

# **COCHISE COUNTY**

## **Board of Supervisors**

### **Tres Alamos Community Alliance Concerns**

April 10, 2025

#### **Development Services**

Christine McLachlan, AICP

Interim Director / Planning Division Manger

#### **Engineering & Natural Resources**

Jackie Watkins, P.E., CFM

Director / County Engineer



***Public Programs...Personal Service***

# Agenda

- TACA Concern #1 – Reported RU4 Zoning Violation
- TACA Concern #2 – Mining Exception
- TACA Concern #3 – Biomass Pile
- TACA Concern #4 – Waterflow changes on Sierra Mining & Crushing Property
- TACA Concern #5 – Waterflow changes on Mr. Scotts property impacting Mr. Duram
- TACA Concern #6 – Weight limit on Ocotillo Road



# TACA Concern #1

## Reported RU4 Zoning Violation

- Clarify as factual that the owner of the property at 2150 N. Ocotillo Road, including all parcels, did not and does not hold any county use permit or business license which enables any business and/or industrial operations at that site, and especially those incompatible with the Tres Alamos Area Plan and RU4 zoning.
- Confirm as fact that the Sierra Mining/Crushing property at 20150 N Ocotillo Road, including all parcels, has not qualified for and does not have any sort of “mining exemption”.



## Original Request

- Rezone from RU-4 to Heavy Industry (HI) to accommodate a recycling center
- Recycling center definition, “A permanent enclosed facility for the collection, temporary storage, and processing of recyclable materials for efficient shipment; this does not include a junkyard. The sale of parts is not permitted. Processing for efficient shipment includes but is not limited to baling, compacting, crushing, and flattening.”
- Permitted use in HI zoning, (2.39.020.25, Zoning Regs)
- Application withdrawn on 4/26/25

## **Clarification: Existence of County Permits or Business Licenses**

The county does not issue business licenses. To date, the property has withdrawn their rezoning request, and we have not issued any development services (DS) permits.

# TACA Concern #2 Mining Exception

- Confirm as fact that the Sierra Mining/Crushing property at 20150 N Ocotillo Road, including all parcels, has not qualified for and does not have any sort of “mining exemption”.



## Definitions & Purpose

### Sand and Gravel Operations:

- Definition: Commercial extraction of sand, gravel, pumice, or other common minerals for sale, profit, or commercial use.
- Purpose: To supply materials for construction, manufacturing, and other industrial applications.

### Borrow Pits:

- Definition: "Unregulated excavation surface disturbance from which overburden is extracted for use as fill material in the form in which it is extracted. (Arizona Administrative Code § R11-3-101)
- Purpose: To obtain fill material for specific construction needs, meaning extracted materials are used on-site, off-site in a limited capacity, or for personal projects

## Classification, Intent, and Scale

### Sand and Gravel Operations:

- Classified as mining activities under Arizona law. Subject to mining regulations, including safety, health, and land reclamation standards. Require permits from the Arizona Department of Environmental Quality (ADEQ).
- Scale: Typically, large-scale operations (10+ acres) with processing (crushing/screening) facilities.

### Borrow Pits:

- Generally unregulated (no state or local permits required)
- Extract materials for specific construction projects, typically non-commercial.
- Scale: Often smaller (up to 60 acres), project-specific excavations.

## Regulatory Compliance

### Sand and Gravel Operations:

- Require various permits, such as air quality permits and discharge permits from ADEQ. Must adhere to environmental standards and operational guidelines.
- No Development Services permits required.

### Borrow Pits:

- Large-scale commercial extraction, processing, large scale of operation may necessitate compliance with mining laws and ADEQ permits.
- Otherwise, no state or Development Services permits required.

## TACA Concern #2 Response

- Does Sierra Mining property have a mining exemption?
- Any property can qualify for a mining exemption if it meets state requirements for this exemption (see previous slides). The current operation is either a borrow pit or sand and gravel, in either case no DS permit is required, and the county does not have a formal exemption document.



