returned unclaimed
Inspection	02/01/2023	Chris Saylor	property inspected 2-1-23
Scheduled for Hearing	02/01/2023	Dora Amaya	March 30, 2023. If SU applied for case can be put on hold.

1 BRIAN M. McINTYRE
COCHISE COUNTY ATTORNEY
2 By: PAUL CORREA
3 Civil Deputy County Attorney
State Bar No. 017187
4 P.O. Drawer CA
5 Bisbee, AZ 85603
6 (520) 432-8700
CVAttymeo@cochise.az.gov
7 *Attorney for Cochise County*

8 **COCHISE COUNTY HEARING OFFICER**

9
10 County of Cochise,) **CASE NO. 22-004343**
11)
12 Complainant,) **SUPPLEMENTAL PRE-HEARING**
13 vs.) **MEMORANDUM**
14)
15 Elquen, LLC, Owen T. Lonsdale,)
And Matthew Cutlip,)
16)
17 Respondents.)

18
19 Cochise County submits the following supplement to its pre-trial hearing
20 memorandum for Violation Number 22-004343 on Parcel Number 12440002 set for
21 hearing on March 30, 2023. This supplements the pre-hearing memorandum submitted on
22 March 2, 2023 and addresses certain argument and factual statements of Respondent.

23 **I. Nature of Violation and History.**

24 **Facts:**

25
26 The Cochise County Sheriff and Cochise Development Services have received complaints
27 about gunfire and activities on a property near St. David's referred to in this memo as
28 Lonsdale Property. A video created by the Respondents show military training taking
29

1 place including the use of a blackhawk helicopter. Neighbors have complained about the
2 noise caused by gunfire, which has been described as loud and repetitive.

3
4 **On November 28, 2022**, Respondents' prior legal counsel, attorney Robert Casey,
5 incorrectly advised Respondent Owen Lonsdale that his shooting range was not a
6 "shooting range" under Arizona statute ARS 17-601 because it is "private and not open to
7 the public in any way." He reasons: "*You only allow government agencies to use the*
8 *property. Even though its not necessary, I know that these government agencies are*
9 *leasing use and access. Their activities on the property is not primarily for*
10 *shooting. Finally, people may be confused if you or your friends shoot there, but that is*
11 *not commercial use.*" Lonsdale forwarded this email to Dan Coxworth, Cochise County
12 Director of Development Services.
13 (Exhibit A hereto).

14
15 **On November 28, 2022**, Dan Coxworth replied to Lonsdale:

16 Owen,

17 Thanks for the email. I would interpret the statute cited below that your range is open to
18 the public (for private use) on a commercial or membership basis since the military and
19 police departments use the range and property for training.

20 Your property is zoned RU-4 (Rural, minimum lot size 4 acres). The Zoning Regulations
21 require a Special Use Permit for an Outdoor Firearms Range (607.09), defined as
22 Firearms, Skeet, Archery, or Trap-Shooting Range – An outdoor facility involving the use
23 of firearms or bows in individual or group activities.

24 Concerning the non-traditional use of the property in training military personnel, it isn't
25 easy to classify the uses. Still, a Special User permit for Educational Services and a
26 Helipad would also be required.

27 The Special Use Permit is a public hearing process heard before the Planning & Zoning
28
29

1 Commission. Before application submission, the Zoning Regulations require a
2 neighborhood notification by the applicant. This is an opportunity to notify your
3 neighbors of your intention to apply for the permit and address any questions or concerns
4 they may have. I'm happy to provide the address mailing list of surrounding property
5 owners.

6 Please feel free to contact me if you have any questions

7 Dan Coxworth, AICP

8 (Exhibit B hereto).

9
10 **On December 5, 2022**, Dan Coxworth reached out to the Fort to ask if they have been
11 involved in activity there. He provided a video showing airborne troops dropping into the
12 zone. Jeffrey Jennings, Deputy to the CG, said he had no contact with the group that
13 owned/operated the Lonsdale Property.

14 (Exhibit C hereto).

15 Dan C. also spoke to City of Benson and it agreed to stop using the property until the
16 zoning question was resolved.

17
18 **On February 21, 2023**, Development Services opened the instant zoning enforcement
19 action against the Respondents under the County ordinances Sections 607 and 2301. The
20 complaint alleges:

21 *Doing military and law enforcement training in addition to the hunt training. Two mile*
22 *long shooting range. Helicopter infantry and sniper forces training. Shooting is daily and*
23 *sometimes into the night, Operating under Shi-Ka-She training complex, which*
24 *constitutes a public nuisance.*

25
26 **On March 9, 2023**, counsel for Elquen LLC sent a letter to Development Services stating
27 that requiring Elquen to seek a SUP “may be violating Arizona statute because the
28 requirement effectively restricts and prevents the otherwise lawful discharge of a firearm

29

1 on a private parcel of land.” The letter mentions that “... only government agencies
2 contract with Elquen to use the firearms range.” It states that: “Elquen allows specified
3 government agencies and departments to use their land periodically pursuant to
4 individualized contracts between Elquen and the government agencies and departments.”
5 (Exhibit D hereto).

6
7 On **March 14, 2023**, neighbors to the subject property sent the following complaint to
8 Cochise County Sheriff:

9 I am sending this message on behalf of our South Sabin community & have permission
10 from our neighbor who most recently encountered this situation to use her name. Mid
11 February 2023 approximately 4-5 pm [REDACTED]
12 called the Cochise County Sheriff regarding loud & repetitive gunfire happening near her
13 home. The gunfire was coming from the direction of South Sabin St the location owned
14 by Elquen LLC operating under the business name of Lowkilogistics LLC. She felt the
15 noise was a nuisance & the loud gunfire also scared her horses. An officer came to her
16 home. Sue communicated her fears & concerns to the officer. The response she got from
17 the officer was that the shooting was DOD & that the sheriff had no authority.
18 (Exhibit E hereto). Neighbors have documented some of the operations at the subject
19 property with photographs and video. (Exhibit F hereto.) The photographs and videos
20 show groups of people visiting the property and record the sound of gunfire. Neighbors
21 have also provided Development Services with screenshots showing that the property was
22 used commercially in connection with a guided coues deer hunt service. The property was
23 used commercially under the name “Shi-Ska-Shee” Training Camp for clients who paid
24 LowkiLogistics for Coues deer hunts. (Exhibit F). These clients paid around \$2,900 per
25 hunt. In addition to that, the neighbors have observed groups of people gathering at the
26 property for shooting events.

27 ///

28 ///

29 ///

1 **II. Analysis of Respondent’s Legal Argument.**

2 **Law:**

3 Cochise County’s Zoning Ordinances specifically require a special use permit for:

- 4 • Outdoor Firearms, Skeet, Archery, or Trap Shooting Range. Section 607.09.
- 5 • Educational Services. Section 607.25
- 6 • Airports, Airstrips, Helipads, and/or Heliports. Section 607.15

7 The ordinances deem any non-compliant use to be a nuisance that is subject to abatement:

8 *2301 VIOLATIONS DEEMED A NUISANCE*

9 *Any building, structure, outdoor lighting or use erected or maintained, or any use of*
10 *property contrary to the provisions of these Zoning Regulations is unlawful and*
11 *constitutes a public nuisance.*

12 This language comes right out of the statute delegating and authorizing enforcement of
13 zoning ordinances to the counties, A.R.S. § 11-815.

