



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Scott A. Kerr
2. Mailing Address: 1567 RANCHO de LUXE
ELGIN AZ 85611
City State Zip Code
3. Telephone Number of Applicant: (480) 266-6926
4. Telephone Number of Contact Person if Different: (480) 266-6926
5. Email Address: ECOBYICO.KERR@gmail.com
6. Assessor's Tax Parcel Number: 105-28-004A (Can be obtained from your County property tax statement)
7. Applicant is (check one):
 - Sole owner: _____
 - Joint Owner: X (See number 8)
 - Designated Agent of Owner: _____
 - If not one of the above, explain interest in rezoning: _____
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
 - List attached (if applicable): X
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
 - If corporation, corporate resolution designating applicant to act as agent: _____
 - If partnership, written authorization from partner: X
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____
- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No X

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No X

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: RU4

14. Indicate proposed Zoning District for Property: RU2

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: D (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: Rural (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: NONE

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: open

19. Are there any deed restrictions or private covenants in effect for this property?

- No X Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

54BC, W. CORONADO TRAIL,

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 5

23. Identify how the following services will be provided:

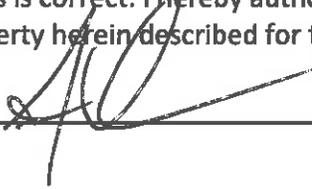
Service	Utility Company/Service Provider	Provisions to be made
Water	PARKER SPRINGS WATER CO.	
Sewer/Septic	SEPTIC	
Electricity	NONE	
Natural Gas	NONE	
Telephone		
Fire Protection	CANBRO/ELGIN FIRE	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). IT FITS INTO THE

CHARACTER OF THE EXISTING NEIGHBORHOOD
IN THE TRANSITION ZONE. GOING FROM R44
TO R42 MAKING 5 LOTS.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature:  _____

Date: _____

CONSENT SIGNATURE FORM

OF PROPERTY OWNERS WITHIN THE PROPOSED ZONING DISTRICT

This form is to be completed if there is more than one property owner and more than one parcel within the proposed zoning district.

I, the undersigned owner of record of property which lies within the area of the proposed rezoning set forth in the attached application, do hereby consent to the proposed change of zoning district boundary or reclassification of the property(ies) sought for rezoning. I do hereby certify and declare that I was afforded an opportunity to read the full and complete application prior to affixing by signature hereon.

Parcel Number	Owner of Record, Printed Name & Address	Signature	Date
105-28-004A	NANCY PRIZ 5070 W. WINDYBELL		7/20/16
	TUCSON, AZ 85742		

(Attach separate pages if necessary)

Authorization form for Rezoning

This authorization fore is in reference to the rezoning of parcel 105-28-004A consisting of approx 10.00 acres located in Cochise County. I, Nancy Ortiz being half owner in said property do herby grant Scott Kerr the authorization to work on our behalf to rezone from RU4 to RU2.

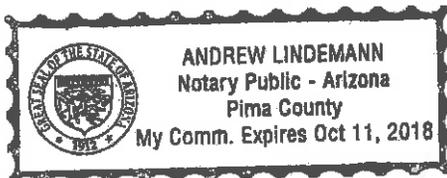
Signed: Nancy Ortiz



Date:

7/26/16

Notary:





Legend

-  Townships
-  Sections
-  Incorporated Limits
-  Roads
-  Parcels
-  Milepost
-  Current Features



Z-16-02 (Kerr)
023

This map is a product of the
Cochise County GIS
Information Technology Dept.





Cochise County
Community Development
Highway and Floodplain Division

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www.cochise.az.gov

MEMORANDUM

Date: August 29, 2016
To: Peter Gardner, Planner 1
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Kerr Re-Zoning/Z-16-02/Parcel #105-28-004A

This re-zoning proposes modifying the land designation from RU-4 to RU-2 on one 10.17 acre parcel in the southwest area of Cochise County. The applicant plans to then split his parcel and sell the smaller lots.