## TACA Concern #3

### Biomass pile

- Request: Force property owner to remove, by a date certain, biomass pile.





## TACA Concern #3 Response

- The County currently has no regulation or code regarding mulch and does not intend to take any action on this matter at this time.
- The property owner has indicated he wishes to spread the mulch onsite to help reduce onsite erosion.



## TACA Concern #4

### Waterflow changes on Sierra Mining & Crushing Property

- Request:
  - Undoing of reported landscape alterations which caused new drainage problems, earth erosion damage on neighboring properties and flooding on N. Ocotillo Road.
  - Repair of erosion damage and restoration to previous condition for the neighboring properties affected.



2010

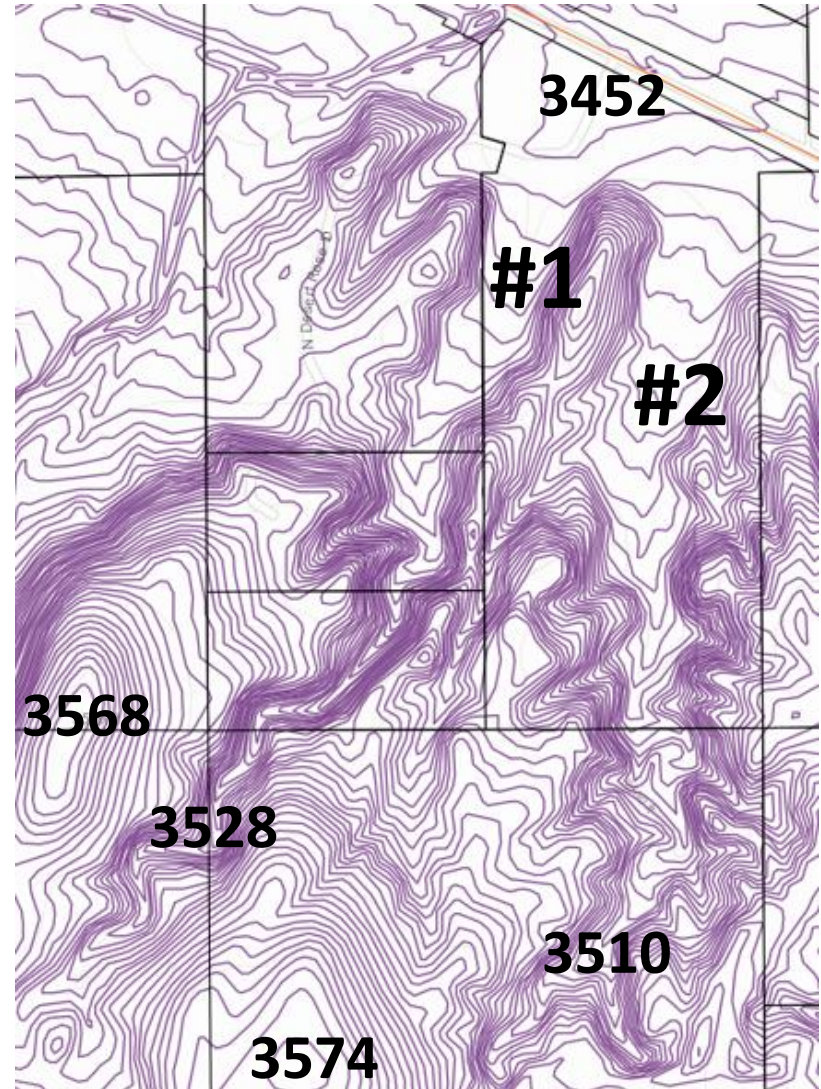
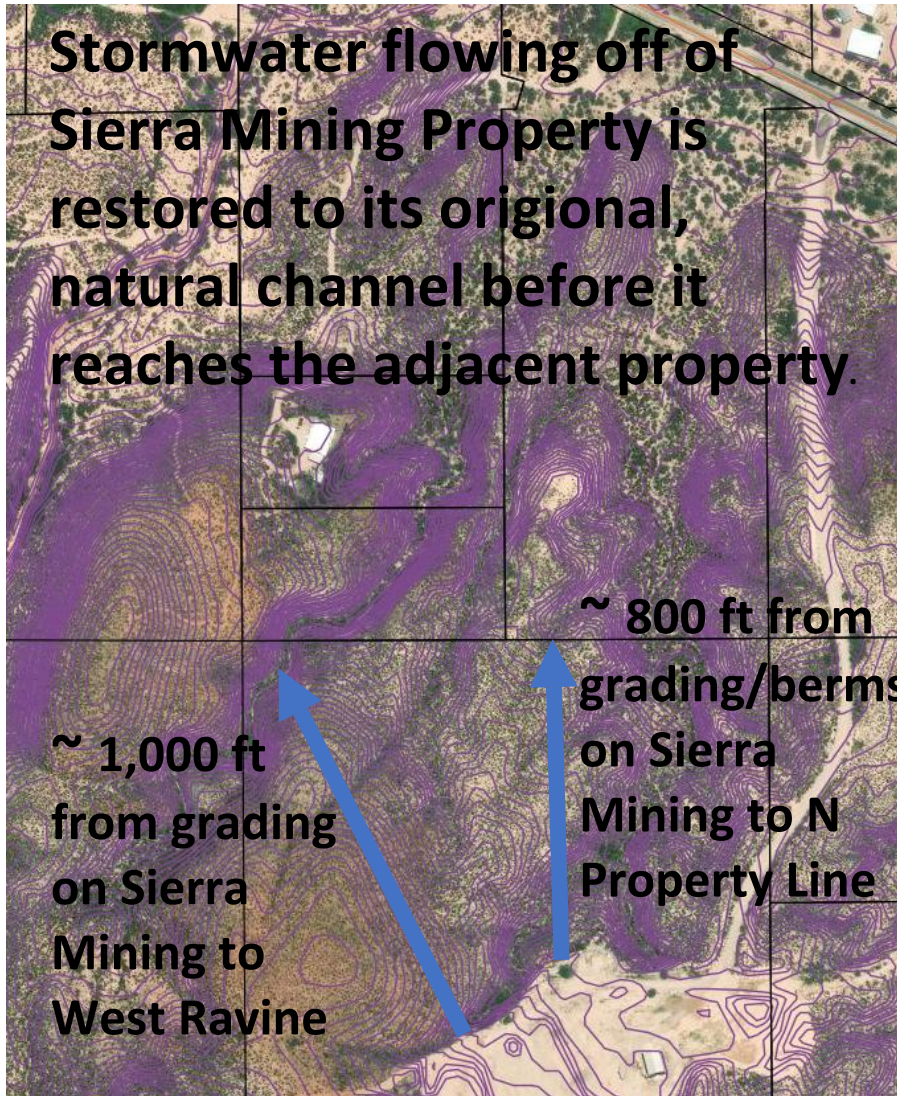