14 *C. It is unlawful to erect, construct, reconstruct, maintain or use any land in any zoning*
15 *district in violation of any regulation or any ordinance pertaining to the land and any*
16 *violation constitutes a public nuisance. Any person, firm or corporation violating an*
17 *ordinance, or any part of an ordinance, is guilty of a class 2 misdemeanor. Each day*
18 *during which the illegal erection, construction, reconstruction, alteration, maintenance*
19 *or use continues is a separate offense.*

20 A.R.S. § 11-815(C)

21 A.R.S. § 11-812 “Restriction on Regulation” states, in relevant part:

22 *(A) Nothing contained in any ordinance authorized by this chapter shall:*

23 ...

24 *(4) Prevent, restrict or otherwise regulate the otherwise lawful discharge of a firearm or*
25 *air gun or use of archery equipment on a private lot or parcel of land that is not open to*
26 *the public on a commercial or membership basis.*

27 Lonsdale Property claims that their activities are excluded from regulation.

28
29

1 **Analysis:**

2 A.R.S. § 11-802 delegates to the Board of Supervisors the responsibility to create zoning
3 ordinances and enforce them and to create a commission to advise them. A.R.S. § 11-811
4 addresses ordinances. A.R.S . § 11-812 restricts ordinances related to mining and
5 agriculture and also states that an ordinance cannot *(4) Prevent, restrict or otherwise*
6 *regulate the otherwise lawful discharge of a firearm or air gun or use of archery*
7 *equipment on a private lot or parcel of land that is not open to the public on a*
8 *commercial or membership basis.*

9 Respondents' letter (Exhibit D) states: 1) that their activities are conducted on private
10 land that "is not open to the public on a commercial or membership basis." 2) It also
11 asserts that the discharge of firearms is lawful because the shooting is outside city limits,
12 citing A.R.S. § 13-3107(A). 3) Respondents also assert that they qualify for an exception
13 from regulation as an "essential governmental service" under the county's zoning
14 regulations. "Cochise County should not require a Special Use Authorization for the
15 firearms range because the firearms range is a facility used only for the benefit of
16 government agencies that provide essential government services."

17 Regarding these three statements:

- 18
- 19 1. Based on this evidence, the Hearing Officer should reject any argument that the
20 property is not used commercially. Respondents admit they have been engaged in a
21 commercial enterprise. Thus they are subject to Cochise County's ordinances and
22 enforcement. Respondents' Counsel contradicts the claim that the property is used for
23 non-commercial purposes, admitting that: "Elquen allows specified government
24 agencies and departments to use their land periodically pursuant to individualized
25 contracts between Elquen and the government agencies and departments" and "only
26 government agencies contract with Elquen to use the firearms range".
27
28
29

1 In addition the property has been used commercially under the name “Shi-Ka-She
2 Training Facility” for clients who paid LowkiLogistics for “DIY Mexico Coues Deer
3 Hunts” which cost clients \$2,900 per hunt. Additionally, neighbors have observed groups
4 of people gathering at the property for shooting events. In some of the photos, the
5 vehicles are POVs – private vehicles – without any military or law enforcement marking.
6 (Exhibit F). Thus, the use of the property for shooting appears to be both commercial and
7 open to the public based on the objective evidence.

8 2. The shooting may not be lawful. Respondents’ argument that they are outside city
9 limits does not necessarily mean the operations are lawful. Under Arizona law,
10 shooting is unlawful if it is within one mile of an occupied structure. A.R.S. § 13-
11 3107(c)(8). This applies to all shooting, even on private property. It is possible that
12 some of the complaining neighbors are within a mile of the range. At least one
13 neighbor states that she does live within a mile. It is also worth considering that the
14 statutes may not be designed to address shooting of the nature at the subject
15 property. Most small caliber rounds do not shoot two miles.

16
17 Respondents state that they have a 2-mile shooting range. Arizona Fish and Game
18 is generally responsible for shooting ranges. A.R.S. § 17-601, et seq. State laws
19 regulating shooting ranges supercede county ordinances. State law excludes from
20 its definition of shooting range: *3. Any area that is used for shooting on a private
21 lot or parcel of land that is not open to the public on a commercial or membership
22 basis.* Thus, because Respondents admit that they are contracting with
23 governmental entities and have a history of commercial use of their shooting range
24 for educational services in connection with LowkiLogistics, LLC., the property is
25 subject to these regulations.

26 The state shooting range statutes include requirements for noise abatement,
27 measurement of noise, and availability of this information to the public.
28
29

1 Shooting on a “properly supervised range” is lawful. A properly supervised
2 shooting range under statute includes the following: (a) Operated by a club
3 affiliated with the national rifle association of America, the amateur trapshooting
4 association, the national skeet association or any other nationally recognized
5 shooting organization, or by any public or private school. (b) Approved by any
6 agency of the federal government, this state or a county or city within which the
7 range is located. (c) Operated with adult supervision for shooting air or carbon
8 dioxide gas operated guns, or for shooting in underground ranges on private or
9 public property. Based on our information, the Respondents’ shooting range is
10 none of these.

11
12 A.R.S. § 17-604 prohibits outdoor shooting ranges to conduct night shooting (10
13 pm to 7 am) if they are “in areas that are zoned for residential use or any other use
14 that includes a school, hotel, motel, hospital, or church.” This does not apply to a
15 range providing law enforcement or “armed nuclear security guard” training.
16 However, the ranges still must provide “adequate public notice” for each calendar
17 quarter of when the range will conduct night shooting. And they must comply
18 with noise standards. Respondents have not done this.

- 19
20 3. The county does not agree that Respondents are providing essential government
21 services. This is what the Cochise County Zoning Regulations state concerning
22 essential governmental services.

23 *2002.02.C. Essential governmental services of public agencies (local, State, and*
24 *Federal), including schools and special districts such as drainage, flood control,*
25 *irrigation, fire, and sanitation, and including facilities, attendant appurtenances,*
26 *and accessories used by such agencies. Shared uses by public agencies and private*
27 *parties shall not be exempt unless determined by the County Zoning Inspector that*
28
29

1 Copy of the foregoing emailed
2 this 29th day of March, 2023, to:

3 Gregory L. Johnson
4 Gregory.l.johnson@cox.net
5 *Cochise County Hearing Officer*

6 Owen T. Lonsdale
7 owen.t.lonsdale@gmail.com
8 *Respondent/Pro Per*

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

EXHIBIT

A

From: Owen L <owen.t.lonsdale@gmail.com>
Sent: Monday, November 28, 2022 2:47 PM
To: Coxworth, Daniel <dcoxworth@cochise.az.gov>; Kirschmann, Robert <RKirschmann@cochise.az.gov>
Subject: Fwd: Shooting range

CAUTION: EXTERNAL EMAIL*

Gentlemen,

I am forwarding legal correspondence in regards to our conversations earlier today pertaining to the complaint on (south sabin rd.)

Thanks,

Owen T. Lonsdale

ELQUEN LLC

(520) 370-1045

----- Forwarded message -----

From: Robert Casey <robert@yourazlawyer.com>
Date: Mon, Nov 28, 2022 at 12:38 PM
Subject: Shooting range
To: <owen.t.lonsdale@gmail.com>

Hi Owen,

Your property does not meet the definition of a shooting range.

The statute that defines shooting range is A.R.S. 17-601. Under this statute you are not a shooting range. Your property is private and is not open to the public in any way shape or form. You only allow government agencies to use the property.

Even though its not necessary, I know that these government agencies are leasing use and access. Their activities on the property is not primarily for shooting.

Finally, people may be confused if you or your friends shoot there, but that is not commercial use.

I would definitely be willing to litigate this if need be, but I don't think you'll need to. The local government just needs to look at the relevant statutes and investigate any claim that comes to them.

Feel free to call me whenever you please about this.

I've included the relevant statute below that you'll see really slams the door on any argument about you having a shooting range.