Traffic Analysis

Access is taken from Parker Canyon Rd., the access road to Parker Canyon Lake, portions of which are maintained by the U.S. Forest Service. With the proposed re-zoning, one residential unit would be allowed per 2 acres, potentially resulting in an average trip generation estimate of 47.85 vehicle trips per day. Given that this property owner also owns a contiguous adjacent parcel it is unlikely that the parcel will be split into its maximum potential of five additional lots (which could trigger the need for a minor expedited subdivision). This re-zoning would theoretically increase the potential traffic impacts on the roadway network slightly (from a potential of about 20 vehicle trips per day with the current RU-4 zoning). The proposed change, while it would allow about double the number of housing units than currently allowed under existing zoning, is not likely to create new traffic circulation patterns or overburden the maintained access roadways.

County Maintenance of Roadway Network

This area has historically been maintained as primitive roads, most created in the timeframe of 1969-1975. Limited maintenance is provided on native-surfaced historic roads; typically for low-volume primitive roads blading is conducted once or twice a year. The roads subject to this parcel have been historically maintained but County records show most of these roads as not officially on our primitive road maintenance lists. However, the underlying roadway easements are recorded as dedicated to the public. Confusion over exactly where these easements were and the legal rights of access on them has been recently resolved with a recorded survey and a Grant of Easement dated May 24, 2016. No special driveway requirements apply to a residential use on a non-county maintained roadway; however, if taking access from even a primitive roadway, if it is maintained by the County, would require a ROW/Encroachment Permit at time of construction and minimum driveway standards (width, surface type, clear zones) would need to be met. New property owners cannot have an expectation of all-weather access or frequent maintenance on any of the access roads serving the potential lot splits.

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning is not likely to change the general nature of this land use, as it currently exists, and is not likely to adversely impact traffic circulation or trip generation in the area. Platted smaller lots are adjacent to this proposed re-zoning. This proposed RU-2 zoning would provide an appropriate transition from those smaller lake-view lots east of the subject parcel to the larger parcels and Parker Canyon Lake recreational area that surround the other three edges of the subject parcel.

Advisory Note for the Applicant

Signs that indicate that roads in this area are not public roads are misleading as the roadway easements are for the general public as well as access to county-maintained roadways in the Parker Lakeview Estates. It appears that county-maintenance has been provided in the vicinity of at least one such sign, indicating the expenditure of public funds on a public easement. These roads cannot be signed as restricted to only private property owners.



Cochise County
Community Development
Highway and Floodplain Division

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INTEROFFICE MEMO

Date: September 1, 2016
To: Peter Gardner, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: Z-16-02 (Kerr)

Background: The applicant is requesting a rezoning from RU-4 (Rural; one dwelling per 4 acres) to RU-2 (Rural; one dwelling per 2 acres). The subject parcel is 10.11 acres in size. The request to facilitate dividing the parcel into five 2-acre parcels.

The subject parcel, APN 105-28-004A, is located on S. Coronado Trail at the intersection with S. Parker Canyon Road. It is further described as being situated in Section 23, of Township 19 South, Range 17 East of the Gila and Salt River Meridian, in Cochise County, Arizona. The applicant is Scott Kerr. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is via S Coronado Trl or W Coronado Trl connecting to Highway 83/Parker Canyon Road or Montezuma Canyon Road.
- The subject parcel is segmented by S Coronado Trl, W Coronado Trl and W Montezuma Pl and these roads serve the adjoining Parker Lakeview Estates subdivision.
- Roads within Parker Lakeview Estates are dedicated at various widths per Book 4 of Maps and Plats, page 92 and are county maintained.
- 2 Grants of Easement to the public were recorded without approval of the Cochise County Board of Supervisors. These Grants of Easement are across the subject parcel and are in violation of Cochise County Ordinance 013-94.
- The segments of S Coronado Trl and W Coronado Trl and W Montezuma Pl within the subject parcel are under discussion to become part of the County maintenance system.

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floodplain@cochise.az.gov

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Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Recommendation:

- That the applicant coordinates with Highway and Floodplain staff to re-align easements as identified in the letter from Joaquin Solis to Scott Kerr and dated ____.
- That the applicant separate that portion of S Coronado Trl from the public easement as identified in the letter from Joaquin Solis to Scott Kerr and dated ____.
- That the applicant submit the original easement to be re-recorded should the Board of Supervisors accept certain road segments for maintenance as identified in the letter from Joaquin Solis to Scott Kerr and dated ____.



