



**NOTICE OF MEETING**  
**Cochise County, Planning and Zoning Commission**

**December 14, 2011 at 4:00**

Cochise County Complex  
Board of Supervisors, Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona 85603

**AGENDA**

**1. 4:00 P.M. - CALL TO ORDER**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

2. **ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)
3. **CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda).
4. **APPROVAL OF PREVIOUS MONTH'S MINUTES**
5. **NEW BUSINESS**

**Item 1 – (Page 1) Introduce docket and advise public who the applicants are.**

**PUBLIC HEARING, DOCKET SU-11-13 (Rainbow's End Solar Facility):** The Applicant is requesting a Special Use Authorization to construct and operate a 20 MW Solar Energy Power Plant using photovoltaic technology, per Cochise County Zoning Regulations, Section 607.50. The subject property (Parcel# 407-01-005) is approximately 320.79 acres in size and is located west of Brooks Road, north of Highway 80, west of Douglas, AZ. The property is further described as being in Section 35, Township 23 South, Range 26 East of the G&SRB&M in Cochise County, Arizona. Applicant: Kinetix Engineering Company for Rainbows Solar Energy, LLC.

**ANNOUNCE ACTION TAKEN –** (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available this

afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the “Permits and Packets” link.)

**Item 2 – (Page 44) Introduce docket and advise public who the applicants are.**

**PUBLIC HEARING, DOCKET S-07-01:** A request for an additional one-year extension to the Tentative Plat for Rio Mesa Subdivision, located at Highway 90 and Schrader Road in unincorporated Sierra Vista.

**ANNOUNCE ACTION TAKEN –**

**Item 3 – (Page 48) Introduce docket and advise public who the applicants are.**

**PUBLIC HEARING, DOCKET R-11-06** Consideration of amendments to Article 17 of the Cochise County Zoning Regulations concerning Lot Development Administrative Modifications. The Commission will consider and forward to the Board of Supervisors recommendations to modify the current lot modification standards in order to provide additional regulatory relief to property owners. Per Article 17, the purpose of administrative lot modifications is to allow flexibility in how some of the site development standards, such as minimum setbacks, are applied to individual lots (but not to larger developments such as subdivisions); to minimize procedural delays and ensure due process in the review of unique and exceptional development situations; to provide administrative relief from zoning requirements that do not affect adjacent properties and the nearby area; and to encourage originality, flexibility and innovation in site planning and architectural design.

**ANNOUNCE ACTION TAKEN** (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors on Tuesday, January 24, 2012 at 10:00 a.m., meeting at the same location as the Commission meeting)

**Item 4 – (Page 52) Introduce docket and advise public who the applicants are.**

**PUBLIC HEARING, DOCKET R-11-07** Consideration of amendments to Article 4 (Plan Area Designations and Master Development Plans) and Article 18 (Site Development Standards) of the Cochise County Zoning Regulations concerning areas in unincorporated Cochise County designated by the Comprehensive Plan as Neighborhood Rehabilitation (NR) and Enterprise Redevelopment (ER). The Commission will consider and forward to the Board of Supervisors recommendations concerning the proposed amendments, which are intended to provide regulatory relief to property owners in NR and ER areas by allowing more flexibility for minimum site development standard requirements, such as setbacks and parking. The amendments would codify the specific scope of minimum site development requirements in the Neighborhood Rehabilitation and Enterprise Redevelopment areas.

**ANNOUNCE ACTION TAKEN** (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors on Tuesday, January 24, 2011 at 10:00 a.m., meeting at the same location as the Commission meeting.)

**Item 5 – (Page 56) Introduce docket and advise public who the applicants are.**

**PUBLIC HEARING, DOCKET R-11-08** (Review of Commission By-Laws and Ordinance): The Planning and Zoning Commission will hold a public hearing to review, update, and revise the Bylaws and Rules of Procedures for County Planning and Zoning Commission, Cochise County, Arizona. The purpose of the Bylaws and Rules of Procedure are to facilitate the performance of the Planning and Zoning Commission's duties. The Commission will also review and may possibly make recommendations to the Board of Supervisors to update the County Planning Commission Ordinance, dated November 20, 1969. The County Planning and Zoning Commission ("Commission") was created by the Board of Supervisors by authority of the "County Planning Commission Ordinance" to direct the growth and physical development of the County.

**ANNOUNCE ACTION TAKEN -**

**6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS**

**7. CALL TO COMMISSIONERS ON RECENT MATTERS**

**8. ADJOURNMENT**

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

# DRAFT

## PLANNING & ZONING COMMISSION MINUTES

Wednesday, November 14, 2011

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Lynch at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room

### CALL TO THE PUBLIC

Chair Lynch said that, seeing no members of the public in the audience, that the Call to the Public would be skipped.

### ROLLCALL

Chair Lynch noted the presence of a quorum. He instructed the Commissioners to indicate their presence and their respective Districts.

1. **Present:** Jim Martzke, Duane Brofer, Rusty Harguess, Jim Lynch, Ron Bemis, Gary Brauchla, Pat Edie, Cruz Silva
2. **Absent/Excused:** Dan Abrams

### APPROVAL OF THE MINUTES

Mr. Lynch called for a motion to approve the minutes of the meeting of September 14, 2011. Mr. Brofer made the motion; Mr. Martzke seconded. The motion passed with seven in favor and one abstention.

**Motion:** Motion to approve the minutes

**Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Martzke

**Vote:** Motion passed (**summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Jim Martzke, Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Pat Edie, Cruz Silva

**Abstain:** Rusty Harguess

### *Item 1*

**PUBLIC HEARING, DOCKET SU-08-10A (Walnut Gulch Holdings, LLC):** The Applicant, Walnut Gulch Holdings, LLC, requests that the Commission table Docket SU-08-10A to a time certain, namely, to the February 8, 2012 meeting. The proposed modification to the approved Special Use would allow the airstrip to be paved and become an airport for a future airpark subdivision. Fort Huachuca, Libby Army Airfield, and the Federal Aviation Administration have all expressed concern about the resulting increase in air traffic through restricted airspace that already sees a considerable volume of flight operations. The Applicant has asked to table the Docket in order to attempt to reach a compromise solution to the issue with the aforementioned parties.

Chairman Lynch stated staff's recommendation to table the Docket to a time certain (February 8, 2012) and called for the staff presentation. Senior Planner Keith Dennis provided a brief explanation of the Docket, which is a request to modify approved Special Use Permit for a private ranch airstrip. The 2008 approval was conditioned with restrictions limiting the use of the airstrip, as well as the types of aircraft eligible to use the strip. The Applicants now seek Commission approval to allow the airstrip to be used as the runway for a proposed airpark subdivision. Staff's transmittal of the Docket elicited concerns from Fort Huachuca and the FAA. The Applicants asked to have the Docket tabled until the February meeting in order to afford them time to address these concerns prior to Commission action.

Martzke made the motion to table Docket SU-08-10A to the February meeting; Ms. Edie seconded and the motion passed (8 – 0).

**Motion:** Motion to table Docket SU-08-10A

**Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Pat Edie

**Vote:** Motion passed (**summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Jim Lynch, Ron Bemis, Gary Brauchla, Pat Edie, Cruz Silva

**Abstain:**

Mr. Turisk then spoke, and indicated that the Applicant for Docket SU-11-12 was present. Chairman Lynch then called for the staff presentation on the Docket.

## *Item 2*

**PUBLIC HEARING, Docket SU-11-12 (Radio Bilingue):** The Applicant seeks a Special Use authorization from the Planning and Zoning Commission to install an 80-foot radio transmission tower with a satellite dish enclosed in security fencing, along with an eight-foot by twelve-foot pre-fabricated secured equipment maintenance shelter. The Cochise County Zoning Regulations permit a Wireless Communication Tower exceeding 30' in height per Section 607.38, with a Special Use authorization. The subject property (Parcel No. 410-01-004D) is located on the south side of Geronimo Trail, just east of the Douglas airport and approximately 1,500 feet west of Milepost 2, Douglas, AZ.

**Applicant:** Buck Lewis Engineering representing the Applicant, Radio Bilingue.

Beverly Wilson, Interim Planning Manager presented Docket SU-11-12, (Radio Bilingue): in which the Applicant seeks a Special Use authorization from the Planning and Zoning Commission to install an 80-foot radio transmission tower with a satellite dish enclosed in security fencing, along with an eight-foot by twelve-foot pre-fabricated secured equipment maintenance shelter. The Cochise County Zoning Regulations permit a Wireless Communication Tower exceeding 30' in height per Section 607.38, with a Special Use authorization.

The subject property (Parcel No. 410-01-004D) is located on the south side of Geronimo Trail, a 9.5 acre parcel on "D Hill," just east of the Douglas airport and approximately 1,500 feet west of Milepost 2 in Douglas, AZ. Teresa Price of Buck Lewis Engineering represented the Applicant, Radio Bilingue.

Ms. Wilson explained the details of the Docket through explanation and photo evidence, and further explained the Docket in terms of the site development standards for wireless communication facilities set forth in Section 1813 of the Zoning Regulations. The need for a co-location study, the height and setback requirements, and the standard requiring an anti-climbing security fence were all explained by Ms. Wilson.

She then listed factors in favor of approval, most notably compliance with applicable Special Use factors as well as the capacity of the proposed tower for future co-location of other wireless communication equipment. Staff cited no factors against approval, and concluded the presentation.

Chairman Jim Lynch then invited Commissioners to question staff on the Docket. Mr. Bemis indicated that the materials provided by the Applicant relative to FAA compliance and approval expired in November of 2010; he asked if the approval had been extended or if it would be prior to operation. Ms. Wilson explained that the Applicant was present and could answer the question in more detail, but her understanding was that such approval was in the works.

Mr. Lynch then called for the Applicant, Ms. Teresa Price of Buck Lewis Engineering, and explained to her the terms of her testimony. Ms. Price provided a brief introduction to the work and regional broadcast area of her client, Radio Bilingue, and indicated she was present primarily to answer questions from the Commission rather than provide a pre-prepared presentation.

Mr. Silva asked Ms. Price the height of the next highest tower on D Hill. Ms. Price said the tower was 38 feet tall and was designed to accommodate a lower frequency radio signal, and that as such, the radio spectrum capacity of the existing tower was insufficient for Radio Bilingue's needs.

Mr. Bemis repeated his question regarding FAA approval and compliance to Ms. Price. She said that the FAA had been given updated information, and that the prior approval was valid up until construction was complete.