17-601. Definition of outdoor shooting range

In this article, unless the context otherwise requires, "outdoor shooting range" or "range" means a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor shooting range does not include:


1. Any area for the exclusive use of archery or air guns.
2. A totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.
3. Any area that is used for shooting on a private lot or parcel of land that is not open to the public on a commercial or membership basis.

a

--
 **Robert Casey**
Partner Attorney, The Law Offices of Michael & Casey
(623) 251-6428
(480) 254-6786 (cell)
robert@yourazlawyer.com

Website: yourazlawyer.com



 Please consider your environmental responsibility. Before printing this e-mail message, please ask yourself whether you need a hard copy.

THIS IS A CONFIDENTIAL COMMUNICATION: This email message and any attachment(s) may contain privileged and confidential information intended only for the use of the individual or the entity to which the email is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, that person is hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify this office as soon as possible by telephone. Thank you for your cooperation and assistance.

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

EXHIBIT

B

From: Coxworth, Daniel
Sent: Thursday, December 1, 2022 11:21 AM
To: Amaya, Dora
Subject: FW: Shooting range

From: Coxworth, Daniel
Sent: Monday, November 28, 2022 3:55 PM
To: Owen L <owen.t.lonsdale@gmail.com>; Kirschmann, Robert <RKirschmann@cochise.az.gov>
Subject: RE: Shooting range

Owen,

Thanks for the email. I would interpret the statute cited below that your range is open to the public (for private use) on a commercial or membership basis since the military and police departments use the range and property for training.

Your property is zoned RU-4 (Rural, minimum lot size 4 acres). The Zoning Regulations require a Special Use Permit for an Outdoor Firearms Range (607.09), defined as **Firearms, Skeet, Archery, or Trap-Shooting Range** – An outdoor facility involving the use of firearms or bows in individual or group activities.

Concerning the non-traditional use of the property in training military personnel, it isn't easy to classify the uses. Still, a Special User permit for Educational Services and a Helipad would also be required.

The Special Use Permit is a public hearing process heard before the Planning & Zoning Commission. Before application submission, the Zoning Regulations require a neighborhood notification by the applicant. This is an opportunity to notify your neighbors of your intention to apply for the permit and address any questions or concerns they may have. I'm happy to provide the address mailing list of surrounding property owners.

Please feel free to contact me if you have any questions.

Dan Coxworth, AICP
Director
Cochise County
[Development Services Department](#)
1415 Melody Lane, Building F
Bisbee, AZ 85603
Direct: 520-432-9268
Office: 520-432-9300

GIS Online Map: [INFOMap](#)
APPLY ONLINE: [CITIZEN SERVE](#)

Public Programs...Personal Service
www.cochise.az.gov

EXHIBIT

C

From: Jennings, Jeffrey E SES USARMY ICOE (USA) <jeffrey.e.jennings2.civ@army.mil>
Sent: Friday, December 9, 2022 1:02 PM
To: Coxworth, Daniel <dcoxworth@cochise.az.gov>; jeffrey.e.jennings2.civ@mail.mil
Subject: Re: Property in St. David with Shooting Range

CAUTION: EXTERNAL EMAIL*

Thanks. We have something of a gap we are working to close with a memo requiring signature for Mil TNG Operations within our BSETR. Our legal team reviewed it early this week, not yet implemented.

I have not spoken to Owen in a while, Alanna is recused from anything that touches Owens ranch. We did that to protect her, the UofA is doing a film on environmental work being done at the ranch.

I will talk to him in the next few days

Jeff

Jeffrey E Jennings
Deputy to the CG
(O) 520-533-1148

From: "Coxworth, Daniel" <dcoxworth@cochise.az.gov>
Date: Thursday, December 8, 2022 at 5:13:17 PM
To: "Jennings, Jeffrey E SES USARMY ICOE (USA)" <jeffrey.e.jennings2.civ@army.mil>, "jeffrey.e.jennings2.civ@mail.mil" <jeffrey.e.jennings2.civ@mail.mil>
Subject: [Non-DoD Source] RE: Property in St. David with Shooting Range

Mr. Jennings,

That is correct. Mr. Lonsdale and I had a phone conversation and email, but since Mr. Lonsdale has not communicated with the County. Very concerning the amount of military activity, the neighbors are rightfully complaining, as you can see in the video below. I'm surprised about the amount of military activity on the property without verification by the government that the use is permitted and not in violation of local zoning rules and regulations.

Attached is a flight on Nov. 29 dropping airborne troops on the property. Is this a qualified drop zone?

Youtube Video of the training: <https://youtu.be/2MO4v3G9k5I>

Essentially, this is a private training facility that needs approval by the Planning & Zoning Commission.

As you may know, Mr. Lonsdale is currently negotiating a conservation easement for other property he owns along the river, and his wife works for Mr. Walsh.

I appreciate any help you can provide to inform the military that these activities are not approved by the County and should cease until approvals are granted.

Thanks

Dan Coxworth, AICP
Director
Cochise County

[Development Services Department](#)

1415 Melody Lane, Building F
Bisbee, AZ 85603
Direct: 520-432-9268
Office: 520-432-9300

GIS Online Map: [INFOMap](#)

APPLY ONLINE: [CITIZEN SERVE](#)

Public Programs...Personal Service

www.cochise.az.gov

From: Jennings, Jeffrey E SES USARMY ICOE (USA) <jeffrey.e.jennings2.civ@army.mil>

Sent: Thursday, December 8, 2022 7:32 AM

To: Coxworth, Daniel <dcoxworth@cochise.az.gov>; jeffrey.e.jennings2.civ@mail.mil

Subject: Re: Property in St. David with Shooting Range

CAUTION: EXTERNAL EMAIL*

Dan-sorry for the delay. I do not have contact with folks who may be training out there.

You said the land owner is not cooperating?

Jeff

Jeffrey E Jennings
Deputy to the CG
(O) 520-533-1148

From: "Coxworth, Daniel" <dcoxworth@cochise.az.gov>

Date: Monday, December 5, 2022 at 9:58:13 AM

To: "jeffrey.e.jennings2.civ@mail.mil" <jeffrey.e.jennings2.civ@mail.mil>

Subject: [Non-DoD Source] Property in St. David with Shooting Range

Mr. Jennings,

I hope all is well with you. The last time we met, you mentioned a property near St. David that was being used by elite forces because they have a two-mile sniper range. Do you have a contact for the military group using the property? We have received complaints concerning gunfire and helicopters flying over the property, and I was recently provided pictures of airborne troops landing on the property. We have been in contact with the property owner, who so far is not cooperating, and the county is pursuing code enforcement action.

I look forward to hearing from you.

Thanks

Dan Coxworth, AICP

Director

Cochise County

[Development Services Department](#)

1415 Melody Lane, Building F
Bisbee, AZ 85603

EXHIBIT

D

Robert Casey, Partner Attorney
Law Office of Michael & Casey
2910 N. 7th Avenue
Phoenix, AZ 85013

Cochise County Development Services
4001 E. Foothills Drive
Sierra Vista, AZ 85635

March 9, 2023

Cochise County, by imposing a requirement that Elquen LLC (“Elquen”) obtain a Special Use Authorization, may be violating Arizona statute because the requirement effectively restricts and prevents the otherwise lawful discharge of a firearm on a private parcel of land.