**Cochise County
Community Development
Highway and Floodplain Division**

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September 1, 2016

Mr. Scott A. Kerr

1567 Rancho De Luxe
Elgin, AZ 85611

3541 S. Camellia Pl.
Chandler, AZ 85248

Subject: Fifty-foot (50') Grant of Easement within parcels 105-30-003C and 105-28-004A to Cochise County for inclusion in County maintenance.

Mr. Kerr,

The Cochise County Highway and Floodplain Department has received 1) a request to add previously maintained road segments back into the County road maintenance system, 2) a copy of recorded 50' wide grants of easement to the public for the proposed road segments and 3) an application to rezone 10 acres of land traversed by the proposed road segments. Regarding the rezoning, comments will be provided in a separate document.

Regarding your easements granted to the public, we have a problem. Ordinance No. 013-94 (attached) regulates the creation of all public easements or rights-of-way within Cochise County. The ordinance requires formal Board of Supervisor acceptance for any public easement and lacking such acceptance the County is required to disclaim the public easement and obtain compensation for costs incurred. One way to solve this problem is to add road segments to County maintenance, obtain Board acceptance of the easements and re-record the grants of easement to make them legitimate. The County prefers to work with you.

First, the Department policy requires that substandard road segments must be dropped in order to add other substandard segments. The Department would like to approach the Board to override policy and allow the addition of certain road segments that provide the connectivity or continuation of the Parker Lakeview Estates subdivision roads. However, the Department shall not consider the road segment that serves as secondary access to Highway 83/Parker Canyon Road because it does not provide the same connectivity in comparison to the other segments. Attached is a copy of the easement exhibit drawing by Alta Land Survey, with County edits. The portion labeled EASEMENT 1 and circled in red is the portion that shall be removed from the public easement.

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Subject: Fifty-foot (50') Grant of Easement request within parcels 105-30-003C and 105-28-004A to Cochise County for inclusion in County maintenance.

Second, a portion of the easement must be re-aligned. A fifty-foot (50') wide easement is acceptable. However, Right-of-way staff and I performed an inspection and based on survey staking, the easements are not centered on the existing roads. Further, there are natural features within the off centered easement, such as washes, that inhibit maintenance or the placement of a road. On the attached Alta Land Survey easement exhibit drawing, a portion from POINT B to POINT OF TERMINUS EASEMENT 2 is within the bottom of the existing wash bed. In order to be accepted, the easement must be re-aligned outside of the bottom of the wash approximately 50' and transitioned to the existing road centerline as shown on the attached in blue.

Once the easements are re-aligned and original documents submitted to the County, the department will prepare a formal request to the Board of Supervisors to reinstate maintenance for the connecting road segments and accept the public easement. If approved, the easement will be re-recorded to correct the legal description and public dedication acceptance.

We look forward to working with you to resolve these issues. If you have any questions, please contact Right-of-Way staff at (520) 432-9300.

Sincerely,

Joaquin Solis, P.E.
Highway & Floodplain Assistant Director

Attachments:

Cochise County Ordinance 013-94
Alta Land Survey easement exhibit drawing with County edits

**CC: Britt Hanson, Chief Civil County Attorney
Karen Riggs, P.E., RLS, Highway & Floodplain Director**

Gardner, Peter B

From: Susan Gallaher [susangallaher@comcast.net]
Sent: Friday, August 26, 2016 7:25 PM
To: Gardner, Peter B
Subject: D-Z 16-02 Kerr Parker Canyon Lake Rezoning

Mr. Gardner, my comments with regards to the rezoning of Mr. Kerr's property are as follows:

1) Water supply: how will the lots be served with a water source and or infrastructure for same. Each lot will need a water source and I am concerned about the potential issues with the addition of new wells and how this will affect the lake and existing wells that serve the subdivision.

2) Human Waste: What will be the possible impact of possibly five septic systems and the effects on water quality within the lake and surrounding area.

3) Conditions of access: Will the addition of the lots have any impacts on the existing subdivision with regards to traffic etc.

I am the owner of a home within the existing subdivision of Parker Lakeview Estates.