Maxar (WV02) image captured on Jul 18, 2024 as shown in the 2024-11-18 version of the World Imagery map.



N 066

## East Ravines





End of Sierra Mining & Crushing Driveway

Ravine #2

Ravine #1

Water Outlet  
into Ravine #2

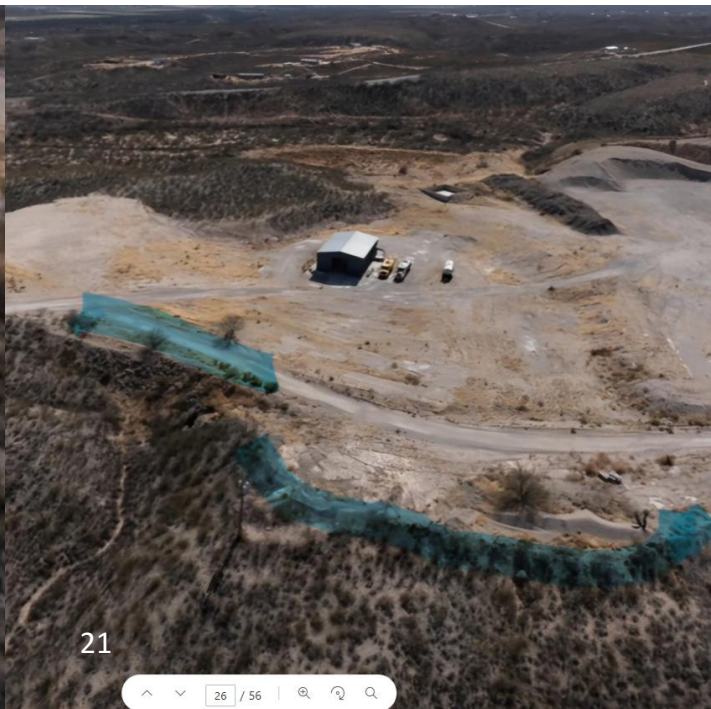




Ravine #1

Ravine #2

**NORTHERN END BY  
ENTRANCE**





Berm

Ravine #2

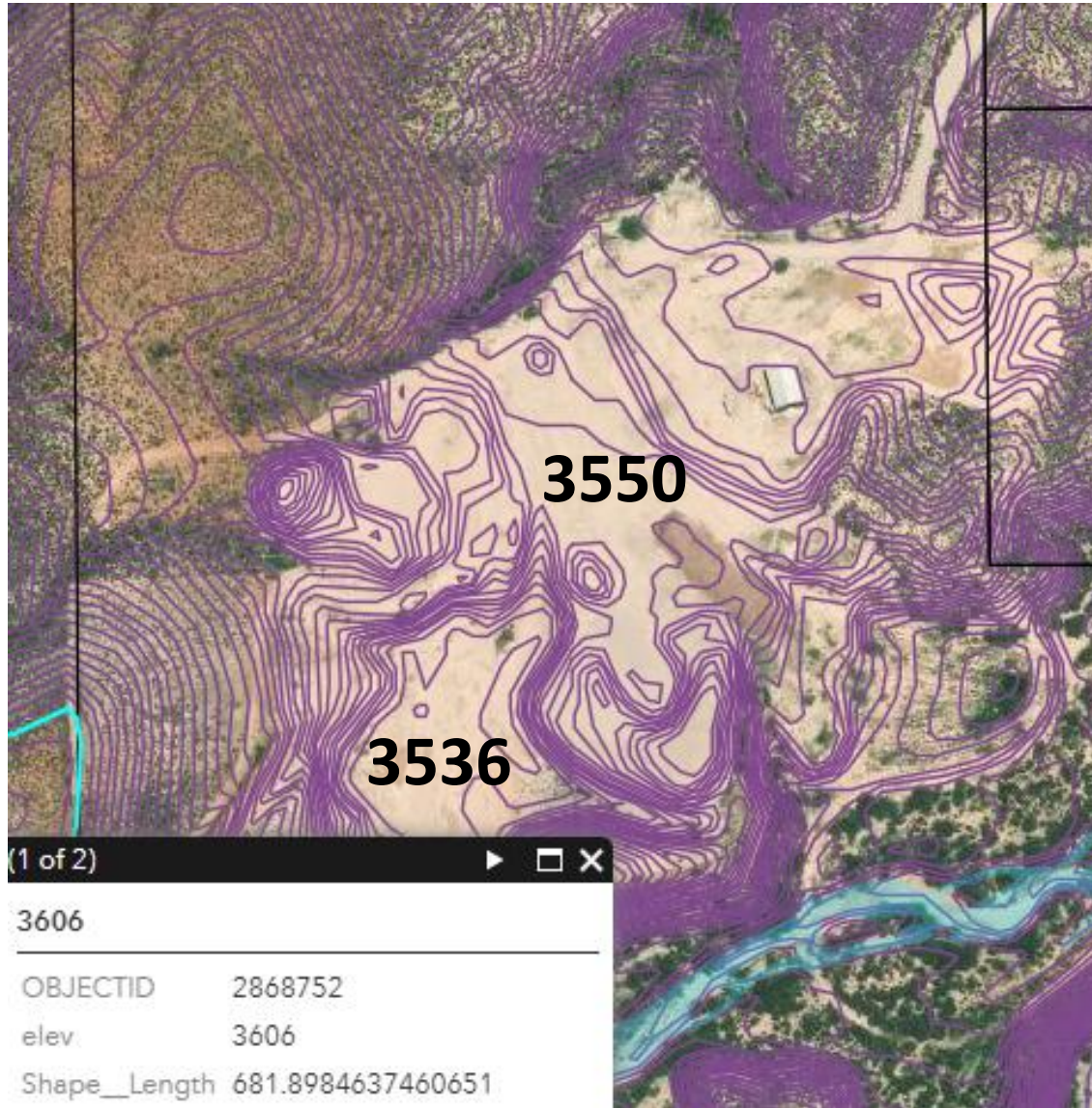
Ravine #2



Berm







# Excavated material pit retains stormwater

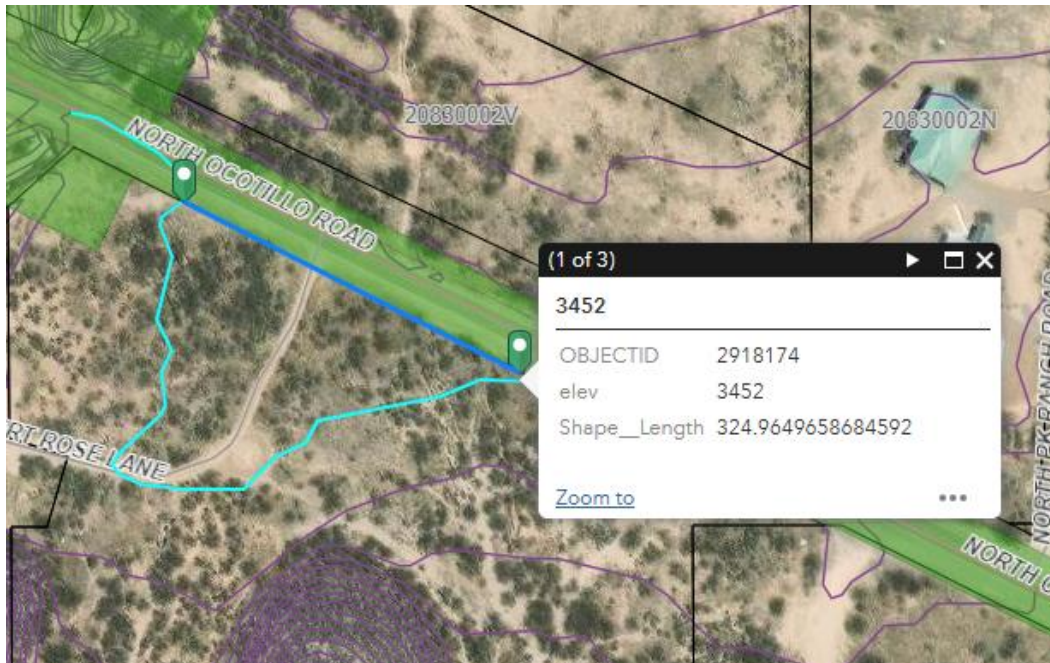
**3578**

**3606**

**3536**

Email to Mr Durham, November 12, 2024 7:30PM

The 1<sup>st</sup> ravine just east of your house flows north to the natural low point of Desert Rose Lane and Ocotillo Road as shown by the light blue contour line below. All the stormwater from this ravine flows north and then spreads out over 360 feet along and over Ocotillo Road. This is the natural path for the stormwater as shown from the video you sent. We did install “Do Not Enter When Flooded” signs to warn drivers that the area can flood.