The state permits a county to “adopt a zoning ordinance in order to conserve and promote the public health, safety, convenience and general welfare.” Ariz. Rev. Stat. Ann. § 11-811(A) (2022). When a county enacts such zoning ordinances, the county must “scrupulously adhere to the state statutes which delegate that power.” *Sandblom v. Corbin*, 125 Ariz. 178, 184 (Ct. App. 1980). Under the statutory delegation of power to create zoning ordinances, a county is not permitted to “prevent, restrict or otherwise regulate the otherwise lawful discharge of a firearm or air gun or use of archery equipment on a private lot or parcel of land that is not open to the public on a commercial or membership basis.” Ariz. Rev. Stat. Ann. § 11-812(A)(4) (2022). A firearm is discharged lawfully when it is discharged outside of the limits of any municipality. *Id.* § 13-3107(A) (2022).

Elquen operates a private parcel of land that spans 4,800 acres and is primarily used for agriculture and grazing. Compatible secondary uses are beneficial to the working landscape. A small and varying portion of their 4,800 acres is sometimes used by military, government, and law enforcement, which includes their discharge of firearms (though that is not the primary purpose of their use of land) it is a compatible secondary use. Elquen’s land is unincorporated and nowhere near a municipality; thus, the discharge of firearms on this property is otherwise lawful. The entire parcel of land, including the places where these groups use firearms directed at backdrops that exceed Department of Energy Standards, is privately owned by Elquen LLC and is not open to the public on any basis, let alone a commercial or membership basis. The perimeter of the entire parcel is fenced and posted with “no trespassing” signs which Elquen enforces. The parcel is landlocked and only accessible via an easement. Because the easement itself is public, Elquen erected a gate at its end to prevent the public from entering the land. Elquen does not advertise their operations to the public or otherwise attempt to solicit business from the public. Elquen does not permit members of the public to shoot firearms on their property. A member of the public cannot pay for admittance onto the property for this purpose or any other purpose. Elquen does not offer individual, organizational, or any other type of membership. Rather, Elquen allows specified government agencies and departments to use their land periodically pursuant to individualized contracts between Elquen and the government agencies and departments. Thus, the Elquen property is not open to the public on a commercial or on a membership basis.

Therefore, the Cochise County requirement that Elquen obtain a Special Use Authorization may violate Arizona statute because it serves to restrict and prevent the otherwise lawful discharge of a firearm on Elquen’s private parcel of land.

However, even if Cochise County can regulate the firearms range through zoning, they should not require a Special Use Authorization because the Elquen property provides an essential service by way of Realistic

Military Training, first responder, and law enforcement support/training. These are essential services that are exempt from zoning regulations.

The County exempts certain land uses from zoning regulations, including “[e]ssential governmental services of public agencies (local, State, and Federal) . . . including facilities, attendant appurtenances, and accessories used by such agencies.” Cochise Cnty., Ariz., Zoning Regs., § 2002.02 (2022), <https://www.cochise.az.gov/DocumentCenter/View/137/Zoning-Regulations-PDF>. Only public agencies are essential governmental services. Id.

The zoning regulations do not define essential governmental services; because this term is not defined, the County will rely on the definition from Merriam-Webster’s Online Dictionary. See Id. § 301.04. Merriam-Webster likewise does not define the term “essential governmental services”; however, it defines “essential” in part as “of the utmost importance” and “services” in part as “a: an administrative division (as of a government or business) . . . b: one of a nation’s military forces (such as the army or navy)” Essential, Merriam-Webster, <https://www.merriam-webster.com/dictionary/essential> (last visited Dec. 27, 2022); Services, Merriam-Webster, *supra*.

Although not a zoning regulation, the now-repealed COVID Executive Order may also give some guidance on what types of services the government likely finds essential. See Executive Order 2020-12: Prohibiting the Closure of Essential Businesses, Office of the Governor Doug Ducey (Mar. 23, 2020), https://azgovernor.gov/sites/default/files/eo_2021.pdf. Essential government services include all first responders, emergency management personnel, law enforcement personnel, military, and government contractors performing or supporting services. See Id. Further, Realistic Military Training is “critical to force readiness.” Instruction from Jessica L. Wright, Acting Under Sec’y of Def. for Personnel and Readiness, Dep’t of Def., Realistic Military Training (RMT) Off Fed. Real Prop., No. 1322.28 (Mar. 18, 2013 Incorporating Change 3, eff. Apr. 24, 2020) <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132228p.pdf?ver=2019-06-06-102148-370> (emphasis added).

Cochise County should not require a Special Use Authorization for the firearms range because the firearms range is a facility used only for the benefit of government agencies that provide essential government services.

As discussed above, only government agencies contract with Elquen to use the firearms range. There is no question that the firearms range is a facility used by public agencies.

There likewise should be no question that Elquen provides an area of a land facility used by public agencies for essential governmental services. This land allows for a variety of training, including training that requires the use of firearms, which is of the utmost importance to law enforcement and military units. It is undisputed that law enforcement and the military are essential government services. These services are needed to ensure the safety of the public. Firearms training is necessary for law enforcement officers who carry such weapons and may need to discharge them in the course of their daily jobs. The firearms use in training also provides realistic military training which is critical to force readiness because it simulates, in a controlled environment, the types of terrain where troops may be deployed. Military readiness is necessary for national security.

Therefore, even if the activity on the Elquen ranch is the type of activity that might otherwise be regulatable, Cochise County should not require a Special Use Authorization in this case for the firearms range because the firearms range is exempt as an essential government service because it provides necessary training to law enforcement and the military.

EXHIBIT

E

From: [REDACTED] com>
Sent: Tuesday, March 14, 2023 7:27 AM
To: Coxworth, Daniel; Judd, Peggy; Amaya, Dora; [REDACTED]
Subject: Sheriff Report & Response - South Sabin St David

CAUTION: EXTERNAL EMAIL*

I am sending this message on behalf of our South Sabin community & have permission from our neighbor who most recently encountered this situation to use her name. Mid February 2023 approximately 4-5 pm [REDACTED] called the Cochise County Sheriff regarding loud & repetative gunfire happening near her home. The gunfire was coming from the direction of South Sabin St the location owned by Elquen LLC operating under the business name of Lowkilogistics LLC. She felt the noise was a nusiance & the loud gunfire also scared her horses. An officer came to her home. Sue communicated her fears & concerns to the officer. The response she got from the officer was that the shooting was DOD & that the sheriff had no authority.

THIS RESPONSE IS UNACCEPTIBLE IN EVERY WAY POSSIBLE.

The business operating out of South Sabin/ Elquen LLC/Lowkilogistics LLC ARE NOT DOD!!! To be given that response when you make such a serious phone call regarding your saftey is unbelievable. This same response was given to us when we reported nighttime gunfire on 2 occasions in July 2022. Resident protection was requested & refused based on nontruth.