I hope all of these potential impacts will be carefully reviewed and any possible mitigating factors by Mr. Kerr will be considered before approval.

Thank you for the opportunity to comment.

Dave Gallaher
5101 N Via Entrada
Tucson, AZ 85718
520-299-9430

Rezoning Docket Z-16-02 (Kerr)

AUG 17 2016

PLANNING

YES, I SUPPORT THIS REQUEST
Please state your reasons:

Considering our parcel of land, Lot #69, is
1/4th of an acre, a 2 acre parcel would be an estate!
I/we support Steve Kerr's proposal
Scott

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Joan L. Meggitt and Michael W. Giscombe

SIGNATURE(S): Joan L. Meggitt
Michael W. Giscombe
#10529069

YOUR TAX PARCEL NUMBER: #10529069 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, August 29, 2016 to be included in the staff report to the Commission, and by Thursday, September 29, 2016 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
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Bisbee, AZ 85603

Rezoning Docket Z-16-02 (Kerr)

AUG 17 2016

PLANNING



YES, I SUPPORT THIS REQUEST

Please state your reasons:

Five horizontal lines for writing reasons.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Five horizontal lines for writing reasons.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Frank A Shipp & Diana D Shipp

SIGNATURE(S):

Handwritten signatures of Frank A Shipp and Diana D Shipp.

YOUR TAX PARCEL NUMBER: 105-30-003B (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, August 29, 2016 to be included in the staff report to the Commission, and by Thursday, September 29, 2016 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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Bisbee, AZ 85603

Rezoning Docket Z-16-02 (Kerr)

X

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I support this change. I appreciate having neighbors and the 2 acre parcels are gracious sized lots compared to the 1/3 acre lots in the nearby cabin community. Mr Kerr is a supportive, caring contributor in our community and we are also very supportive of him as well. Thank you for providing us an opportunity to share our thoughts on this matter

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Pamela Ann Ezell

SIGNATURE(S):

Pamela Ann Ezell

YOUR TAX PARCEL NUMBER: 10530003A (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Rezoning Docket Z-16-02 (Kerr)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I have no problem with this rezoning. The community it butts up against, Parker Lake new Estates are all busy small lots.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Linda M. Grant Lots 24, 25, 26

SIGNATURE(S):

Linda M. Grant

YOUR TAX PARCEL NUMBER: _____ (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Rezoning Docket 7-16-02 (Kerr)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

*I think its a good way to stimulate growth.
It would be a benefit to the community.*

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S): *Barry F. Lane*

YOUR TAX PARCEL NUMBER: 105-29-024 2 (the eight digit identification number found on the tax statement from the Assessor's Office)

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Rezoning Docket Z-16-02 (Kerr)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): DANA HEROLD

SIGNATURE(S): *Dana Herold*

YOUR TAX PARCEL NUMBER: 10529095 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, August 29, 2016 to be included in the staff report to the Commission, and by Thursday, September 29, 2016 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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YES, I SUPPORT THIS REQUEST

Please state your reasons:

PLEASE SEE ATTACHED COMMENT

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

JUDE MCNAULY & JANET MCNAULY

SIGNATURE(S):

[Handwritten signatures of Jude McNally and Janet McNally]

YOUR TAX PARCEL NUMBER: 10529021 (the eight-digit identification number found on the tax statement from the Assessor's Office)

10 52 9022

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, August 29, 2016 to be included in the staff report to the Commission, and by Thursday, September 29, 2016 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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Peter Gardener,

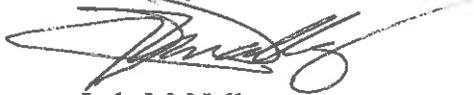
I appreciate the opportunity to comment on Docket Z-16-02 (Kerr). I am strongly in favor of rezoning parcel 105-28-004A from RU-4 to RU-2.

As a neighborhood Parker Canyon Lake View Estates (PCLVE) is in trouble. Only 30% of the homes are in reasonably good condition receiving some regular maintenance to maintain their condition. Roughly 35% are in poor condition largely owing to the property owner's neglect. Up to 35% of the houses are effectively abandoned, never having been code compliant, they are now in dangerously dilapidated condition. Not surprisingly all property values are suffering.