Mr. Lynch declared the public hearing for this Docket open; seeing no one who wished to speak, he closed the public hearing and invited discussion amongst the Commissioners. Seeing no such discussion, he then asked for the staff recommendation. Ms. Wilson offered a recommendation of conditional approval, and explained the conditions recommended.

Mr. Lynch called for questions and/or discussion of the recommendation. Seeing none, he called for a motion. Mr. Martzke moved to conditionally approve Docket SU-11-12 with the approval conditions recommended by staff; factors in favor being the findings in fact. Mr. Silva seconded the motion, and it passed unanimously (8 – 0).

**Motion:** Motion to conditionally approve Docket SU-11-12 with the approval conditions recommended by staff; factors in favor being the findings in fact.

**Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Cruz Silva

**Vote:** Motion passed (**summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Jim Lynch, Ron Bemis, Gary Brauchla, Pat Edie, Cruz Silva

**Abstain:**

### *Item 3*

#### **WORK SESSION: Ordinance, Bylaws, and Mentoring Guide:**

The Chairman then explained that a brief work session would now take place, particularly as regards what he described as “attendance issues” amongst the Commissioners. He explained that he had been in consultation with staff, Chairman of the Board of Supervisors Pat Call, and had also attended Commission workshops at the recent Arizona Planning Conference. As a result of these consultations, it would be necessary to update the Commission’s By-Laws, particularly regarding attendance. He suggested that the secretary call for a quorum earlier than usual to verify the attendance ahead of each meeting, and maintain a spreadsheet tracking attendance. The Chairman would utilize this document to track attendance, and that in the event of two unexcused absences, would confer with the appointing County Supervisor to discuss whether or not to allow that Commissioner to continue serving on the Commission.

Mr. Bemis stated his approval of Mr. Lynch’s suggestions and explained that these would provide a process for mutual accountability on the part of the Commission.

Mr. Martzke stated his preference for receiving the quorum call by email rather than by telephone.

Mr. Lynch stated that the Commission would not make a decision on the matter at this meeting, but enjoined his fellow Commissioners to review the By-Laws and make their recommendations as to how these should be changed.

Mr. Brofer asked to have the language in question pointed out in the By-Laws, which Mr. Lynch provided.

Mr. Lynch asked the Commissioners and staff to review the By-Laws and Ordinance establishing the By-Laws, and send him comments.

Interim Planning Director Michael Turisk explained that in earlier times the Commission would meet with the Board of Supervisors on an annual basis for a work and planning session. He stated that this event should be revived and again put into practice.

Mr. Brofer stated that the requirement in the By-Laws that the Commission meet at least once per month. He stated that, since there was no meeting in October, the Commission was out of compliance with this section of the By-Laws. He suggested it be changed.

Mr. Lynch again asked the Commission to collect and return to him comments on these issues.

Mr. Lynch suggested that new members of the Commission be provided more information regarding the Commission’s purpose and procedures, and that sitting Commissioners mentor new members upon appointment.

Mr. Lynch turned his attention to the matter of Commissioners’ communication with each other and with outside agencies. He explained that the Commission dealt with technical and social issues, and that in the case of outside agencies such as state and federal agencies, County policies regarding these issues were set by the Board of Supervisors. Staff is tasked with implementing those policies, and he

recommended that the Commission not spend much time discussing, or basing a decision on policy issues already in place and beyond the Commissions' purview.

Mr. Bemis stated his agreement with Mr. Lynch regarding the need to stay focused on matters within the purview of the Commission, but warned against adhering too closely to such admonishments, citing the need to occasionally press such issues in an attempt to gain knowledge of more subtle facts or issues of a given case.

Mr. Lynch invited the Commissioners to consult with staff at any time, particularly in advance of any meeting, regarding technical or other considerations or questions should the need arise, and that such consultation was legitimate and would not violate open meeting laws. He reiterated the importance of not basing a decision on a land use matter upon the concerns of outside agencies. He then asked some of the more long-term members for their input on this matter.

Mr. Martzke pointed out that outside agencies, in particular ADOT, were sometimes inconsistent with regard to their requirements. He offered an anecdote regarding a power line across the highway in Tombstone as an example of inconsistent standards and enforcement. This he offered in support of Mr. Lynch's comments, stating that variations in state standards are a challenge for staff and should be considered but only up to a point.

Mr. Bemis stated that a thorough understanding of technical issues, even those raised by outside agencies, was nonetheless crucial for Commissioners, who may be called upon by the appointing Supervisor to justify their vote on a given land use issue.

Mr. Lynch then discussed justification for votes. He said that his consultations with other Commissioners from around the state revealed that nearly all votes among surveyed Commissions statewide were unanimous. He stated the importance of Commissioners' ability to justify why they vote the way they do, and suggested that Commissioners may want to state for the minutes the reasons behind their votes on Dockets, so that the record of such is preserved and may be reviewed later, particularly by the Supervisors.

Mr. Bemis asked for clarification on this suggestion, which Mr. Lynch provided.

Mr. Martzke stated that rulings on controversial issues would in particular benefit from such a practice, but that in less controversial Dockets this may not be as necessary.

Mr. Lynch again asked Commissioners and staff to return comments to the Chairman regarding changes to the Ordinance and By-Laws.

There was a brief discussion as to how and when the changes might be heard and acted upon by the Commission in the ensuing months.

Mr. Brofer suggested that public input be given more consideration in future proceedings. He asked why the Commission should entertain comments from the public if they are not going to be taken seriously. He suggested that Applicants should be admonished to work more closely with the public to resolve issues prior to a public hearing.

Mr. Lynch spoke to the division between technical and social issues, the latter being more emotional. He spoke to the need to balance the two, stating that the social issues can sometimes outweigh the

technical. He reminded the Commission of the public's right to appeal any decision by the Commission.

Mr. Martzke suggested that to the extent that staff receives comments from the public, opposition nearly always outnumbers support – and that opposition can be based on anything from thoughtful, reasoned concerns to emotional objections divorced from the technical issues surrounding a case. He stated that public input can influence the Commissioners' votes as much as technical issues regardless of the contents of such objections, but that sometimes the public does not object to a use until after it has been approved and the time for comments has long passed.

Mr. Bemis stated that as the County population and population density continue to grow, land use conflicts will increase. It is incumbent upon the Commissioners, he said, to read and understand Dockets so as to render good, informed decision making on land use cases. He also expressed concern about a lack of public participation in public hearings.

Mr. Lynch called the discussion regarding the By-Laws to a close, and asked for the Planning Director's Report.

#### **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS**

Interim Planning Director Michael Turisk delivered the Director's Report, beginning with a report of the Board of Supervisors' decision on the Easter Mountain Ranch rezoning in the J-6 area.

He stated that two Special Uses would be heard by the Commission in December: a 20MW solar power plant, and a residential care institution, each of which was in the vicinity of Douglas, AZ. A Tentative Plat extension request for the Rio Mesa subdivision was also on the agenda, as were two regulation change Dockets, relating to Lot Modifications and Enterprise Redevelopment areas.

Mr. Turisk concluded by wishing the Commission a Happy Thanksgiving.

#### **ADJOURNMENT**

Mr. Lynch called for a motion to adjourn. Mr. Brofer moved to adjourn; Mr. Bemis seconded and the meeting was adjourned at 5:10 p.m.



# **COMMUNITY DEVELOPMENT DEPARTMENT**

***Planning, Zoning and Building Safety***

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

*Carlos De La Torre, P.E., Director*

## **MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Beverly Wilson, Interim Planning Manager  
For: Michael Turisk, Interim Planning Director  
**SUBJECT:** Docket SU-11- 13 (Rainbow Solar Facility)  
**DATE:** December 5, 2011 for the December 14, 2011 Meeting

### **REQUEST FOR A SPECIAL USE**

**Docket SU-11-13 (Rainbow Solar Facility):** The Applicant, Rainbow Solar Energy, LLC. seeks a Special Use authorization from the Planning and Zoning Commission to install a 20 mega-watt (MW) Solar Energy Power Plant using photovoltaic (PV) technology. The Cochise County Zoning Regulations permit a Solar Energy Power Plant in an RU-4 Zoning District per Section 607.50, with a Special Use authorization.

The subject property (Parcel No. 407-01-005) is located approximately ½ mile West of North Brooks Road, approximately 1-1/4 mile North of Highway 80, West of Douglas, AZ. David Bohn of Kinetix Engineering and Consulting and Consulting represents the Applicant, Rainbow Solar Energy, LLC.

### **I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES**

**Size:** 320.79 Acres of a 794 acre parcel  
**Zoning:** RU-4 (Rural, minimum lot size of four acres)  
**Growth Area:** Category D (Rural Growth Area)  
**Plan Designation:** Rural  
**Area Plan:** None  
**Existing Uses:** Agricultural grazing lands  
**Proposed Use:** Solar Energy Power Plant

### **Surrounding Zoning**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	RU-4	Undeveloped Land
South	RU-4	Abandoned air strip (Cochise College is located to the Southwest)
East	RU-4	Undeveloped Land with a ranch home

West	RU-4	Undeveloped Land
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**II. PARCEL HISTORY**

There is no history of any permit or violation for the subject property.

**III. SPECIAL USE REQUEST AND BACKGROUND**

The Applicant, Rainbow Solar Energy, LLC, is represented by David Bohn of Kinetix Engineering. They are proposing to construct and operate a solar power electric generating facility using PV technology combined with electronic Direct Current (DC) to Alternate Current (AC) power conditioning equipment (inverters) to produce three-phase, 60 Hz, utility-grade electric power directly from the sunlight. A site plan was submitted, showing the grid type layout that this facility will require. Each grid is composed of a series of solar panels connected to an inverter. The inverter is then connected to an underground electric line which conducts the electricity which is then collected and sent via overhead power lines to a new proposed substation, located approximately 3/4 of a mile west of this site along the southern property boundary. The proposed substation must be approved by Arizona Power Service which will also approve the Inter-connect Agreement, required by the Zoning Regulations prior to commercial permitting. The Applicant has indicated that they are about half-way through the process of obtaining the necessary permissions and documents required from Arizona Public Service.

The Arizona Corporation Commission set a goal to develop these types of alternative energy power plants to provide 15% of Arizona’s energy needs by the year 2025. The criteria for these large-scale solar power plants includes large contiguous areas of flat or nearly flat land, compatible zoning; an absence of sensitive resources such as high quality habitat for sensitive or protected species or other wildlife; and a close proximity to existing electrical substations and transmission infrastructure. The subject parcel meets these criteria and lies in a rural area of southeastern Cochise County.