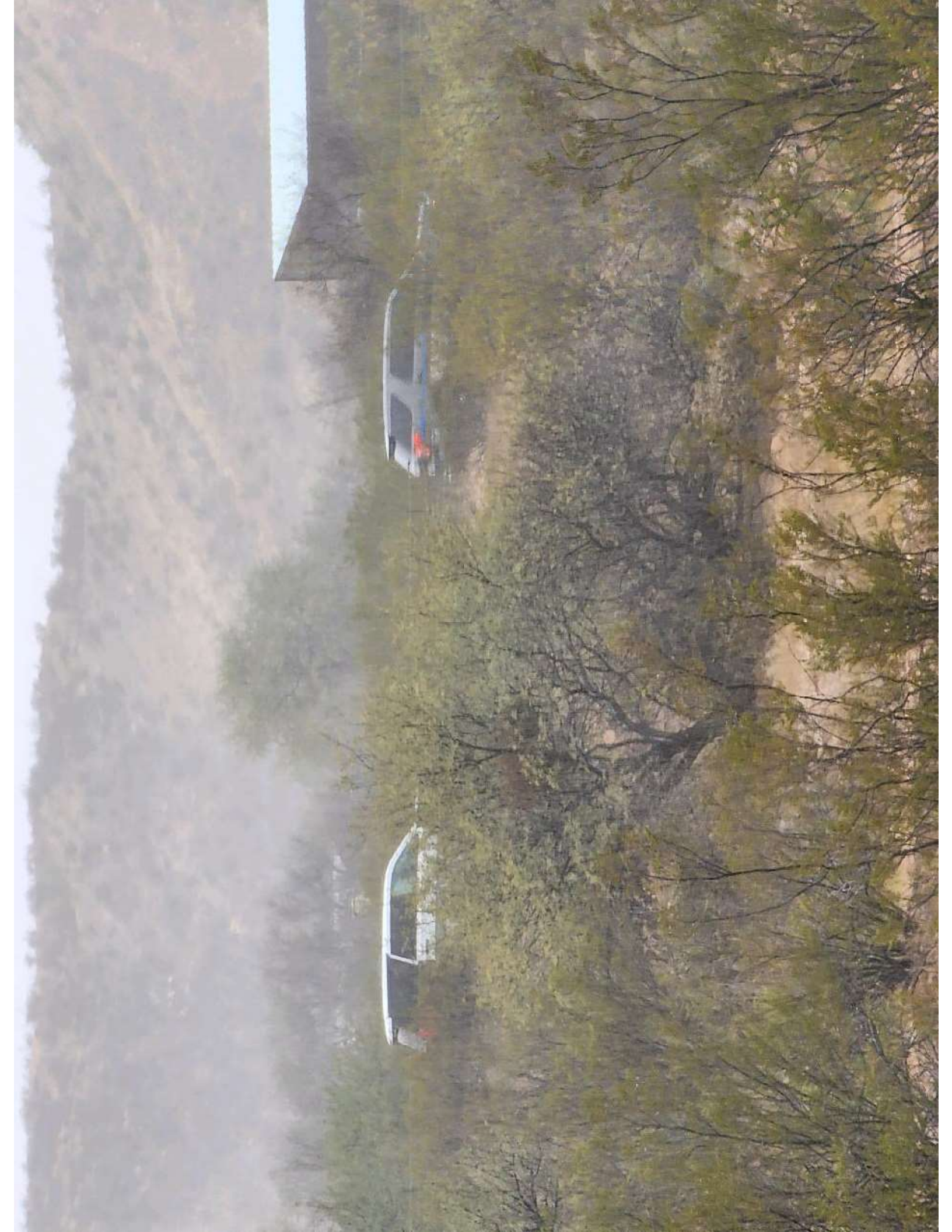
We request your assistance in communicating this information to the appropriate contacts. If our South Sabin community feels the need to contact our Cochise County Sheriff for aid/protection that we should receive exactly that. Respectfully,

[REDACTED]

This E-mail is from an **EXTERNAL** address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com or contact IT support at 520-432-8301.

EXHIBIT

F





shika-she training complex



All Images Videos News Maps Shopping



lowkilogistics.com

https://lowkilogistics.com > products



SHI-KA-SHE training facility

Shi-ka-she training center is only 50 minutes from Tucson AZ. Is within the Tombstone MOA. And has multiple LZ\DZ and handheld Comms with Libby Airfield at ...



YouTube

https://m.youtube.com > watch



Shi-Ka-She 100 YD Zero, Pistol and LD Range - YouTube



UPLOADED BY:

Southwest Aerial Vision

POSTED:

May 23, 2022



Discover



Search



Collections





lowkilogistics



Images



Maps



Videos



Shopping



lowkilogistics

<https://www.lowkilogistics.com>



Landing Page | lowkilogistics

WHO WE ARE · We are a veteran owned and operated company that takes pride in providing mission critical training · solutions for our nation's finest. · line for ...

Contact

Long Range Shooting

FMP | lowkilogistics

Certified LZ



safer.fmcsa.dot.gov

<https://safer.fmcsa.dot.gov> › query



SAFER Web - Company Snapshot LOW KI LOGISTICS LLC



Discover



Search



Collections





SHI-KA-SHE TRAINING FACILITY



This website uses cookies.

We use cookies to analyze website traffic and optimize your website experience. By accepting our use of cookies, your data will be aggregated with all other user data.

ACCEPT



ENTER

WHO WE ARE

We are a veteran owned and operated company that takes pride in providing mission critical training solutions for our nation's finest. Supporting the organizations and individuals that put their lives on the line for our freedoms and civil liberties is our honor. It is our prerogative to provide the very best training to ensure that our nation's heroes have the skillsets that enable them to come home safe to their families.

Our unique land use agreements allow us to work with environmentally sustainable ranching operations. These historic ranching operations implement management practices on their working landscapes that benefit habitat conservation and provide critical open space. This provides our clientele with a multi-faceted training environment that cannot be replicated to a higher quality standard elsewhere. These one-of-a-kind land assets ensure that the long-term sustainability of our client's mission requirements are met now and as well in the future.

Additionally, the exceptional training these landscapes provide is a compatible secondary land use that supports the landscapes' primary agricultural use. These



OUR MISSION

**SERVING OUR NATION,
PROVIDING MISSION
SUSTAINABILITY AND
PROTECTING
AMERICAN VIRTUES FOR
GENERATIONS TO COME.**

ENTER

WHO WE ARE

We are a veteran owned and operated company that takes pride in providing mission critical training solutions for our nation's finest. Supporting the organizations and individuals that put their lives on the line for our freedoms and civil liberties is our honor. It is our prerogative to provide the very best training to ensure that our nation's heroes have the skillsets that





Log In



Home

...ol Carbine Shotgun

Photos

Contact

Medical Training

Long Range Shooting

Landing Page

Map / Locations



Book Your Training Here

**This class is provided to military
and law enforcement only.**

First Name

Last Name

Email *

Send



instill fundamentals of marksmanship basics. Move on to unknown distance and multiple target engagements, basic wind corrections.



Book Your Training Here



**This class is provided to military
and law enforcement only.**

First Name



(JSOMTC) courses.

Training

courses/scenarios

will be focused

around your teams

needs and

expertise, bringing

you the best

learning experience

possible.

Tactical Combat

Casualty

***Combat Casualty
Care (TCCC)
courses and the
Joint Special
Operations Medical
Training Command
(JSOMTC) courses.
Training
courses/scenarios
will be focused
around your teams
needs and
expertise, bringing***