## Desert Rose Lane 1<sup>st</sup> Ravine East





## Request: Commit to proper staff actions to ensure oversight and enforcement of all laws, ordinances and rules.

ARS 48-3613. Authorization required for development in watercourses; exceptions; enforcement

A. Except as provided in section 48-3625 and in this section, a person shall not engage in any development which will divert, retard or obstruct the flow of waters in any **watercourse** without securing written authorization from the board of the district in which the **watercourse** is located. Where the **watercourse** is a delineated floodplain no development shall take place in the floodplain without written authorization from the board of the district in which the floodplain is located.

ADWR State Standard 2-96

**Request: Commit to proper staff actions to**

**ensure oversight and enforcement of all laws, ordinances and rules.**

For the purpose of application of these procedures, floodplains will include all watercourses officially identified by the Federal Emergency Management Agency as part of the National Flood Insurance Program; all watercourses which have been identified by a local floodplain administrator as having significant potential flood hazards; or all watercourses with drainage areas more than 1/4 of a square mile or a 100-year estimated flow rate of more than 500 cubic feet per second. Application of administrative floodway procedures will be only for streams that do not currently have a floodway identified by the Federal Emergency Management Agency as part of the National Flood Insurance Program. Application of the procedures outlined in SSA 2-96 will not be necessary if the local community or county has in effect a drainage, grading or stormwater ordinance which, in the opinion of the Director, results in the same or a more stringent level of flood protection than application of the procedure would ensure.

## Cochise County Floodplain Regulations:

**Regulatory Flood:** A flood which has a 1% chance of being equaled or exceeded in any given year (commonly referred to the 100-Year Flood), with a peak discharge of 500 cubic feet per second (cfs), or greater.

**Request: Commit to proper staff actions to ensure oversight and enforcement of all laws, ordinances and rules.**

- If the stormwater flow is less than Cochise County Regulatory Flood of 500 cfs it is a Civil dispute between property owners. Not regulated by the Flood Control District.
- We commit to oversight and enforcement of the Cochise County Zoning Regulations, however, a landowner may landscape, divert and change the course of storm water flowing through their property, provided the stormwater returns to its original or natural channel before it reaches the adjacent property.

## TACA Concern #4 Response

- Sierra Mining & Crushing Company, LLC has not diverted stormwater from its original, natural flow path as it exits the property.
- The berm along the north edge of the borrow pit area has not increased the quantity nor diverted the stormwater that flows to, and across Ocotillo Road.
- Stormwater is being retained and thus decreasing the natural, historic stormwater quantity from the property.

## TACA Concern #5

### Waterflow changes on Mr. Scotts property & County Response

- The ravine that was modified is less than 500cfs and therefore does not fall under County Flood Plain District regulations.
- This is a civil matter between neighbors.
- County staff meet with Mr. Scott after the previous work session and he stated he was willing to undo the changes if it was agreed to by Mr. Durham.



# West Ravine



West Ravine-  
Class A soil in this region is highly erodible.