The Applicant notes that this PV project will provide electric power to the grid during daylight hours, from shortly after sunrise until shortly before sunset. Solar power generation peaks later in the morning, but a small amount of power is generated even during overcast conditions. The facilities ability to generate power is also dependent upon the ambient air temperature. The efficiency of the solar modules is reduced somewhat by higher temperatures, while conversely, the lower ambient temperatures produce higher efficiencies and, therefore higher power output.

The Applicant estimates that construction of the solar power plant will involve up to 50 workers, and may begin mid-2012. While the project is anticipated to be completed within one year, an 'Interconnect Agreement' with Arizona Public Service may take longer. Per the Cochise County Zoning Regulations, this agreement must be obtained prior to issuance of a Commercial Permit. Construction will include building access roads, transmission lines, and a common service area which will consist of the plant switchyard, an operations and maintenance building, and onsite parking. During the construction period, a water truck will regularly spray to minimize dust.

After the initial construction is completed, the Applicant anticipates offsite employees will maintain the site and perform routine cleaning. The Applicant has confirmed their intent to construct a 'dry site'. Any water needed for cleaning and maintenance of the PV units will be brought on-site by contractors, hired to perform this type of maintenance. At this time, there are no plans to re-activate the existing well, drill a new well, or to install a septic system.

#### **IV. ANALYSIS OF IMPACTS**

##### **Compliance with Special Use Factors (§1716.02)**

Section 1716.02 of the Zoning Regulations provides a list of eleven (11) criteria used to evaluate Special Use applications. These criteria are considered factors in the decision whether or not to approve a Special Use Permit, and to determine what conditions may be needed. This request complies with seven factors, with the remaining four factors not applicable to this project.

##### **A. Compliance with Duly Adopted Plans: Not Applicable.**

This does not apply, as there are no area-specific Comprehensive Plan policies or transportation policies applicable to the area encompassing the subject parcel.

##### **B. Compliance with the Zoning District Purpose Section: Complies.**

The proposed use complies with the following purpose statement in Article 6 (RU, Rural) of the Zoning Regulations:

*§601.02: To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.*

The parcel is located approximately 1-1/4 miles north of Highway 80, 1/2 mile west of North Brooks Road on land that was farmed but is now grazed. There will be a new access road installed to the actual site. After the initial construction is completed, the site will not be viewable from passing vehicles, but will be near the approach and takeoff from the Cochise County Community College runways. While Kevin Butler of the College has indicated general support for this project, he has discussed his concerns for the Student Pilots with the Applicant. Rainbow Solar has indicated that a new site plan reconfiguring the solar panel/inverter grids will be submitted during the commercial permitting process. This new site plan will address the

concerns of the College and address, where possible, the concerns expressed by a neighbor in her protest letter (See Section V, below). The site will not produce sounds, lighting, noise, or odors once construction is complete.

**C. Development along Major Streets:** Not Applicable.

This remote site does not have access from any major streets.



This photo shows the undisturbed nature of the site.

**D. Traffic Circulation Factors:** Complies.

Section 1716.02 indicates that consideration must be made as to whether a Special Use results in the use of any residential street for non-residential through traffic. This request will not result in such an impact; therefore no off-site improvements are necessary.

**E. Adequate Services and Infrastructure:** Complies.

Water and Septic:

The site does not have a working well or septic system, and neither are proposed for this Special Use request at this time. Any water needed for routine maintenance will be brought in from off-site.

Access and Circulation: An access easement will be obtained along the northern boundary of parcel #407-61-002, from the same owner of the subject parcel. This private easement will create a legal means of access for the proposed solar power plant and will be required (See condition #4). Rainbow Solar Facility will improve the existing apron from North Brooks Road to meet the commercial driveway standards and plans to install 2” of gravel on the access road and around the planned maintenance building.

**F. Significant Site Development Standards:** Does Not Comply (See Conditions 4 and 5.)

Setbacks: Complies

The minimum setback for all Special Use Permits is twice the minimum setback allowed for permitted and accessory uses. If approved, the setbacks required for the Solar Energy Power Plant structures and components will be 40-feet. The submitted site plans for this proposed

project indicate that minimum setbacks would be 50-feet from property lines, so this site development standard would be met.

Site Coverage: Complies (with Waiver)

Maximum site coverage in the Rural zoning districts is 25%; however, the nature of a solar power plant requires a significantly larger site coverage. Staff is requesting that the Commission waive this development standard for this proposed use.

Landscaping: Not Applicable

The subject parcel is located within a Category D Growth Areas, thus are not subject to landscaping requirements, per Section 1806.02A.

Outdoor Storage: Not Applicable

There is no outdoor storage planned for this project.

Screening: Not Applicable

Screening is not required in Category D Growth Areas.

Parking: Complies

Per Section 1804.04 of the Zoning Regulations, the Applicant is required to construct at least one 9'x19' unimproved parking space for an unmanned facility.

Signs: Complies

There are no signs planned for this facility.

Floodplain: Complies.

The Applicant has submitted a grading and drainage plan showing the natural sheet flow across the parcel. A drainage report may be required by the Cochise County during the Commercial Permit review phase.

Additional requirements are addressed in Section 1823.07 and 1824 of the Zoning Regulations. These include submittal of all electrical plans, copies of the inter-connect agreements with the power company, and proof of construction by a licensed contractor. Other requirements that must be met will include submission of foundation plans and a permit from the State Office of Manufactured Housing for use of the mobile office. These requirements will be required prior to issuance of any building permits, and verified through the permitting process.

**G. Public Input:** Complies.

The Applicant sent correspondence to neighboring parcel owners within 1,500 feet of the property (see Attachment D.) The Applicant received one phone call inquiring as to the nature of this request. The unidentified caller did not express either support or offer protest to this proposal. The Department also mailed notice to owners within one mile of the site, and has received three responses to this Special Use request. Two of the letters are in support of this project, while one letter is protesting this project.

**H. Hazardous Materials:** Not Applicable.

The applicant has indicated on the Hazardous Materials Questionnaire included in the Special Use application that hazardous materials will not be stored on site.

**I. Off-site Impacts:** Complies.

The Applicant notes that post construction, there will be no noise generated from this site other than vehicles to transport the offsite employees for routine maintenance. There are no lights planned, and no odors will be produced. The access road will be graveled, and native grasses will be allowed to revegetate the site.

**J. Water Conservation:** Not Applicable.

The Applicant has indicated that no water will be used for this project, and it will remain a 'dry' site. Any water needed to perform routine cleaning of the PV panels will be transported from off-site.

**K. Site Plan or Concept Plan:** Complies (See Condition #2)

A scaled site plan submitted along with the Special Use application will meet the requirements set forth §1705.07 of the Zoning Regulations. However, as noted above, a revised site plan will be required prior to issuance of a Commercial Permit.

**V. PUBLIC COMMENT**

As previously stated, the Applicant received one inquiry from an unidentified neighbor. The Department received a letter of support from Mr. Kevin Butler, representing the Cochise County Community College District. Rainbow's End Ranch, LLC, has also submitted a letter in support of the project. The comments received show support for the renewable energy technologies, generation of clean energy, the environment, and future job potentials.

A neighbor whose property borders the project site along the east side, Mrs. Madeline Riggs has submitted a letter of protest expressing her concerns about the impacts of dust and noise during construction, stormwater management issues, and a potential for property value decrease. As state above, dust control will be mitigated through the use of water trucks during construction, a two-inch gravel surface on the access road and around the maintenance building, and native grasses will be allowed to revegetate the site post construction.

**VI. SUMMARY AND CONCLUSION**

Rainbow Solar Energy, LLC has requested a Special Use Permit for the construction and operation of a Solar Energy Power Plant in the southeast portion of Cochise County. The 321-acre Rainbow Solar Energy Facility would be located west of North Brooks Road, north of Highway 80 and west of Douglas, AZ. The facility will be built on privately owned lands and would have a power generating capacity at build out of approximately 20 megawatts (MW) of power. The proposed project would utilize grids of non-reflecting passive photovoltaic panels with inverters to capture solar energy. Transmission lines would carry generated current to an Arizona Public Service sub-station, which will be built  $\frac{3}{4}$  of a mile west of this site, along the south parcel boundary. If approved, construction of the Solar Energy Power Plant, from building an access road to commercial operation, is expected to take place from 2012 to and through

2015. While nearby Cochise Community College and the Rainbow's End Ranch have expressed their support for this project, concern has been expressed by the only neighboring resident.

**Factors in Favor of Allowing the Special Use:**

1. These utility-scale projects would offer a clean and renewable source of energy that would enable Cochise County to participate in achieving the ACC mandate for 15% renewable energy production by 2025;
2. Cochise County enjoys abundant solar resources and offers large tracts of suitable land for this type of development;
3. The project can meet the Solar Energy Power Plant site development standards for the Rural Zoning Districts;
4. The site is ideal from an industry perspective in that they are large, very rural and flat and offer unobstructed solar resources;
5. Post construction traffic would be minimal;
6. The project would offer employment opportunities; and
7. To date, the Department has received one (1) letter of support for the project.

**Factors Against Approval of the Special Use:**

1. At this time, the Applicant does not have the inter-connect agreement or the power purchase agreements in place;
2. One (1) letter of protest was received for this project.

**VII. RECOMMENDATIONS**

Based on the factors in favor of approval, Staff recommends **conditional approval**, subject to the following conditions:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. The Applicant shall apply for a building/use permit for the project within one (1) year of approval, such application to include a completed joint permit application and a revised site plan in conformance with all site development standards. A permit must be issued within three (3) years of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant; and
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

4. Prior to permit issuance, a legal means of access for the proposed solar power facility must be obtained.

**The Commission also approved the following Site Development Standard Modification:**

1. Section 604.04 which requires a maximum 25% site coverage; the Modification will waive the maximum site coverage requirements for this project.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-11-13, with the conditions of approval and modifications to Site Development Standards as recommended by Staff; with the factors in favor of approval constituting findings of fact."*

**VIII. ATTACHMENTS**

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Citizen Review and Public Comment

SPECIAL USE PERMIT  
NARRATIVE REPORT  
FOR  
"RAINBOW'S END SOLAR FACILITY"  
Located in Cochise County, Arizona

*Prepared For:*

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Prepared: October 2011

**NARRATIVE REPORT  
 “RAINBOW’S END SOLAR FACILITY”**

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Attachments

- Exhibit “A”           – Vicinity Map
- Exhibit “B”           – Site Plan
  
- Appendix A           – Citizen Review

## **A. PURPOSE OF THE REQUEST**

Rainbows Solar Energy, LLC, a Limited Liability Company (“Applicant”) is proposing to construct a solar facility (“Rainbow’s End Solar” or “Project”), on property located in Cochise County, Arizona.