***learning experience
possible.***

***Tactical Combat
Casualty***

Care/Tactical

Emergency

***Casualty Care
(TCCC/TECC)***

***Prolonged Field
Care (PFC)***

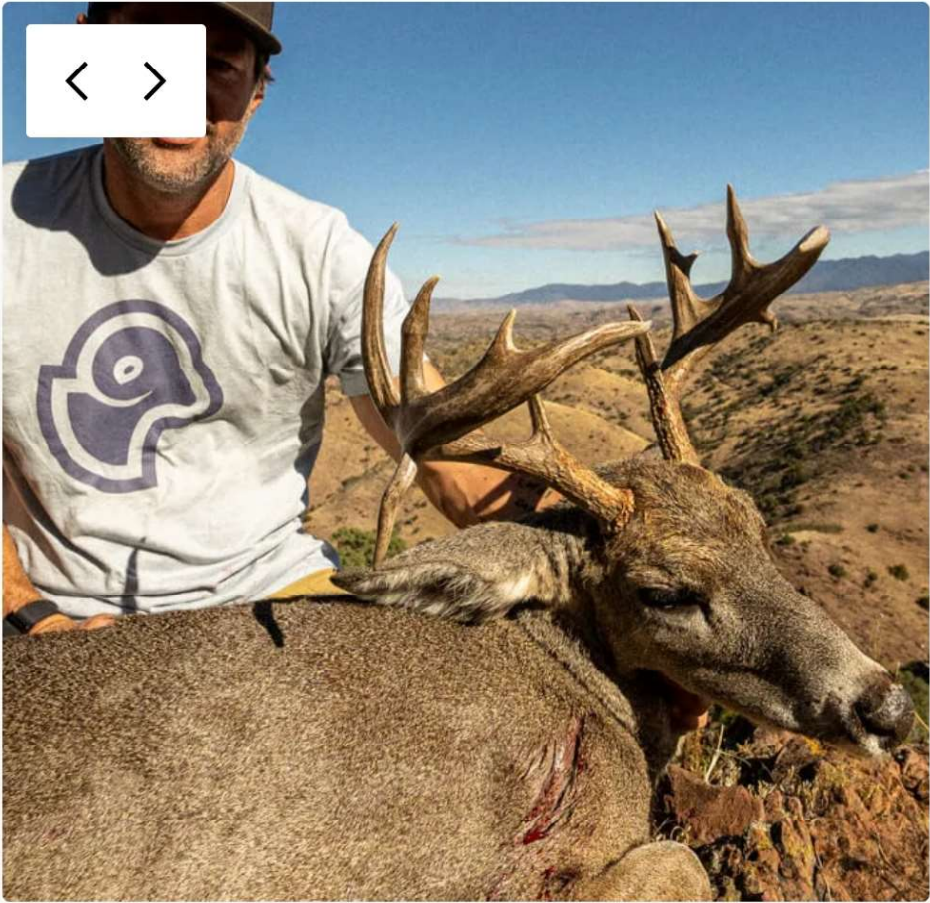


Start your training with full rifle set-up. Proper scope installation. Zeroing and data gathering (muzzle velocity with Radar)

set-up. Proper scope installation. Zeroing and data gathering (muzzle velocity with Radar)



Known distance engagements to develop log book and validate trajectory curve and true BC. Adjust ballistic solver to real world drop data.



DIY MEXICO COUES DEER HUNTS

JANUARY 21 - 28, 2023
HUNTS START AT \$2,900

Our DIY Hunts will all hunt the same week of January*. We'll meet in Benson, Arizona at 6:30 am the morning we cross the border. We'll cross together. We'll check rifles in with the Mexican authorities as a group. We'll travel from the border to the ranches as a caravan group.

Most of the ranches we'll be hunting are adjacent, or relatively close to one another. So we'll be in contact with each other.

Throughout the week, Chase, Jay, and Josh will be traveling from ranch to ranch, spending a day or so hunting with, and filming each group. And at the end of the week, we'll all travel to and cross back into the U.S. as a group.

But as you would expect with a DIY Hunt, you'll be responsible for finding and hunting your own target animals, and prepping trophies for import to the U.S. You'll provide your own transportation to and from the ranch. And you'll be responsible for the cost of your food.

**If the dates and details don't work out for you.*



Co-Owner

Owen Lonsdale

Lowkilogistics@gmail.com



Chief Of Operations

Matt Cutlip

Lowkilogistics@gmail.com



Co-Owner


Owen Lonsdale

Lowkilogistics@gmail.com

Item 6 – Exhibit C – Blackhawk Training (video) has been provided to the Board of Supervisors separately due to technical limitations.

Item 7 – Exhibit F – Video of vehicles has been provided to the Board of Supervisors separately due to technical limitations.

COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

First Inspection Re-Inspect	Parcel #: 12440002	Case#: 22-004343
Property Owner(s): ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip		Zoning: RU-4
Site Address: , , AZ		Category: D-RURAL RESIDENTIAL
Complaint: 124-40-002 and 124-40-004B Doing military and law enforcement training in addition to the hunt training. Two mile long shooting range. Helicopter infantry and Sniper Forces training. Shooting is daily & sometimes into the night. Operating under SHI-Ka-She Training Complex.		
Inspection Instructions:		
Inspection Summary: No special use or permit has been applied for.		
Owner or Resident Contacted?		
Phone Number:		
Inspection Status: Fail		Date Assigned: 03/27/2023 Date Inspected: 03/27/2023
Inspector Signature: 		

Parcel History:

File#	Permit#	Type	Description	Status	Opened	Issued	Closed
22-004343		Violation	124-40-002 and 124-40-004B Doing military and law enforcement training in addition to the hunt training. Two mile long shooting range. Helicopter infantry and Sniper Forces training. Shooting is daily & sometimes into the night. Operating under SHI-Ka-She Training Complex.	Open	11/30/2022		
22-000236		Violation	Massive land clearing without a permit, widening of the wash to accommodate huge machinery done by Owen Lonsdale	Closed	01/22/2022		02/03/2022

Violation Photo:

Taken On: 03/27/2023
Taken By: Chris Saylor
Description: inspection photo



PETITION to stop the Shi-Ka-She Training Complex located on S. Sabin St. in Saint David, Arizona from conducting commercial live fire shooting range, aerial live fire range, drone, and electronic surveillance testing activities.

Petitions summary and background	The Shi-Ka-She Training Complex (Parcel #'s 124-40-004B, 124-40-002, 124-40-005A), owned by Mr. Owen T. Lonsdale/Elquen LLC and in partnership with Mr Matthew Cutlip, a subsidiary of the LOWKI LOGISTICS LLC, is located on S. Sabin St. in Saint David, Arizona. They advertise that they have "over 4800 private training acres within Ft Huachuca airspace (Tombstone MOA). 1450 acres live-fire and the remaining 3350 are available for many other training aspects. This includes multiple certified Drop Zones/Landing Zones, Qualification Bays, and Off-road courses. Topographical features on range are an ideal backstop for a broad array of weapon systems testing and training. Including next gen and electronic testing/proving ground." Additionally, their website advertises the site's suitability for aerial live fire and includes a barracks. On multiple occasions, the U.S.A.F. Reserve Command has conducted multiple training exercises there and so has the Benson Police Department and Federal Marshall's Office. This activity is disruptive to the local inhabitants, dangerous for hikers and livestock, and the unmaintained county road on S. Sabin is not equipped to handle commercial activity.
Action petition for	We the undersigned, are concerned citizens who urge our leaders to act now to preserve the sanctity of the rural St. David community and the safety of it's residence by ordering the Shi-Ka-She Training Complex to cease all of the above mentioned activities.

Printed Name	Signature	Address	Date
Stefanie McDowell		3646 E. Santa Clara dr. Santa Clara AZ 85402	3/17/23
Tasha Latham		43314 N Friend AVE Sunten Valley AZ 85140	3/17/23
Malcolm Latham		43314 N Friend AVE Sunten Valley AZ 85140	3/17/23
Ryan McDowell		3646 E SANTA CLARA DR SANTA CLARA AZ 85402	3/17/23
TERESA WRIGHT		580 S. HOMESTEAD RD, ST. DAVID, AZ	3-17-23
Diana M Olson		2196 W Quail Hollow Trl Saint David, AZ 85630	3-17-23
Deborah Adamson		625 S Sabin St. St David 85630	3-17-23
LAURA Cameron		108 W. Hwy 80 St. David 85630	3-18-23
JUDITH EVANS		692 S Sabin St St David 85630	3-18-23
Patricia A. Smith		790 S Sabin St. St David 85630	3/19/23
JOHN M. SMITH		790 S. SABIN ST ST. DAVID AZ 85630	3/19/23
Dana Udall		1293 W. SWAN Ct Chandler AZ 85286	3/19/23
RICHARD KELLER		625 S SABIN ST. ST DAVID, AZ 85630	3/20/23
LILY LUDWIG		2305 W. RABBIT TRL, ST. DAVID, AZ 85630	3/21/23
Bob Wright		580 S. Homestead Rd St. David 85630	3/21/23
BETTY WAGNER		488 So. Homestead Rd. St. David, AZ 85630	3/21/23
Carl J Roselle		595 S. Homestead Rd. St. David, AZ 85630	3/21/2023
SIRRES LEVARDO		595 S. Homestead Rd St David, AZ 85630	3/21/23
SUSAN ROSELLE		595 S Homestead Rd St David 85630	3/21/23
Wonne Starke		499 S. Mis Hijos Av, St. David 85630	3/21/23

owner.

**Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ**

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I Owen Lonsdale, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I [Signature], solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 1376 S. Lee St

Phone #: 520 370 1045

Signature: [Signature]

Email #: _____

Date: Mar 30th 2022

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: V-004343

All persons to give testimony, fill your name in the line:

I Gregory Volker, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 360 S. Gigs

Phone #: 520-265-0007

Benson, AZ 85602

Email #: gvolker@BensonAZ.gov

Signature: 

Date: 3-30-2023

Signature: _____

Date: _____

Witness

**Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ**

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I Nicholas Carpenter, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 436 S Lec St

Phone #: 928-792-3053

St David Az 85630

Email #: ncarpenter@bensona.gov

Signature: 

Date: 3/30/23

Signature: _____

Date: _____

Witness

**Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ**

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I JESSE INGRAM Jesse Ingram, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 1434 N. POMERENE ROAD

Phone #: 520-586-2211

BENSON AZ 85602

Email #: j.ingram@bensona2.gov

Signature: Jesse Ingram

Date: 3/30/23

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I James H. Taylor, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I James H. Taylor, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 5312 S. Sage Ave

Phone #: 719-360-5051

Email #: JHTaylor2003@CochiseAZ

Signature: [Signature]

Date: 30 MAR 2023

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I John Copp, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: PO Box 201

Phone #: 775 772 6532

POMERENE AZ 85627

Email #: UNKNOWNPROSPECTOR
@GMAIL
.COM

Signature: [Handwritten Signature]

Date: 3/30/2023

Signature: _____

Date: _____

NEIGHBOR

Cochise County Hearing

March 30, 2023 at 9:00am

4001 E. Foothills Drive, Sierra Vista, AZ

Witness

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I WILLIAM LEVITT, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 499 S. MIS HUOS AVE

Phone #: 602-451-6209

SAINT DAVID, AZ 85630

Email #: WCLEVITT@GMAIL.COM

Signature: [Handwritten Signature]

Date: 3/30/23

Signature: _____

Date: _____

NEIGHBOR
WITNESS

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I MATTHEW ALEXANDER LUDWIG, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 2305 W RABBIT TRL

Phone #: 254-247-8506

ST. DAVID AZ 85630

Email #: MATTHEW.LUDWIG1@
YATT00.COM

Signature: 

Date: 03/30/2023

Signature: _____

Date: _____

" NEIGHBOR "

Cochise County Hearing

March 30, 2023 at 9:00am

4001 E. Foothills Drive, Sierra Vista, AZ

Witness

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I JOMY SMITH, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I Patricia Smith, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 790 S. Sabin St

Phone #: 480-797-8903

Saint David, AZ 85630

Email #: JPSENT@gmail.com
digit #one

Signature: [Signature]

Date: 3/30/23

Signature: Patricia Smith

Date: 3/30/23

NEIGHBOR
Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I Bob Wright, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I Bob Wright, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 580 S. Homestead Rd

Phone #: 520-720-4984

Email #: TBWright@IEuw.fi.net

Signature: Bob Wright

Date: 3-30-23

Signature: Bob Wright

Date: 3-30-23

IN SUPPORT
O'Hness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-00 4343

All persons to give testimony, fill your name in the line:

I MARK E. TOWNSEND, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 6777 E. DESPERADO DR
HEREFORD, AZ 85615

Phone #: 214-927-7935

Email #: MARK.E.TOWNSEND2.OTR@MAIL.MIL

Signature: Mark E. Townsend

Date: 30 MAR 2023

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I Robert Casey, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I Robert Casey, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 2017 N. Laurel Ave

Phone #: (480) 254-⁶⁷⁸⁶~~6786~~

Phoenix, AZ 85003

Email #: Casey-robertian@yahoocan

Signature: _____

Date: 3/30/23

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-00 4343

All persons to give testimony, fill your name in the line:

I ANGELA CAMARA, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 281 PRAIRIE ST.

Phone #: 520.234.2904

SIERRA VISTA AZ

Email #: _____

Signature: 

Date: 3-30-23

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I LAURA LEVO, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 108 N. Hwy 80 Phone #: _____

St David, 192.5560 Email #: LBARRU@gmail.com

Signature: [Signature] Date: 3-30-2023

Signature: _____ Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I Judith Evans, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I Judith Evans, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 692 S. Sabia Street

Phone #: 520-904-3260

ST DAVID AZ 85630

Email #: _____

Signature: Judith Evans

Date: 3/30/23

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 2510 W Solara

Phone #: _____

St. David

Email #: _____

Signature: Doug Merwin

Date: 3/30/23

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I Sherry Arz, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: _____

Phone #: _____

Email #: _____

Signature: Sherry Arz

Date: 3-30-23

Signature: _____

Date: _____

Cochise County Hearing

March 30, 2023 at 9:00am

4001 E. Foothills Drive, Sierra Vista, AZ

Witness

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I Susan Roscoe, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: _____

Phone #: _____

Signature: Susan Roscoe

Email #: _____

Date: 3.30.23

Signature: _____

Date: _____

Cochise County Hearing


March 30, 2023 at 9:00am

4001 E. Foothills Drive, Sierra Vista, AZ

witness

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I , solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: _____

Phone #: _____

Email #: _____

Signature: 

Date: _____

Signature: _____

Date: _____

Witness

Cochise County Hearing
March 30, 2023 at 9:00am
4001 E. Foothills Drive, Sierra Vista, AZ

Case #: 22-004343

All persons to give testimony, fill your name in the line:

I BRIAN PRICE, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

I _____, solemnly swear or affirm that the testimony I give during this hearing will be the whole truth and nothing but the truth.

Hearing Officer Role and Appeal Process

The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. He acts as an administrative law judge. He has the authority to impose civil penalties for zoning violations (that is, he can issue a fine if he finds the Respondent liable for a zoning violation). He is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Planning Department representatives will have a similar opportunity.

If the Hearing Officer does rule against you, you have the right to appeal his decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review along with the \$300 fee within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

By signing below, I (we) acknowledge that I (we) have read and understand the above information and have received a copy of this form.

Address: 2567 W RABBIT TRAIL

Phone #: 480-748-0046

ST. DAVID, AZ 85630

Email #: thebrianprice1974@gmail.com

Signature: Brian M. Price

Date: 3/30/23

Signature: _____

Date: _____



Cochise County
Development Services
Public Programs... Personal Service
www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER

4001 E Foothills Drive
Sierra Vista, Arizona 85635
(520) 803-3988
www.cochise.az.gov

COUNTY OF COCHISE, COMPLAINANT

VS.

ORDER

CASE NO. 22-004343

**ELQUEN LLC Attn: Owen T Lonsdale and
Matthew Cutlip, RESPONDENT(S)**

This matter having come before the undersigned Hearing Officer on 03/30/2023, and after full consideration of the administrative record, the evidence and testimony presented on behalf of the County, and **ELQUEN LLC Attn: Owen T Lonsdale and Matthew Cutlip**, the respondent(s) having appeared at the hearing, and after taking into consideration the applicable provisions of the Cochise County Zoning Regulations, this Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Order.

