

DRAFT

PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON Wednesday, OCTOBER 8, 2025

A regular meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, OCTOBER 8, 2025, at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Kim DePew, Chair; Robert Montgomery, Vice Chair; Randall Limbach, Member; Gerry Gonzalez, Member; Frank Ambriz, Member; Jim Martzke, Member; Larry Saunders, Member; Pati Fickett, Member

Absent: Nathan Watkins, Member

Staff Present: Matthew Taylor, Planning Manager
Christine McLachlan, Development Services
Director Paul Esparza, Building Official
Sharon Larsala, Planner I
Bert Whitehead, Civil Deputy County Attorney

Attendees: Calvin Housley, Applicant (SUB25-02)
Jennifer Wortman, Applicant (SU25-24)
Kyle Wortman, Applicant (SU25-24)
Danelle Caffall, Speaker (SU25-24)
Kevin Caffall, Speaker (SU25-24)
Rick Northey, Speaker (SU25-24)
Tedd Haas, Speaker (SU25-24)
Louis Mouza, Applicant (SU25-27)
Maria Mouza, Applicant (SU25-27)
Hoang Quon, Speaker (SU25-27)

Chair DePew called the meeting to order at 4:00 p.m.

PLEDGE OF ALLEGIANCE, ROLL CALL, AND INTRODUCTION

APPROVAL OF THE PREVIOUS MONTH'S MINUTES

Motion by Member Pati Fickett, Second by Member Larry Saunders

Vote: 7 - 0 Approved

CALL TO THE PUBLIC

No one spoke during call to the public.

PUBLIC HEARINGS

1. Docket SUB25-02: An applicant-initiated request for an 8-lot subdivision on APN 208-36-003. The property totals about 36 acres and is zoned RU-4 (Rural District, one dwelling per 4 acres).

Tabled by the Commission at the August 13, 2025, and September 10, 2025, meetings. The Commission must first make a motion, second, and vote to remove this item from the table.

Motion by Member Randall Limbach, Second by Member Gerry Gonzalez

Member Martzke first motioned to remove Item 1 from the table, Second by Member Gonzalez. Approved 8-0.

Case planner Taylor provided a presentation, which is preserved in the files. Calvin Housley, applicant, provided a statement.

Chair DePew opened the public hearing. No one spoke during the public hearing. Chair DePew closed the public hearing.

Commission Discussion: Member Ambriz noted a review comment that multiple lots did not close and asked if that had been resolved. Case planner Taylor stated revisions were made and all lots now close. Member Ambriz asked about submitted drainage information and case planner Taylor confirmed the applicant had provided a drainage analysis. Member Ambriz asked if the road within the subdivision would be private and who would maintain it, and case planner Taylor stated an HOA document is required with mandatory resident participation to maintain the road. Chair DePew asked about HOA requirements and whether the county had considered taking the road into county maintenance. Case planner Taylor stated the HOA is a requirement that, in this case, is simply to ensure the road is maintained but did not recall specific reasons as to why the road will not be made public beyond its short length. Chair DePew also asked about the assurance agreement requirement and Building Official Esparza summarized agreements as an assurance that lots will not be released for sale until all required improvements are complete as validated by Engineering, adding that third party trusts have historically been the most common type of agreement. Member Ambriz asked about bonding to ensure improvements are made and Building Official Esparza identified the difference between that and that third party trusts have been the most common type of agreement in Cochise County.

Case planner Taylor stated that staff recommends approval of the tentative plat with conditions relative to private road maintenance, requiring an assurance agreement, and general revisions to plat notes and descriptions.

Vote: 8 - 0 Approved

2. Docket RZ25-14: An applicant-initiated request to rezone APN 205-14-347B from SR-22 (Single-Household Residential District, one dwelling per 22,000 square feet) to RU-2 (Rural District, one dwelling per 2 acres). The parcel totals about 3 acres and is located on Sandal Street in Sunsites Unit #7.

Motion by Member Randall Limbach, Second by Member Jim Martzke Case planner

Taylor provided a presentation, which is preserved in the files. David Ruozi, applicant, was not in attendance.

Chair DePew opened the public hearing. No one spoke during the public hearing. Chair DePew closed the public hearing.

Commission Discussion: Member Limbach asked about the nature of the shop. Case planner Taylor stated the downzone is to allow residential land uses and rural is appropriate given the property's location and lack of infrastructure lower residential densities are preferred. Chair DePew asked about the previous code compliance case and case planner Taylor stated the applicant owned the property at that time and a complaint was made regarding storing materials, adding the violation was quickly abated.