The Project is a solar power electric generating facility that will use Photovoltaic (PV) technology. The Applicant believes that it is very beneficial to the County and the State of Arizona to permit this solar plant and requests Cochise County’s support in doing so since the plant will have significant benefits to the County and State. It is expected that this Project will be constructed in one phase within one year and there is a possibility of Phase 2 if enough room in system to expand.

### **A.1 Project Location**

Rainbow’s End Solar is located in the southern portion of Cochise County, and generally to the north of State Highway 80 and west of N Brooks Road. The Project is located on approximately 320.79 acres, most of which is previously vacant farmland. Equipment and facilities have been arranged for optimum use of the Project property as well as to ensure operability, maintainability and safety. The legal description for Rainbow’s End Solar is a portion of Section 35 of Township 23 South, Range 26 East.

## **B. DESCRIPTION OF REQUEST**

### **B.1 Project Technology and Site Plan**

As stated previously, the project is presenting general information for a solar power electric generating facility that will use Photovoltaic (PV) technology. This document provides a general description of both technologies.

### **B.2 Existing and Proposed Uses**

The existing use of the property is agricultural grazing. The current property owner utilizes the property so that cattle can graze and get water. The proposed use of this property will be a solar energy generating facility, which falls under a more industrial use.

### **B.3 Photovoltaic (PV) Technology – Property Activities**

The PV Project alternative will use a proven photovoltaic technology and electronic DC to AC power conditioning equipment to produce three-phase, 60 Hz, utility-grade electric power directly from the sunlight. The Project will use a PV module and support structure design that is readily scalable to the Project's size. The output power from all of the individual Inverter Blocks will be combined together and stepped up to a transmission voltage of 115kV. It is anticipated that the Project will be designed to produce a maximum net electrical output of 20 MW alternating current (AC). The PV Project will not incorporate energy storage. As a result, the actual power output of the PV Project will fluctuate in proportion to the amount of solar radiation that reaches the

surface of the PV modules at any given time. If the average household uses 1000kw, this system would supply energy for 20,000 homes.

The proposed layout will show the location and size of the equipment and improvements, including access roads, transmission lines and the common services area. Details of the common services area include the plant switchyard, operations and maintenance building, a water treatment building, raw and de-mineralized water tanks, and site parking.

The operations and maintenance building will include space for:

Electrical, Supervisory Data Acquisition and Control (SCADA), and communication equipment, Plant maintenance operations, equipment, and Storage Offices. This building will be constructed of wood and other typical construction materials and will be a factory built building.

#### **Solar Photovoltaic Electric Generating System Description**

The project will produce up to 20MW AC. The actual number of modules in the PV field will vary depending on the type of module and the number of peak power production hours required. The modules will input direct current (DC) power into a number of inverters. The PV system's maximum AC output is limited to the sum of the rated outputs of each inverter in the system, minus transformer and wiring inefficiencies. Thus, the maximum AC output of the entire system will not exceed 20MW AC.

The project will consist of PV modules mounted on steel support structures that are anchored to or driven into the ground. The anchoring may be done with poured concrete piers, driven metal piers, augured metal piers, or at-grade concrete ballast blocks, depending on soil conditions.

#### **B.4 PV Process Description**

This section describes the power generation process employed by the PV Project. The power generating system consists of:

PV modules

Module supporting structures

Fused combiner boxes

DC-to-AC power converters, typically called "Inverters"

AC Switchgear to combine the inverter outputs

Step-up transformer(s)

Associated wiring and circuit protection

The project will use the PV conversion process, described as follows:

**Process 1 - DC System:** PV modules have cells that convert the photon energy of the sunlight into DC electrical energy. The PV cells are electrically connected series similar to the battery cells in a flashlight (positive to negative, positive to negative). Each PV module has a positive and a negative wire exiting a junction box on the back of the

module. A number of modules are wired together in series into a group called a "String". The length of the string is determined by the output voltage of the combined PV modules and the working input voltage range of the DC-to-AC "Inverter". Strings of modules are fused and combined together inside Combiner Boxes. Groups of Combiner Boxes are then wired to the inputs of the Inverters. The number of Combiner Boxes wired together is determined by the Inverter's rated input capacity.

**Process 2 - DC to AC conversion:** An "Inverter" is a solid-state power conditioning device designed for use with solar PV modules. It uses high frequency switching technology to build a sinusoidal AC output waveform from a DC input. The Inverter uses the AC utility grid as a voltage reference and then generates AC current in parallel to the reference. The Inverter does not generate its own voltage reference. Therefore, the Inverter must have the grid available at all times in order to operate. Should the Inverter lose the grid reference, the inverter shuts off. When the grid returns, the Inverter reconnects to the grid reference, waits a pre-programmed delay time before startup, and then ramps up its power output to the level of the DC input power available. The Inverter is fully automatic and has only one mode of operation, namely Grid Export Mode, where it exports power to the grid when the DC output from the solar array is available. Inverters are grouped together in Inverter Blocks, surrounded by their associated PV modules.

**Process 3** - Each Inverter's AC output voltage is stepped-up to a medium voltage intermediate step-up transformer (IST) for economical transfer of power from the Inverter Blocks across the Project site to the point of aggregation. The IST will be a medium voltage oil-filled or dry-type transformer. In the case of oil-filled transformers, the oil will be contained in the case of a spill or leak by a concrete containment area. The power output of the inverter blocks transmitted in underground cable to medium voltage. Switchgear located in or adjacent to the operations and maintenance building. The output of the switchgear is stepped up to 115kV transmission voltage by a 34.5 - 115kV transformer and eventually from 115-500kV for delivery a high voltage switchyard.

## **B.5 Plant Operations**

### **PV Plant Operations**

The PV Project will provide electric power to the grid during daylight hours, from shortly after sunrise until shortly before sunset. Solar power generation follows the intensity of the solar radiation. Therefore, power production is generally a bell curve with a peak that is from late morning to early evening, which is typically the periods of peak grid electrical load. As previously mentioned, no energy storage alternatives are included in the PV system design, so it is not able to have extended run times nor can it shift energy to the peak system load periods. There is no back-up source of generation. The PV Project is powered only by the available sunlight.

The number of operating hours for a PV system is dependent on the local solar radiation available. The PV Project will operate up to 4,300 hours per year; just slightly less than the total number of daylight hours in a year. Facility generation capabilities vary throughout the year with the most significant impacts caused by ambient temperature

and sun incidence angle. Higher ambient temperatures will reduce the efficiency of the solar modules and will therefore reduce the Project's output. Lower ambient temperatures will increase module efficiency, but the Project's output is limited to the sum of the Inverter's rated power outputs. No condition will cause the Project to operate at greater than the rated 20MW. Cloud cover, rain, or airborne particulates will reduce the amount of sunlight reaching the solar modules and will therefore reduce the Project's output power at that time, but a small amount of power will be generated even during overcast conditions. The actual annual operating hours and electricity produced by the Project will be determined by the local weather conditions.

## **B.6 Construction and Operation Workforce**

### **B.6.a PV Construction**

Sufficient number of laborers, skilled craft, and startup personnel will be required to complete construction of the Project including overall Project and site management. Skilled craft and laborers will be drawn from the local area with construction management and startup functions. At peak construction, it is anticipated that there will be over 50 workers and after it's fully constructed there may be 2-3 employees for the maintenance.

### **B.6.b PV Operation**

There will be minimal time operational and maintenance jobs for the life of the Project. It is intended that the operation of this facility will consist of all daylight hours, or approximately 5 am to 7 pm, depending on the season. Operation of the facility will necessitate 2-3 employees for maintenance and cleaning purposes.

## **C. IMPACTS TO NEIGHBORING PROPERTIES**

### **C.1 Benefits to the Community Area and Services Provided**

The Project will benefit the public in several ways. There will be socioeconomic benefits derived from the Project. In the short term, construction will provide employment opportunities and the construction work force will increase revenues in the retail and service sectors of the economy.

In the long term, the Project will provide tax revenues to the County and State. The Project will interconnect to the electric grid providing a more robust and reliable electric service system. It will also help meet the demand for renewable energy and lower the dependence on fossil fuels.

Employment by the Project will offer attractive long-term compensation for these personnel. The State of Arizona has also been actively encouraging siting of large scale renewable projects. With the State of Arizona's excellent solar radiation resources suitable for large-scale solar electric generation, siting solar energy projects can be difficult and requires consideration of other site characteristics equally important to ensuring that a project is commercially viable. Those factors include:

- Large contiguous areas of flat or nearly flat land.
- Compatible zoning or land use designations on project lands and nearby lands. Absence of sensitive resources such as high quality habitat for sensitive or protected species or other wildlife.
- Proximity to existing electrical substations and transmission infrastructure.

Consideration of all these criteria significantly reduces the areas where commercially viable solar energy development is possible which, in turn, highlights the importance of allowing these developments on lands where these criteria are all satisfied. Allowing this use in an area that already has power generation facilities to tie into would provide an excellent location for solar development and would constitute an improvement to the Land Use because the subject lands have the necessary characteristics that make them very suitable for solar energy generation. Furthermore, it would make better use of the subject lands than their current use, which is vacant, unused land.

The general area contains significant local electrical infrastructure including transmission lines, substations, and switchyards. The existence of the existing transmission and switchyards will allow the proposed Solar Energy facility to be plugged into the regional electrical system without the development of significant new transmission.

Development of the subject property for a Solar Energy facility would take advantage of these key elements associated with the subject lands. In addition, the development of solar energy resources on these lands also will help the State of Arizona meet their stated goals for increasing the percentage of the State's power provided by renewable resources such as solar. This is referred to as the Renewable Portfolio Standard (RPS). In 2006, the Arizona Corporation Commission (ACC) indicated that the goal was for 15 percent of Arizona's energy to be provided by renewable sources by 2025. The development of Industrial solar Energy facility on the subject lands will contribute to meeting the State's goal for renewable energy.

### **C.2 Character of Proposed Use and Recent Changes to Support Use**

The properties adjacent to the Project are rural residential development areas. There are also linear facilities such as transmission lines that traverse the overall area.

The Project Site supports the use and was selected for the following reasons:

The majority of the Project site is located on private land which is currently vacant. The existing transmission interconnection is close to the site avoiding the need for the project to construct a long transmission line.

In summary, the proposed use of the Property for the Project will not conflict with existing or allowed land uses in the area.