FINDING OF FACT:

1. The Respondent(s) is the owner of the property described as Tax Parcel Number 12440002
2. The following conditions exist on this property:

Use of the property for military and law enforcement training. Two-mile-long shooting range. Shooting daily & sometimes into the night. Operating under Shi-Ka-She Training Complex.

No permits have been issued by Cochise County authorizing these conditions.

CONCLUSIONS OF LAW:

1. The above specified conditions are in violation of Section(s) 607 Special Use Authorization, and Section 2301 of the Cochise County Zoning Regulations.
2. These conditions are unlawful and constitute a public nuisance.

ORDER

It is hereby Ordered that the Respondent(s) is in violation of the Cochise County Zoning Regulations and required to remedy and abate the violation before 05/01/2023, as directed herein. The Respondent(s) shall remedy and abate this violation by accomplishing the following:

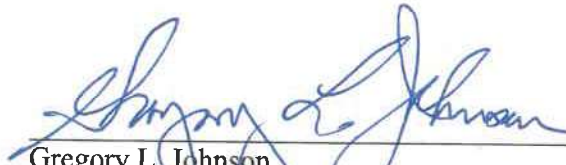
- 1. Apply for and obtain a Special Use Authorization and Permit for a shooting range, subject to conditions required by the Cochise County Planning and Zoning Commission and compliant with Arizona law,**
- 2. Apply for and obtain a Special Use Authorization and Permit for any education operations,**
- 3. Cease and desist all non-permitted operations identified in the complaint including: any shooting range activities, any shooting of any kind within a mile of any occupied structure, any training or educational operations, and any landing of any aircraft of any kind on the property.**

In the event that the Respondent(s) fails to remedy or abate this violation by 05/01/2023, the fine shall be in the amount of \$750.00, with an accruing penalty of \$50.00 for each day following in which the Respondents fail to remedy or abate the violation. If the Respondents fail to comply with the Order, the case will be forwarded to the County Attorney's Office for further action.

RIGHTS OF APPEAL

This Order may be appealed by either party by filing a Notice of Appeal, together with the applicable fees, with the Clerk of the Hearing Officer (or Hearing Officer if there is no Clerk) within ten (10) days after entry of this Order. Please contact the Hearing Officer Clerk for additional information on the rights of appeal.

Dated: 03/30/2023



Gregory L. Johnson
Cochise County Hearing Officer



Cochise County Development Services

Public Programs...Personal Service
www.cochise.az.gov

REQUEST FOR REVIEW OF HEARING OFFICER ORDER

Appeal to the Board of Supervisors desiring a review of the Hearing Officer Order regarding

Parcel Number: 12440002

File # V- 22-004343

Date of Hearing Officer Order March 30, 2023

I (We) the undersigned, hereby appeal to the Cochise County Board of Supervisors to review the Order of the Cochise County Hearing Officer regarding the above case.

Please attach the Hearing Officer Order, and address the specific issues you are appealing and the grounds for appeal. Attach additional sheets if needed.

Elquen, LLC appeals the findings of the Hearing Officer pursuant to the grounds stated in the attached sheet entitled "Respondent's Explanation of Grounds for Appeal."

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief, the data submitted on and attached to this form is true and correct.

SIGNATURE OF APPELLANT(S)

ADDRESS

TELEPHONE NUMBER

Owen Landell

1376 S. Lee Street St. David AZ 85630

520 370 1045

NOTE: Appeal form must be received be filed within TEN DAYS after the date of the Hearing Officer Order, and accompanied by a check in the amount of \$300.00 payable to the Cochise County Treasurer. A copy of the Rule 19-21 of the Hearing Officer Rules of Procedure are attached. For a complete copy, or if you have questions, call the Hearing Officer Clerk at (520) 803-3988.

Submit this form and the appeal fee to the Hearing Officer Clerk, Cochise County Development Services, 1415 Melody Ln, Building F, Bisbee, AZ 85603.

Bisbee Office

1415 Melody Lane
Bisbee, Arizona 85603
520-803-3988
520-439-9178 fax
planningandzoning@cochise.az.gov

RESPONDENT'S EXPLANATION OF GROUNDS FOR APPEAL

Respondent appeals the following findings of the Hearing Officer (1) the property is used for military and law enforcement training; (2) the property contains a two-mile shooting range with shooting daily and sometimes at night; (3) the property is operating under Shi-Ka-She Training Complex; (4) these conditions violate the law and constitute a public nuisance; and (5) Respondent must cease and desist operations identified in the complaint.

The findings of fact and conclusions of law were reached, in part, based on evidence that was improperly admitted. Complainant presented exhibits that were not formally admitted (instead, they were just displayed during his opening argument which was also apparently his case in chief) and these exhibits were not disclosed to Respondent until the morning of March 30, 2023.¹ Complainant's failure to disclose this evidence constitutes a violation of Rule 7 of the Cochise County Hearing Officer Rules of Procedure. This Rule requires that disclosure of exhibits and witness statements be produced by each party for the other party's inspection at least one week prior to trial. Respondent was effectively ambushed with new evidence at the hearing. Because disclosure was not timely completed, Respondent did not have adequate opportunity to object to any evidence or prepare defenses to the evidence at the hearing.

Respondent was also denied an opportunity to examine Complainant's Witnesses. In fact, Complainant called no witnesses. Instead, the Hearing Officer allowed anyone in the gallery who wished to speak two minutes to speak and make allegation without examination by either party.

Further, the Hearing Officer allowed Respondent and his supporters to be questioned by the people in gallery by adopting questions yelled by the witnesses and gallery occupants during the hearing. The procedure violated Rule 9 of the Cochise County Hearing Officer Rules of Procedure which states that only the hearing officer, defendant, zoning inspector, or county attorney may question witnesses.

Due to the violations of the Hearing Officer Rules of Procedure, Respondent did not receive a fair hearing. At a minimum, the Hearing Officer should have continued the hearing to allow Respondent the opportunity to review the evidence proffered by Complainant. If a continuance was not practicable, the improper evidence should have been excluded. Because the hearing proceeded with the improper evidence and rules of procedure, the findings against Respondent should be vacated.

Respondent also hereby requests that the Board of Supervisors, through the Board of Adjustment, stay the zoning proceedings and grant a variance be granted in accordance with Article 21 of the Cochise County Zoning Regulations. The strict application of the Zoning Regulations would work an unnecessary hardship on Respondent because it prohibits him from using his land for essential services provided to the government and first responders. Respondent did not create an unnecessary hardship; this hardship was created when neighbors moved in next to the Elquen LLC property and complained about the use of the land for essential services that predated their arrival in Cochise County. Thus, these neighbors came to the alleged nuisance. Therefore, the variance would not adversely affect the rights of neighboring property owners. The variance would permit use of the land that is otherwise legally permissible in agricultural zones because the use is for the benefit of these essential services. Finally, the variance is

¹ It should be noted that the Hearing Officer did not give an opportunity to even object to these exhibits, did not receive any foundation for them, and instead noted he had reviewed them prior to the hearing and apparently took that as true without any reasoning presented.

the minimum required to alleviate the hardship while Respondent pursues a permanent Special Use Authorization.

For the foregoing reasons, Respondent respectfully appeals the Hearing Officer's orders of March 30, 2023 and requests the following relief:

1. Vacate the findings of the hearing of March 30, 2023;
2. Issue a stay on all proceedings related to the zoning of parcel 12440002;
3. Issue a variance to Elquen, LLC for the use of the property as a shooting and training range for essential services; and
4. For such other relief as the Board of Supervisors and the Board of Adjustment deem just and proper.

Item 13 – Link to Hearing Audio attached in email has been provided to the Board of Supervisors separately due to technical limitations.