Case planner Taylor stated that staff recommends approval without special conditions.

Vote: 8 - 0 Approved

3. Docket SU25-24: An applicant-initiated Special Use Authorization request to allow a contract construction service at 1270/1282 N. Fort Grant Road near Willcox (APNs 202-29-017A, 017D, 023A, and 036). The parcels total about 16 acres and are zoned R-36 (Residential District, one dwelling per 36,000 square feet).

Motion by Vice Chair Robert Montgomery, Second by Member Randall Limbach

Case planner Taylor provided a presentation, which is preserved in the files. Jennifer Wortman, applicant, provided a statement.

Chair DePew opened the public hearing. Danelle Caffall expressed concerns about the business and requested regular inspections of business activities, a block wall along shared property lines, and chip-seal on all cleared areas. Kevin Caffall stated that business activities have impacted their property and quality of life, requesting chip-seal along with a masonry wall along his west and south property lines to be completed within six months. Rick Northey spoke in favor and that dust issues pre-date the applicant's acquisition of the property, adding that he supports the business and they have previously addressed his concerns. Tedd Haas spoke in favor of the applicant's business and that the property is kept neat and tidy.

The applicant waived rebuttal. Chair DePew closed the public hearing.

Commission Discussion: Vice Chair Montgomery expressed concerns about dust and dirt entering the neighboring properties and asked the Caffalls how frequently the issue occurred. Mrs. Caffall stated that blowing dust is frequent with the winds, and it comes from cleared areas on the Wortman's property. Vice Chair Montgomery questioned if the \$11,000 quote to remove blow sand from their property was discussed with the Wortman's and Mrs. Caffall stated it was not. Vice Chair Montgomery emphasized that both he and the Commission appreciate individuals who sacrifice everything to stay in business and asked the applicant what can be done to prevent the dust/dirt from

entering the Caffall's property. Ms. Wortman answered that 400 tons of gravel have been spread in different areas of the property since 2021 to reduce dust, adding that over \$30,000 has been spent on gravel. The fence line was cleaned when requested to reduce dust and ADEQ investigated a complaint and found no air quality violations generated from the property.

Member Limbach questioned whether the applicant could comply with staff recommended condition #4. Ms. Wortman expressed concern about full compliance but confirmed she would do what is legally required. Chair DePew stated that clarification is needed on where block walls must be built before approval. Member Gonzalez congratulated the applicant for supporting economic development and noted that dust is a natural occurrence. Member Gonzalez stated that a 6' wall would not be effective long-term and recommended the applicant coordinate with the Caffalls on natural landscaping options. Ms. Wortman stated that most of the photos submitted by the neighbors were taken during dust storms and not caused by their operations. Chair DePew stated that condition #4 includes stringent requirements regarding a 6' block wall. Vice Chair Montgomery stated that alternative materials could be used more cost-effectively than concrete block walls and that a 6' is only a temporary fix. Case planner Taylor clarified that moving vehicles and equipment to parcel 017E is a challenge for the applicant based on previous conversations, but driveways and parking areas should be chip-sealed and a block wall should be placed along property lines adjacent to residential properties to reduce fugitive dust, but that the Commission should entertain other options. Chair DePew responded that a block wall would at least prevent sand drifting at ground level. Vice Chair Montgomery stated that the standards requiring a block wall need to be reconsidered. Chair DePew stated that a block wall along the eastern portion of parcel 17D is required. Case planner Taylor clarified that while the GB requires a block wall adjacent to residential areas, this is being imposed as a condition of the special use. Case planner Taylor explained that condition #4 is to ensure that all driveways and parking areas chip-sealed and block walls or alternative materials should be used to prevent fugitive dust from spreading to adjacent properties.

Chair DePew called for an alternative motion to amend condition #4 and asked Deputy County Attorney Whitehead how the Commission could amend the motion on the floor regarding an impervious wall or fence instead of a block wall constructed of solid material. Director McLachlan suggested a combination of a solid screen or landscape that achieves the screening goal over time. Following discussion, the Commission subsequently amended staff's recommended condition #4 to read:

"If parking and storage activities continue to occur on parcels 202-29-017A and 017D, two-inch gravel or natural vegetation is required to reduce dust and erosion and solid screening or landscaping that achieves the equivalent screening goal over time is required along property lines of 017A and 017D where abutting parcel 202-29-003D."