## **D. LOCATION AND ACCESSIBILITY**

### **D.1 Project Location**

The Rainbow's End Solar is located in the southern portion of Cochise County, and generally to the north of State Highway 80 and west of N Brooks Road. The Project is located on approximately 320.79 acres, most of which is previously vacant farmland. Equipment and facilities have been arranged for optimum use of the Project Property as well as to ensure operability, maintainability and safety. The legal description for Rainbow's End Solar is a portion of section 35 of Township 23 South, range 26 East.

### **D.2 Project Accessibility**

The off-site access to the Project will be from N Brooks Road to the southeast portion of the project area (which is an existing dirt road). The access road will be used by construction personnel during the construction of the facility and by operations and maintenance crews during the operational life of the plant. This road will be maintained and improved as needed for the implementation of this project. It is anticipated that the traffic generated by the employees of the facility during the operation period will be 1 or fewer trips per day on average, peak in mornings and afternoons, which may consist of small maintenance trucks. Thus the traffic impact is expected to be negligible. Traffic may increase during periods of excessive rain and dust, but the total number of trips will remain minimal.

## **E. OUTDOOR ACTIVITIES / OFF-SITE IMPACTS**

### **E.1 PV Site Circulation**

A portion of the Project maintenance building area may be paved as well as the site access road. The remaining portions of the maintenance building grounds will be gravel surfaced. The solar field will remain unpaved. Circulation will be simple and consist of entering the site from N Brooks Road. Construction and maintenance personnel will enter and exit the site at the same location.

### **E.2 Off-Site Activity**

There will be no outdoor activities except for periodic cleaning and maintenance of the facility. The outdoor storage of the equipment's, materials or products will be needed and this is done in the maintenance building.

Outdoor lighting is not proposed at this time, but can be incorporated in future if needed.

2. Offsite improvements which include roadway improvements and utility installation (power lines and poles) constructed to the west of the APS substation.

The access to the Project will connect from N Brooks Road to the southeast portion of the project area that will provide access and circulation to and from the site.

## Construction

All equipment, permanent materials, and commodities for the Project will be transported to the site via roadways.

Initially, there is constructional activity which will occur as part of the proposed use. After construction, there will be minor maintenance by solar facility employees to clean and maintain the property. During construction, there is a potential for dust and noise impacts. This noise will be created mostly by large vehicles delivering the construction product. The actual construction is not anticipated to create a noise problem. The impact of which is in control within the place. There will be no vibrations produced and no odors created or felt on the neighboring properties from the onsite activities.

There are no activities which will attract the pests, such as flies to the neighboring properties.

There are no existing buildings except for the maintenance building which is a factory built and it would be a manufactured building.

There are no signboards which presently exist on the property and no new signboards will be proposed on the project area.

← { It is anticipated that the surface used for driveways, parking and loading areas the developer will match to the existing conditions, which is crushed granite.

Truck deliveries of equipment and materials will occur during the entire construction period and to a limited extent over the plant operating life. Initial truck deliveries will include haul trucks for importing engineered fill materials, as required, followed by concrete trucks for installation of major foundations, and deliveries of reinforcing steel. Piping materials for buried piping will be delivered to the Project Site early in the construction period corresponding to approximately the time frame for foundation installation. Deliveries of large major equipment will commence at about midpoint of the construction period.

Deliveries of mounting structures and PV modules will commence at regular intervals after a significant portion of the grading plan has been completed.

The onsite drainage will be in the form of sheet flow and does not change the Natural flow pattern on the site. PLEASE SEE THE SITE PLAN / G&D PLAN FOR DETAILS.

## F. DEVELOPMENT SCHEDULE AND PHASING

It is the intent of the Applicant to obtain all pre-construction permits by the first quarter of 2012. The EPC contractor will prepare and submit construction specific permits prior to the start of construction. PV project is anticipating starting construction by the middle of 2012. The sections below include discussions of the construction schedule and phasing of the Project.

### PV Development Schedule

The Project is expected to be constructed in (within a year, there is a possibility of phase two if there is enough room for expansion within the system) one phase, but due to financial constraints and/or market conditions, the Project may be constructed and placed into service in phases. If phasing is used, the objective is to build portions of the proposed Project that can be interconnected with the grid and be fully operational while the remaining phases are constructed. The first segment of the Project would include construction of access roads, grading and drainage improvements, the common services area, the security system, the 115 - 1500kV substation, etc.

The Project will be constructed by construction contractor(s) who will typically perform the engineering, procurement, and construction (EPC) of the Project. The EPC contractor(s) will be responsible for the complete design of the Project, procurement of equipment.

The construction sequence for power plant construction includes the following general steps:

**Site Preparation:** This includes detailed construction surveys, mobilization of construction staff, grading, and preparation of drainage features. Exhibit "B" depicts the Site Plan details of the project. Grading for the solar field, inverter blocks, and hydrology mitigation will be completed during the first six to nine months of the construction schedule.

**Foundations:** This includes excavations for large equipment (GSU, Inverter Block foundations, etc.), footings for the solar field, and other foundations for maintenance equipment and buildings.

**Major Equipment Installation:** Once the foundations are complete the larger equipment will be installed. The solar field components will be assembled in an onsite erection facility and installed on their foundations.

**Basic Operations:** With the major equipment in place, the remaining field work will be piping, electrical, and smaller component installations.

**Testing and Commissioning:** Testing of subsystems will be done as they are completed. Major equipment will be tested once all supporting subsystems are installed and tested. The field construction schedule from site mobilization to commercial operation of the Project is up to 30 months. Depending on equipment fabrication and delivery durations, detailed engineering and procurement activities are initiated up to nine (9) months in advance of site mobilization to assure that equipment deliveries occur to support the construction schedule.

## **G. COMMUNITY FACILITIES AND SERVICES**

Community facilities and services will not be applicable to the Project because the Project will not generate the need for additional schools, parks, recreational facilities or other amenities within the area.

The positive economic benefits from the Project will assist to support the County's school and recreational system, will have a strong positive fiscal impact which (through taxes and other revenues), will help pay for a variety of community facilities and services. Neither the type of use or intensity of the use would trigger the need for additional public services such as parks, schools, or other amenities.

## **H. PUBLIC UTILITIES AND SERVICES**

The proposed development is an extensive solar energy facility that will produce electricity to be incorporated into the existing system. Depending on the current demand and capacity experienced by APS, there is a possibility that the developer will be required to improve the existing electrical infrastructure. Such improvements may include transmission lines, substation(s), etc. These improvements shall be determined by the developer's appointed electrical engineer and APS.

Other than that developed by the power plants in the area, there are limited developed infrastructure and services in the immediate Project area. There is no developed water system and currently sanitary sewer is limited to on-site septic systems with no municipality infrastructure established.

This Project will not be dependent upon the County for water, sewer or other utilities, facilities or services, and fire protection through Douglas fire. It will not create a need for additional public utilities, facilities and services, thus this Project has no demand on these non-existent facilities. The positive economic and fiscal benefits of this development will help support public infrastructure.

## **I. OTHER INFORMATION**

### **Water Conservation and Land Clearing**

It is important to the developer that all apprehension concerning the environment be addressed and handled such that minimal impact to the environment is obtained. At this time, it is not proposed to provide any form of potable or non-potable water source during the development of this project. Thus the existing water table conditions for this area will be maintained.

Although the proposed SUP is approximately 320 acres total, it is proposed at this time that less than  $\frac{3}{4}$  of that area will be utilized for solar power generation and the remaining area will be left in its current state. Considering the topography of the site, it is not anticipated that erosion will be a problem as the property is fairly flat with a gradual slope to the northeast. Dust control will be concern for only the construction

phase of the project and is proposed to be mitigated by water trucks to reduce the potential for airborne particles.

#### **Hazardous and Polluting Materials**

It is important to note that the development does not propose to use hazardous materials for the construction phase or the operation phase of the project. **Pollutants of this kind will not be utilized.**

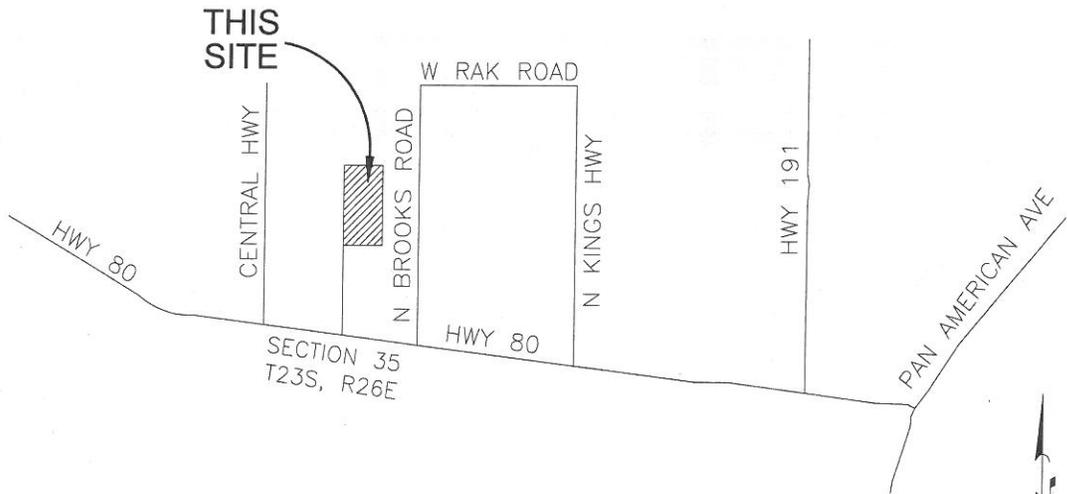
#### **Other Environmental Factors**

It is understood that it is a priority for the developer to establish a plan that will help protect the environment that currently exists on the property. It is imperative to identify objectives that will ensure protection for the County's air, water, land and cultural resources. All such resources have been further defined as follows:

- Air Resources: attainment of a level of air quality that will bring Cochise County into compliance with federal standards and development of measures to reduce noise pollution.
- Water Resources: rivers, streams, lakes, floodplains, and wetlands / riparian areas.
- Land Resources: vegetation, wildlife, habitat, contaminated soils, topography, geology, and areas reserved for recreation, open space and scenic quality.
- Cultural Resources: archeological resources, historical sites, and architecturally significant places.

Several of these resources will only be affected during construction and afterward will not be impacted. It is understood that in order to comply with the level of air quality that during construction the appropriate precautions are taken to reduce the potential for airborne dust produced by vehicles driven on dirt / temporary roads. One possible method that could be implemented is to frequently water-spray the drivable areas. After construction, the access roads will not be driven as frequently as during construction, nor will it be occupied by as many vehicles. Noise pollution will not be a factor since the facilities do not produce sound.