## TACA Concern #6

### Weight Limit on Ocotillo Road

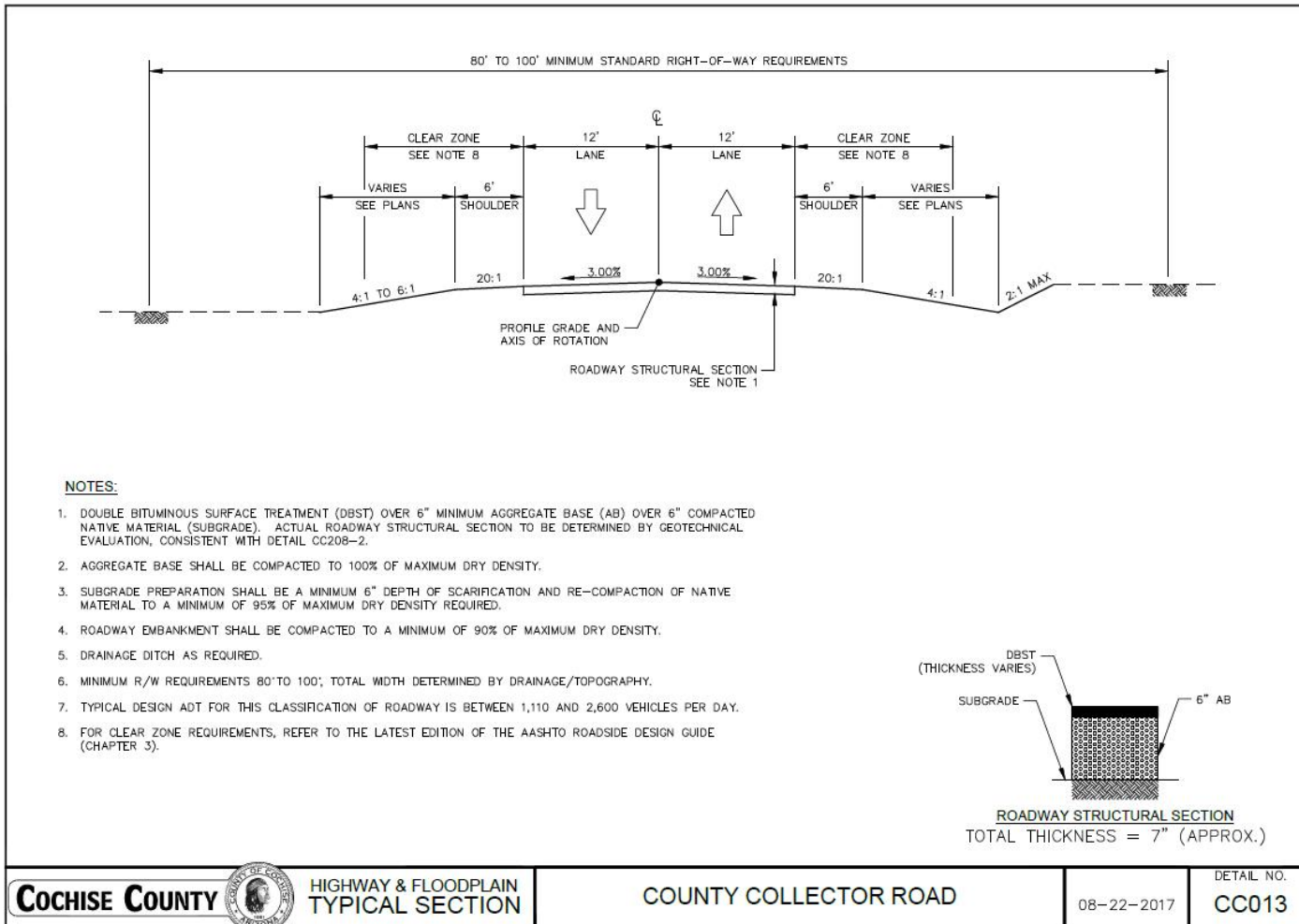
- Affirm or take action to declare the weight limit for vehicles using N. Ocotillo road is 12 tones.
- Install Prominent 12 ton weight limit signage.
- Insure that weight limit is enforced.
- Notify property owner at 2150 N Ocotillo road of the weight limit.



- 40 Ton Weight Limit on Public Roads in Arizona
    - Signs are installed on roads with weight limit less than 40 Tons
  - Weight Limit on Ocotillo Road is 40 Ton as of August 30, 2005
  - Factors to consider for weight limits on roads:
    - Traffic counts
    - Condition of road in comparison to other County Maintained Roads
    - Impact to all users of the road
      - Restrict normal use by residents
      - Existing use by business
      - New Development
  - Roads in Cochise County with a weight limit less than 40 tons is due to bridge limitations or in a few cases to reduce through traffic.
    - Ocotillo does not have through traffic.
-

## Ocotillo Road

- Ocotillo road was built to county standard CC013



N Ocotillo Road  
County Standard Chipseal Road



# N Ocotillo Road





# Examples of County Maintained Chip Sealed Roads With 40 Ton Weight Limit





Examples trucks that would be above the requested 12 ton limit



# TACA Concern #6 response

- County staff does not recommend reducing the weight limit to 12 tons.