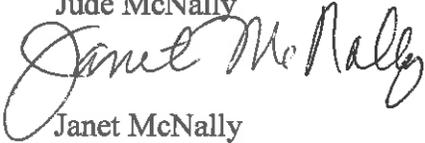
The proposed rezoning creates an opportunity for new homes (built to code) to begin to shift the neighborhood balance. With only about 40 homes in PCLVE, 5 homes could shift the community dynamic significantly. The new homes themselves will add value, but may additionally provide other owners incentive to repair and maintain the still redeemable properties in the neighborhood.

I would hope that the Zoning Commission and/or their staff would take some time to drive through PCLVE to see firsthand the potential of this very unique community. I believe the situation I have described will be immediately apparent if you visit the community.

Sincerely,



Jude McNally



Janet McNally

Owners of parcel APN 105-29-021 and APN 105-29-022

Rezoning Docket Z-16-02 (Kerr)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

See Attach

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

JAMES W. Colville; Robbie A. Colville

SIGNATURE(S):

James W. Colville
Robbie A. Colville

YOUR TAX PARCEL NUMBER: See attach (the eight-digit identification number found on the tax statement from the Assessor's Office)

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, August 29, 2016 to be included in the staff report to the Commission, and by Thursday, September 29, 2016 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

AUG 29 2016

PLANNING

James W. Colville
4212 W. Tombolo Trail
Tucson, AZ 85745

August 23, 2016

Peter Gardner, Planner 1
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Re: Rezoning Docket Z-16-02 (Kerr)

Dear Mr. Gardner,

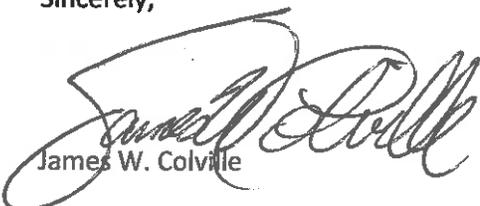
I would strongly recommend that Mr. Kerr's request for rezoning be approved. We are a small community and have a very small community water company (20-25 meters). We are struggling financially, and the rezoning could result in new water company customers, which we would welcome with open arms. This property has been ignored for years, and presents somewhat of a fire hazard. To have people develop the property and clean it up would be advantageous to the whole neighborhood.

Parker Lakeview Estates consists of very small lots. Two-acre parcels would provide more than an adequate buffer for the subdivision.

I am presently out of Arizona on vacation so I cannot provide parcel numbers for my property, but I assume that you have access to them. I own two lots in the subdivision, and a five-acre parcel outside of the subdivision, but contiguous thereto.

If you would like additional comments, please let me know.

Sincerely,


James W. Colville

Gardner, Peter B

From: Greg Saxe [Greg.Saxe@pima.gov]
Sent: Wednesday, August 31, 2016 3:57 PM
To: Gardner, Peter B
Cc: greg saxe (gregsaxe@hotmail.com)
Subject: Kerr Rezoning Docket Z-16-02

Dear Sir;

Thank you for speaking with me yesterday. While I hesitate to submit a formal letter of opposition due to being a neighbor and friend I am opposed to increased density or yield on the subject parcel.

I am the owner of a small owner built weekend cabin intended for quiet enjoyment of the natural surroundings including Parker Canyon Lake. I believe the subdivision layout effectively keeps densities low along the main county road to the lake in order to buffer the lake and national campground visitors from the noise associated with residences and also the lake from pollutants from our septic systems. The subdivision water well was recently moved from just downstream of Mr. Kerr near the lake to above it at the top of the hill where the densities and elevation are greatest with good reason. It had become polluted with nitrogen in excess of clean water act standards and the Forest Service would not extend the lease. The water company obtained a WIFA loan for this purpose and have priced many of us out of water service at over \$80/month for a weekend cabin with no use after opposing our use of a composting toilet acceptable to ADEQ! We now truck water for our toilet. The water company supports development to subsidize this expansion and maintenance for those who wish to live there full time instead of a fishing cabin type intensity as initially intended.