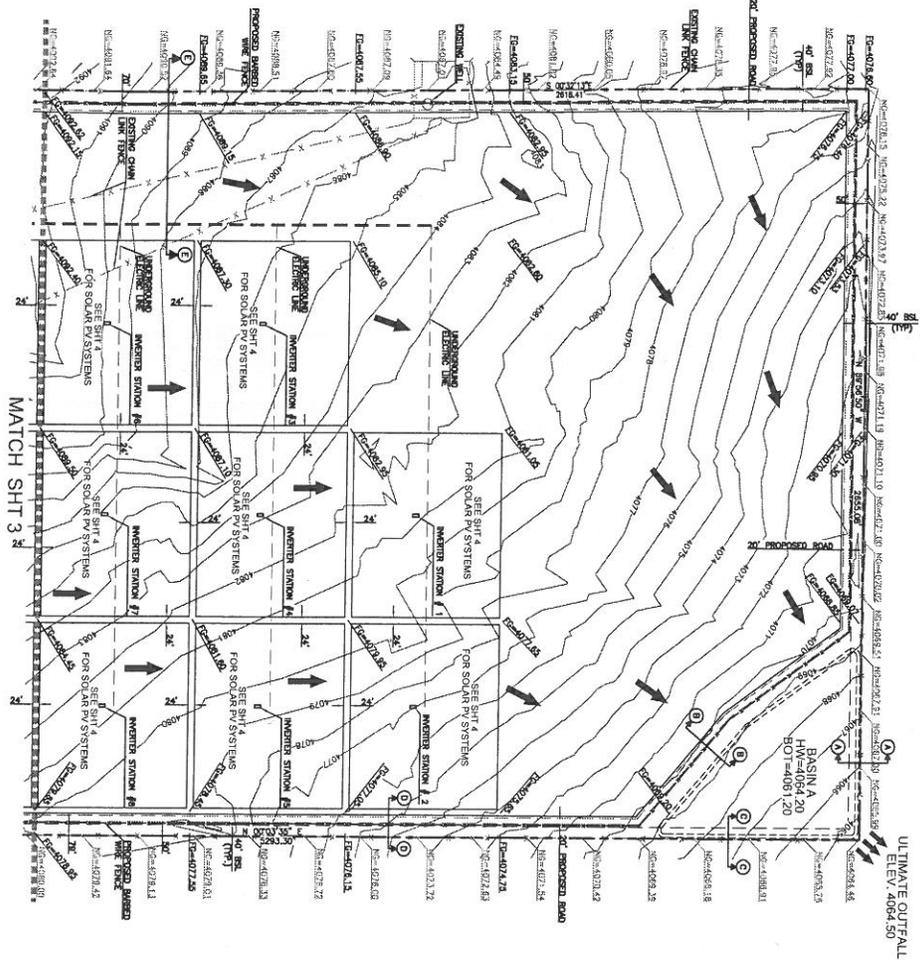
There are currently no rivers, streams, lakes, floodplains, or wetlands / riparian areas within the site. It is understood that there is a designated floodplain to the south of the site, but the developer will not propose any development within that area.



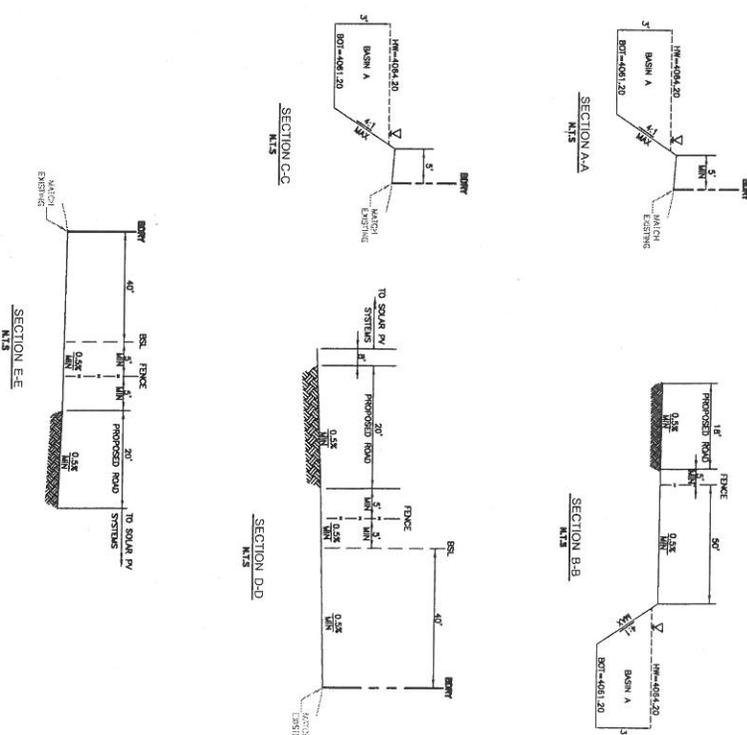
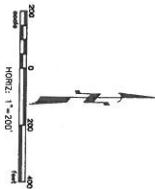
VICINITY MAP  
N.T.S



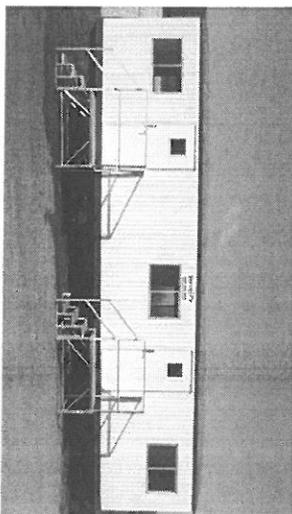
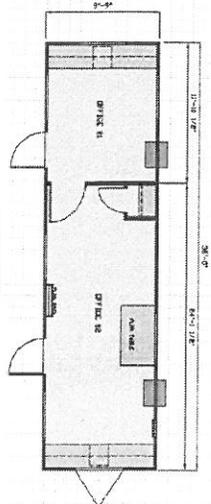
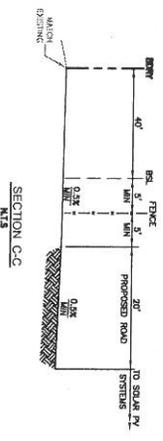
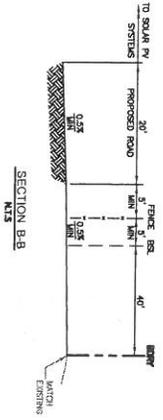
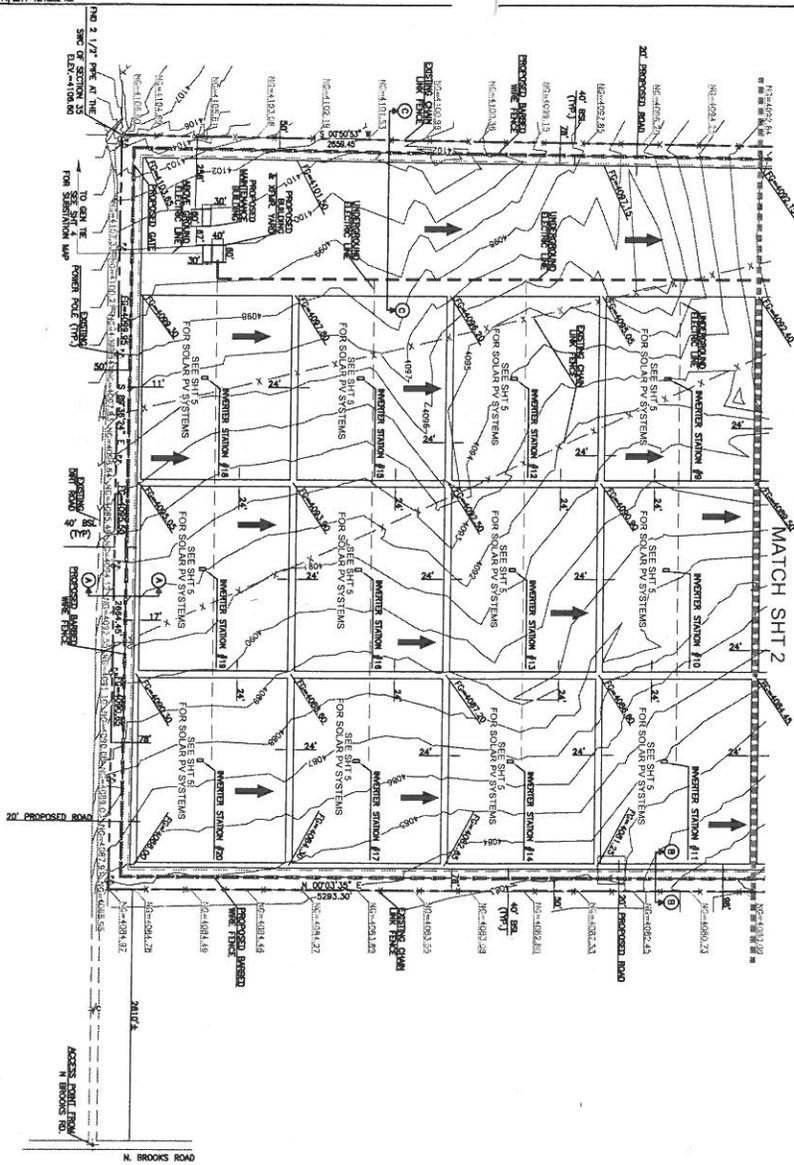




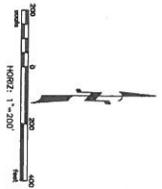
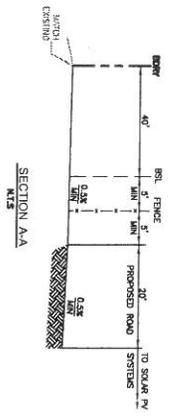
AREA	CONTINGING AREA (ACRES)	RETENTION PROVIDED (AC-FT)	BASEIN	AREA TOP (SQ)	AREA BOT (SQ)	DEPTH (FT)	RETENTION PROVIDED (AC-FT)	EXCESS (SQ)
A	330.79	17.31	A	391.166	284.143	3.0	18.18	118
TOTAL	330.79	17.31						