Vote: 8 - 0 Approved

4. Docket SU25-26: An applicant-initiated Special Use Authorization request to allow the retail sales and on-site storage of shipping containers on a 4-acre parcel along Charleston Road near Tombstone (APN 609-05-004L).

Motion by Member Gerry Gonzalez, Second by Member Jim Martzke

The applicant requested prior to the meeting that this item be tabled until the November 12, 2025, Commission meeting. Chair DePew called for a motion to table Docket SU25-26.

Vote: 8 - 0 Approved

5. Docket SU25-27: An applicant-initiated Special Use Authorization request to allow a solar energy facility and data center along E. Parker Ranch Road east of S. Kansas Settlement Road near Willcox (APN 305-43-051F). The property totals about 40 acres and is zoned RU-4 (Rural District, one dwelling per 4 acres).

Motion by Member Randall Limbach, Second by Member Larry Saunders

Case planner Taylor provided a presentation, which is preserved in the files. The applicant, Louis Mouza, provided a statement.

Chair DePew opened the public hearing. Hoang Quan expressed concerns about water scarcity, increased power costs from data center demand, battery toxins, and reduced property attractiveness.

Mr. Mouza provided a rebuttal. Chair DePew closed the public hearing.

Commission Discussion: Member Limbach said the application lacked sufficient water usage details. Applicant Louis Mouza estimated using hundreds of gallons of coolant fluid with radiator and fan systems to recycle coolant while minimizing environmental impact and noise. Member Limbach asked the applicant if there was an existing agreement with the power company and Mr. Mouza replied it was a work in progress, adding that nearby poles will help transfer excess solar energy to the grid to benefit Cochise County. Vice Chair Montgomery asked the applicant to explain the data center and Mr. Mouza explained the data center consists of computers and servers and is powered by solar panels, storing data for individuals and businesses. Member Gonzalez asked how much property the applicant owns and Mr. Mouza stated 40 but hopes to add more acreage and potentially expand his solar/data center capability. Member Gonzalez asked how much energy would go back into the grid and Mr. Mouza estimated about half and that the proposed building would be 1000-1200 square feet. Member Limbach asked if operations would run 24/7 and Mr. Mouza confirmed they would, using battery back-up and noted minimal noise by using transformers and inverters rather than large generators. Member Ambriz asked about employment and battery safety. Mr. Mouza said there will be two employees initially, with more added as the data center expands, and that inspectors will ensure compliance with all protective codes. Member Saunders clarified that this request was only for 40 acres and Mr. Mouza stated yes but does intend to expand if the special use is approved and he is able to acquire additional land.

Chair DePew asked how much of the 40 acres would be covered with solar panels and Mr. Mouza replied 35–37 acres. Chair DePew asked if SSVEC had accepted this project and Mr. Mouza stated it will be accepted with feasibility studies prepared by the consultant, Solon. Chair DePew asked about fire protection and Mr. Mouza said all safety codes will be followed. Member Fickett asked about the battery capacity and Mr. Mouza said they can sustain about 15 megawatts. Member Limbach noted that battery

storage was not identified on the concept plan. Member Gonzalez expressed concern about impacts on wildlife and the avian population and bird watchers and recommended hydrology and biological assessments. Vice Chair Montgomery asked if studies had been done for environmental impacts and what security measures would be used. Mr. Mouza replied that studies have been done for these types of projects for years and that security cameras and fencing will be used and may hire night security. Member Ambriz asked what type of power the property can access and Mr. Mouza replied that existing residential power lines and connections can be used for the project without upgrades to existing infrastructure, per a feasibility study. Chair DePew asked if the applicant was aware of the solar project codes and case planner Taylor confirmed they were discussed during the pre-application meeting and that conditions typically recommended for solar projects are being recommended for this project.

Case planner Taylor stated that staff recommends approval with special conditions typical of those recommended for solar energy projects relative to project design and dust control.

Vote: 5 - 3 Approved

NO: Chair Kim DePew
Member Randall Limbach
Member Pati Fickett

WORK SESSION

1. Work Session: Comprehensive Plan Update

Director McLachlan recommended a joint session between the Board of Supervisors and Planning and Zoning Commission on October 21, 2025. The draft Comprehensive Plan will be discussed in more detail at the November Commission meeting.

PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.

CALL TO COMMISSIONERS ON RECENT MATTERS.

ADJOURNMENT

Chair DePew adjourned the meeting at 7:10 p.m.

APPROVED:

Kim DePew, Chair

ATTEST:

Christine McLachlan, Development Services Director