You may not be aware that the original landowner CCRs for Parker Lakeview Estates had a maximum cabin size and prohibition on generators. Parker Canyon Water Company dba the Parker Canyon Estates Homeowners Association has presented itself as such and recorded illegitimate CCRs requiring cabins be of a minimum size and have a septic system, these impact homeowners who are company customers only, not everyone as they contend. This precludes development for those in lower income brackets as the lots are steep and thin and therefore very limiting for septic installation. While this may not be directly germane it indicates the original design was for small cabins clustered at a higher elevation such that the lake water quality and visitor experience was retained.

I am also concerned about the riparian area which flows across his property through a slot canyon below the rock outcrops and feeds the lake. It is a significant wildlife corridor.

Still as a cabin owner my main concern is keeping the viewshed predominately natural during the day, dark at night and quiet always by maintaining low densities and modest house sizes and heights, and limiting generator use to daylight hours. Thank you.

This comment is in no way associated with Pima County and is solely my own opinion. My address at Parker Canyon is 7918 S Coronado Trail, in Tucson it is 3590 E Gibbon Mountain Place.

If replying please reply to my personal email above.

*Greg Saxe, PhD MRP
Environmental Planning Manager
Pima County Regional Flood Control District
201 North Stone, 9th Floor
Tucson AZ 85705
(520)724-4600*

043

COCHISE COUNTY

AUG 26 2016

PLANNING

Date: August 18, 2016

To: Cochise County Planning and Zoning

From: Barbara and Mike McKearney

Subject: comment on the request to rezone parcel number 105-28-004A, a 10.20 acre lot

My mother, Barbara McKearney, owns the residence located at 9094 Coronado Trail, Elgin. Together, we have prepared comments in response to a notice of intent to rezone.

We are submitting this letter in order to voice our concern for the proposal to rezone the above referenced lot from RU4 to RU2. The lot is located in Parker Canyon Estates, a small sub division located just east of Parker Canyon Lake.

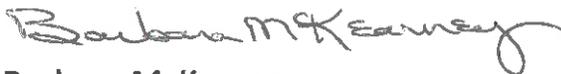
Our concerns are centered on public safety and the lack of infrastructure to support smaller lot sizes and ultimately additional structures and traffic. The current road system is poor and is not up to standards in terms of grade, storm water runoff, surface, width, etc. The area is located in an urban interface zone and the threat of wildfire is high.

Based on the current road system and other infrastructure concerns, we are opposed to the rezoning of the parcel. Additional structures will add strain to an area that is already over taxed and will negatively affect public safety.

Sincerely,



Mike McKearney



Barbara McKearney

Opposition to the Kerr rezoning request.

My name is James Even and I have been a cabin owner at Parker Canyon Lake since 2004. I also own three lots across from our cabin on South Coronado Trail directly in front of the parcel in question. While I have a very positive and friendly relationship with Mr. Kerr, I am very concerned about the additional density included in his request. I am opposed to this rezoning on several levels.

First, we purchased our property for a retreat that the Parker Canyon Lake area provides. We value the slower pace, the peaceful surroundings that provide great outdoors activities and experiences. When we bought our property, our research revealed that the large parcel of land below our cabin was zoned RU-4 and thus would only allow one house per four acres. This was of great comfort to us as we wanted to ensure that the lifestyle we sought would remain permanently. This development seeks to change that forever.

Next, I believe the additional traffic would change our outdoors retreat to a busy sub-division with all of the noise, just from all of the contractors, sub-contractors, realtors and suppliers, alone. At the completion of the sub-division, we would have five additional families and their friends and guests unitizing all of the amenities of our neighborhood. I am also afraid that the new homes or cabins will affect the views of the lake and other native vegetation; from both our existing cabin, but also the additional cabin we hope to build as our family grows up and expands.

Lastly, and most importantly, I am gravely concerned about the impact this sub-division will have on our water company, whether as additional water users within our system or if the new owners drill five individual wells. If we are responsible, as current water company owners and members, the costs to connect each of these properties to our water company alone will have an incredibly negative impact! Maybe more importantly, is the impact of five new wells on the water table. There is no impact study that I am aware that outlines how this will impact our water supply going forward.