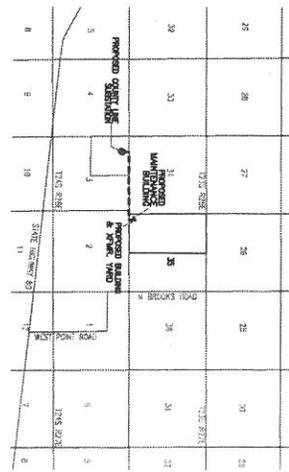
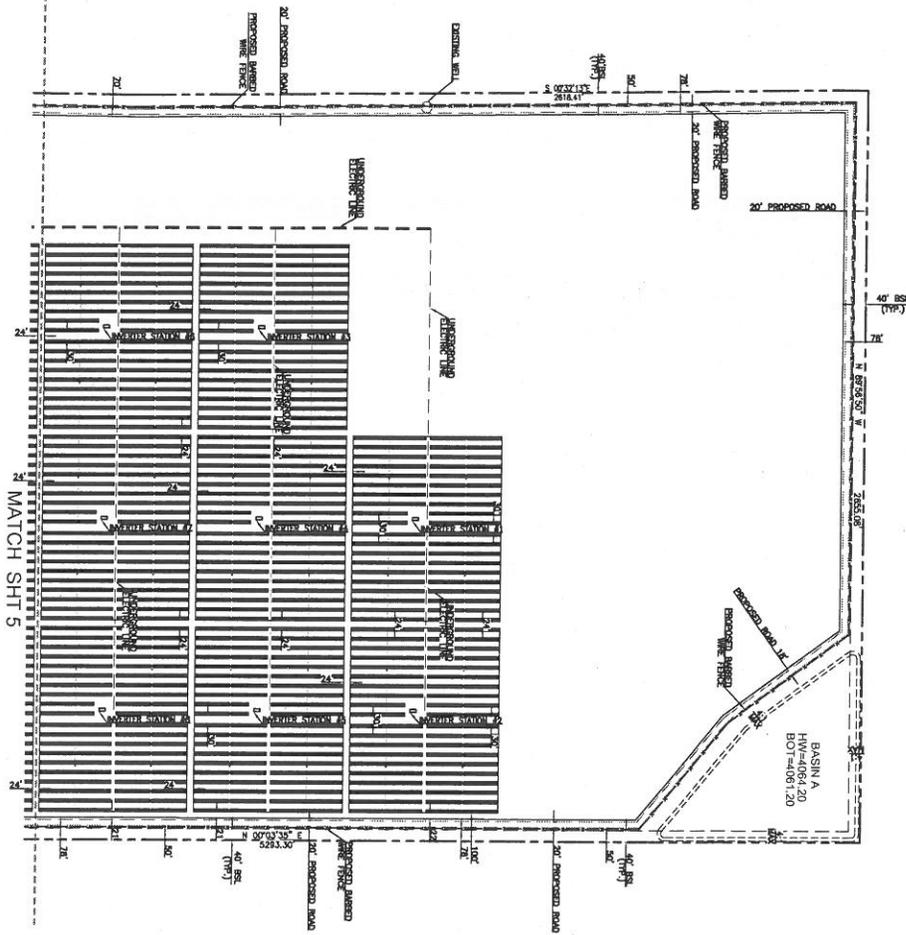
	<b>GRADING &amp; DRAINAGE PLAN</b> PROJECT: "RAINBOW'S END SOLAR FARM" COCHISE COUNTY, ARIZONA	ENGINEERING & CONSULTING 4000 N. GILBERT STREET PHOENIX, AZ 85018 PHONE: 480.228.6595 FAX: 480.644.5371
JOB NO. 11290 SHEET NO. 2 2 OF 5	DATE: 11/20/10 DRAWN BY: [Name] CHECKED BY: [Name]	



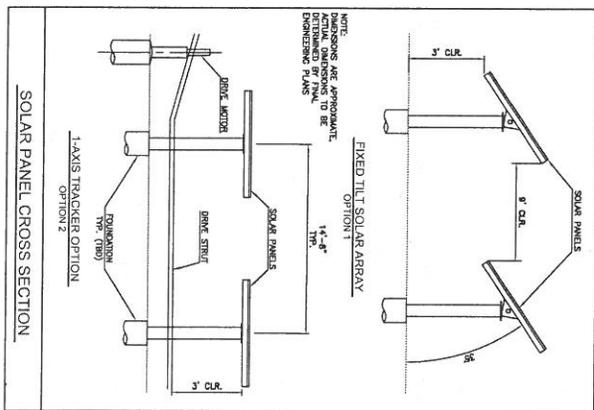
OFFICE ELEVATION VIEW  
PORTABLE OFFICE DETAIL  
N.T.S.



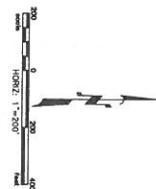
 KINETIX ENGINEERING & CONSULTING 4654 ANTONIA BLVD PHOENIX, ARIZONA 85018 PHONE: 480.734.8899 FAX: 480.443.5371	PROJECT: "RAINBOW'S END SOLAR FARM" COCHISE COUNTY, ARIZONA	SHEET NO. 3
	JOB NO. 11250	DATE 11/25/10



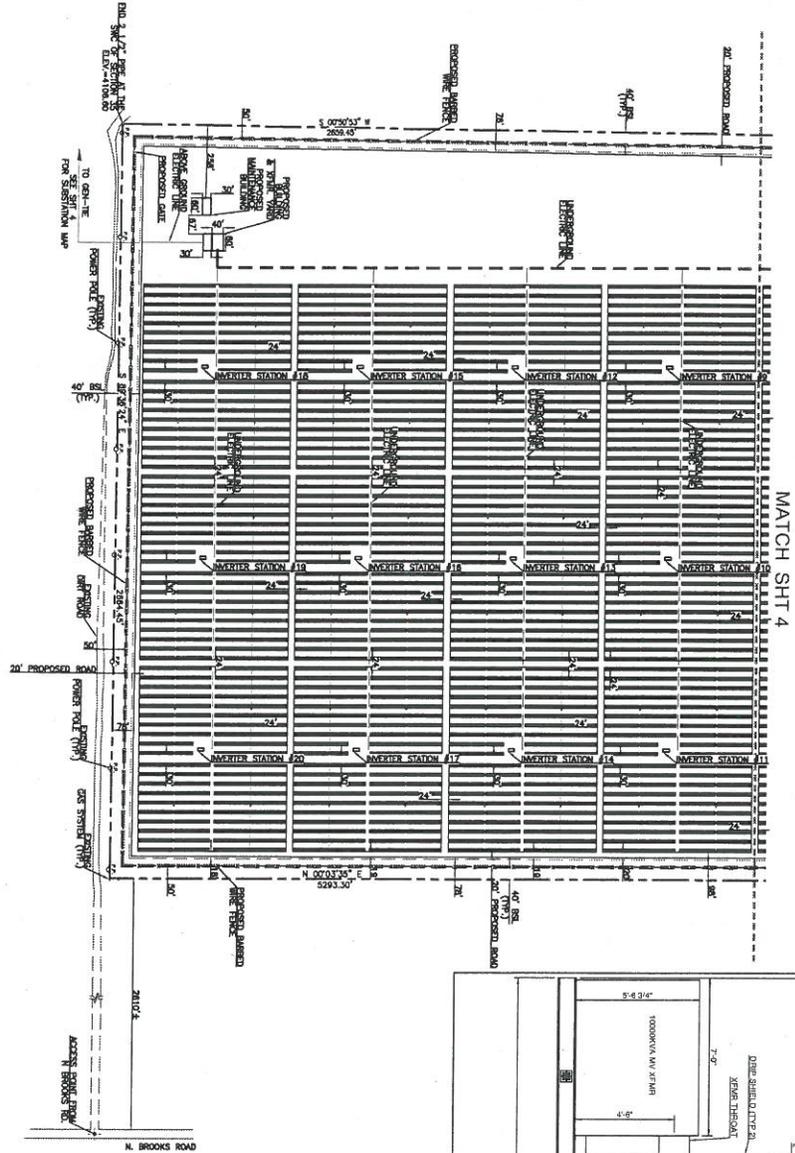
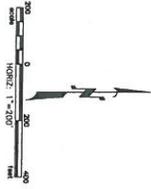
SUBSTATION MAP



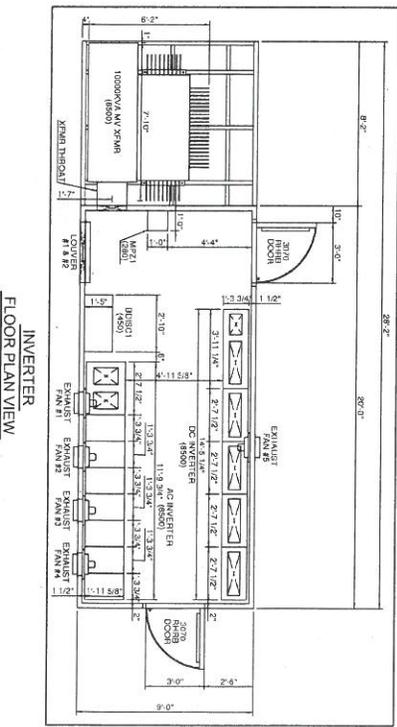
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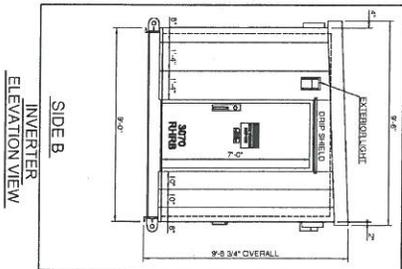
	ENGINEERING & CONSULTING 1221 N. COCHISE AVENUE TUCSON, ARIZONA 85719 PHONE: 480.738.6599 FAX: 480.744.5371	<b>SITE PLAN</b> PROJECT: "RAINBOW'S END SOLAR FARM" COCHISE COUNTY, ARIZONA	SHEET NO. <b>4</b> 4 OF 5	JOB NO. 11250 11250SPALDING
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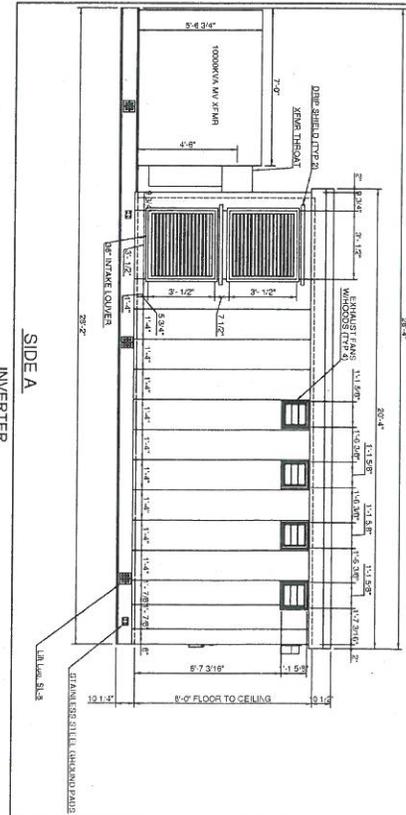
MATCH SHT 4