Equally important to a clean, healthy water supply is the impact of five new septic systems. This is troubling as all of the new lots run-off and septic systems will obviously flow downhill towards Parker Canyon Lake. This effects, not only the lake, but also could affect our water supply.

In conclusion, I am opposed to this rezoning. I have no idea what is planned or what the impact of this new sub-division will be on our properties and/or the neighborhood in general.



**Cochise County
Community Development
Highway and Floodplain Division**
Public Programs...Personal Service
www.cochise.az.gov

September 1, 2016

Mr. Scott A. Kerr
1567 Rancho De Luxe 3541 S. Camellia Pl.
Elgin, AZ 85611 Chandler, AZ 85248

Subject: Fifty-foot (50') Grant of Easement within parcels 105-30-003C and 105-28-004A to Cochise County for inclusion in County maintenance.

Mr. Kerr,

The Cochise County Highway and Floodplain Department has received 1) a request to add previously maintained road segments back into the County road maintenance system, 2) a copy of recorded 50' wide grants of easement to the public for the proposed road segments and 3) an application to rezone 10 acres of land traversed by the proposed road segments. Regarding the rezoning, comments will be provided in a separate document.

Regarding your easements granted to the public, there is a problem. Ordinance No. 013-94 (attached) regulates the creation of all public easements or rights-of-way within Cochise County. The ordinance requires formal Board of Supervisor acceptance for any public easement and lacking such acceptance the County is required to disclaim the easement and obtain compensation for costs incurred. Therefore, the easements you have recorded do not create public easements.

The department does see some potential public benefit to adding certain portions of the easements to maintenance. Therefore the department would support the following as a solution that we would recommend to the Board of Supervisors for approval.

First, the Department policy requires that substandard road segments must be dropped in order to add other substandard segments. The Department would like to approach the Board to override policy and allow the addition of certain road segments that provide the connectivity or continuation of the Parker Lakeview Estates subdivision roads. However, the Department will not consider the road segment that serves as secondary access to Highway 83/Parker Canyon Road because it does not provide the same connectivity in comparison to the other segments. Attached is a copy of the easement exhibit drawing by Alta Land Survey, with

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85803
520-432-8300
520-432-8337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85803
520-432-8300
520-432-8278 fax
1-877-777-7858
planningandzoning@cochise.az.gov

Subject: Fifty-foot (50') Grant of Easement request within parcels 105-30-003C and 105-28-004A to Cochise County for inclusion in County maintenance.

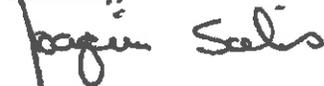
County edits. The portion labeled EASEMENT 1 and circled in red is the portion that Highway requires be removed from the public easement request.

Second, a portion of the easement must be re-aligned for Highway to recommend acceptance. A fifty-foot (50') wide easement is acceptable. However, Right-of-way staff and I performed an inspection and based on survey staking, the proposed easements are not centered on the existing roads. Further, there are natural features within the off centered easement, such as washes, that inhibit maintenance or the placement of a road. On the attached Alta Land Survey easement exhibit drawing, a portion from POINT B to POINT OF TERMINUS EASEMENT 2 is within the bottom of the existing wash bed. In order to be recommended for acceptance, the easement must be re-aligned outside of the bottom of the wash approximately 50' and transitioned to the existing road centerline as shown on the attached in blue.

Once the easements are re-aligned and original revised documents submitted to the County, the department will prepare a formal request to the Board of Supervisors to reinstate maintenance for the connecting road segments and accept the public easement. If approved, the easement will be re-recorded to correct the legal description and public dedication acceptance and thereby resolve the Ordinance issue.

We look forward to working with you to resolve these issues. We highly recommend setting up a meeting with staff to clarify and streamline the requirements for this process. Please contact Right-of-Way staff at (520) 432-9300 to set up an appointment or if you have any questions.

Sincerely,



Joaquin Solis, P.E.

Highway & Floodplain Assistant Director

Attachments:

Cochise County Ordinance 013-94

Alta Land Survey easement exhibit drawing with County edits

CC: Britt Hanson, Chief Civil County Attorney
Karen Riggs, P.E., RLS, Highway & Floodplain Director