INVERTER FLOOR PLAN VIEW



INVERTER SIDE B ELEVATION VIEW



INVERTER SIDE A ELEVATION VIEW

3 OF 5	SHEET NO. 5	JOB NO. 11550	112585905.DWG
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SITE PLAN	
PROJECT:	"RAINBOW'S END SOLAR FARM"
COCHISE COUNTY, ARIZONA	


**KINETIX**  
 ENGINEERING & ARCHITECTURE  
 1000 W. WILSON AVENUE  
 TULSA, ARIZONA 85310  
 PHONE: (480) 238-6855  
 FAX: (480) 238-6855

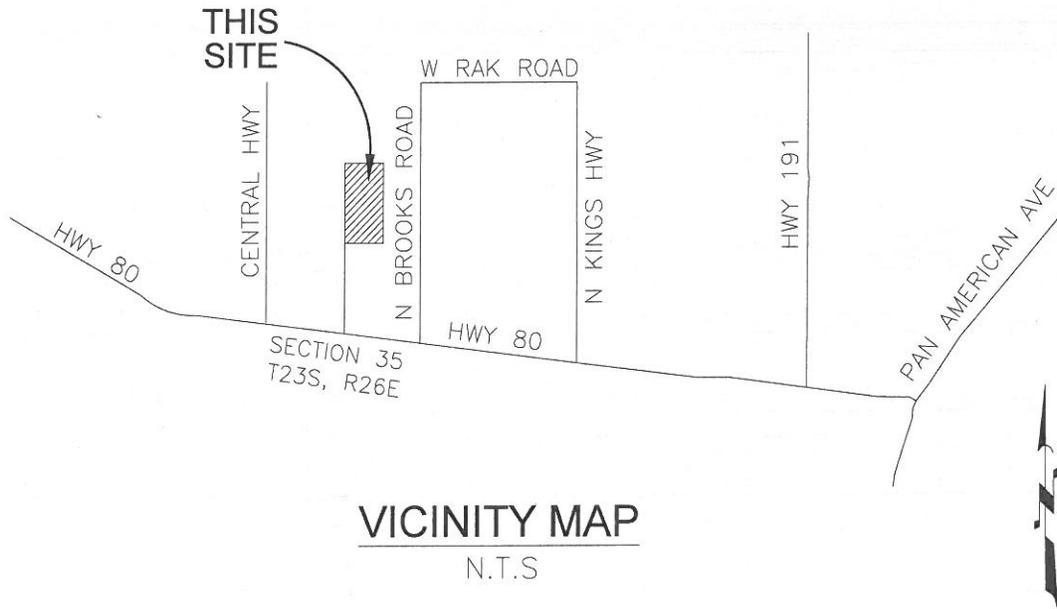
26

**APPENDIX A:  
CITIZEN REVIEW REPORT**

# Citizen's Review Report for Rainbows Solar Energy, LLC

## Special Use Permit

Prepared: October 4, 2011



**Purpose:** The purpose of this Citizen Review is to inform adjacent property owners and other interested parties in the vicinity of the subject property of the proposed Special Use Permit. As defined by Article 22 of the Cochise County Zoning Regulations, the purpose of the citizen review process is to achieve the following:

1. Ensure that applicants pursue early and effective citizen review in conjunction with their applications, giving them the opportunity to understand and to try to mitigate any real or perceived impacts their application may have on the neighborhood or community;
2. Ensure that the citizens and property owners of Cochise County have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
3. Facilitate ongoing communication between the applicant, interested citizens and property owners, County staff, elected and appointed officials throughout the application review process.

The project is located on the north side of Highway 80, between Brooks Road and Central Highway, west of Douglas, Arizona. The applicant is requesting a Special Use Permit in order to operate a solar generating facility. This plan will ensure that all those potentially affected by this request have an opportunity to learn about and comment on the Special Use Permit request.

**Contact:**

David Bohn, P.E., C.F.M.  
Principal  
Kinetix Engineering and  
Consultation  
12 N. Center Street  
Mesa, AZ 85201  
Office: (480) 258-6959  
Cell: (480) 734-1446  
Fax: (480) 464-5871  
davidb@kinetixengineering.com

**CITIZEN'S REVIEW PLAN**

**Development of Stakeholder List**

The current stakeholder list includes all property owners within 1500' of the subject property. A copy of the 1500' notification area map and mailing list are attached to this Citizen Participation Plan. The applicant will work with the Cochise County Planning and Development Department (CCPD) to determine if there are any registered neighborhood groups, activists or other potential interested parties in the area who should be included on this list. In addition, the applicant will add to its list any state, county or municipal reviewing agency the CCPD deems a stakeholder. Any time the stakeholder list is revised, a copy of such will be provided to the CCPD.

**Process for Making Information Available to the Public Prior to Public Hearings**

A Citizen Notification Letter has been mailed to everyone on the stakeholder list. This letter will describe the proposed Special Use Permit request and provides additional exhibits which support the request. This letter will provide the contact information for the applicant with an invitation to contact the applicant to discuss the project via e-mail, telephone, regular mail or in person. In the event a substantial amount of feedback is received regarding the project, a neighborhood meeting may be arranged and would be held in the vicinity of the subject property. A copy of the letter and any exhibits have been attached to this report.

### **Identification of Public Issues and Concerns**

All issues and concerns that may be received by the applicant from stakeholders will be logged on a spreadsheet to include the stakeholder's contact information, the date of the communication and how the communication was received (i.e. e-mail, telephone, etc.), the nature of the issue and concern and a summary of the applicant's response.

### **Response to Public Feedback and Concerns**

The applicant will respond to every stakeholder via e-mail, telephone, regular mail or in person. Responses to stakeholders will be logged on the spreadsheet described above.

### **Proposed Method for Keeping Maricopa County Planning and Development Department Informed of Public Participation Efforts**

The communication log described above will be periodically forwarded the CCPD planner assigned to the subject Special Use Permit request via e-mail or upon request.

## **PUBLIC NOTIFICATION LETTER**

### **SPECIAL USE PERMIT**

**REQUEST:** Special Use Permit

**PURPOSE:** Apply for a Special Use Permit in order to allow for the development of a Solar Energy Facility on the subject parcel.

**LOCATION:** Approximately 6 miles west and 1 mile north from the intersection of Highway 80 and Highway 191 to the subject property (A.P.N. 407-01-005)

**SIZE:** 320.79 ACRES

**AUTHORIZED AGENT/  
CONTACT PERSON:** David Bohn, P.E., C.F.M.  
Kinetix Engineering and Consultation  
12 N. Center Street  
Mesa, AZ 85201  
Office: (480) 258-6959  
Cell: (480) 734-1446  
Fax: (480) 464-5871  
davidb@kinetixengineering.com

#### **PLEASE REFER TO LOCATION MAP ON THE OPPOSITE SIDE OF PAGE**

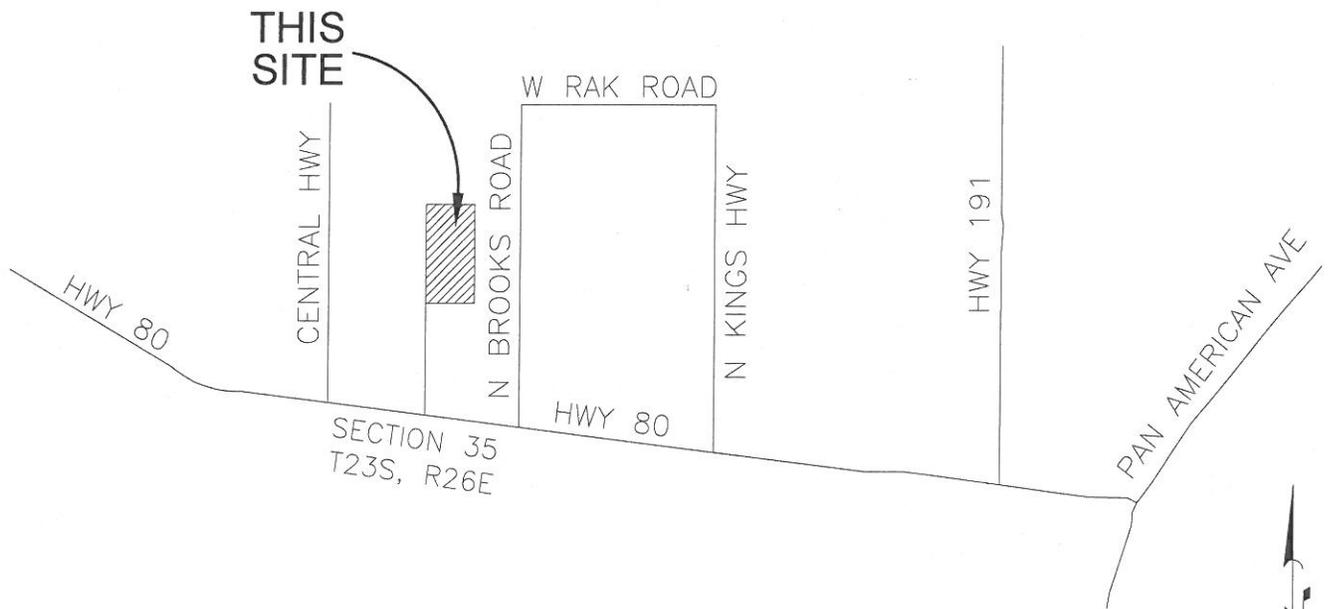
An application will be filed with the Cochise County Planning and Development Department regarding the above-referenced request. This notice is being sent to you because property listed in your name is located within 1500' of the site described above. This notice is also being sent to you to inform you of this application and to provide you with an opportunity to relay any questions, issues or concerns regarding this application to the contact person listed above.

Should you have comments you would like to submit regarding the SUP, you may send them via email to the Contact Person above, David Bohn

**THIS IS NOT A NOTICE OF A PUBLIC HEARING WITH THE PLANNING AND ZONING COMMISSION OR THE COUNTY BOARD OF SUPERVISORS. HOWEVER, IT IS EXPECTED THAT THIS PERMIT WILL GO BEFORE THE BOARD ON DECEMBER 14, 2011. YOU WILL BE NOTIFIED IF THIS DATE CHANGES.**

VICINITY MAP

(Not to Scale)



VICINITY MAP

N.T.S





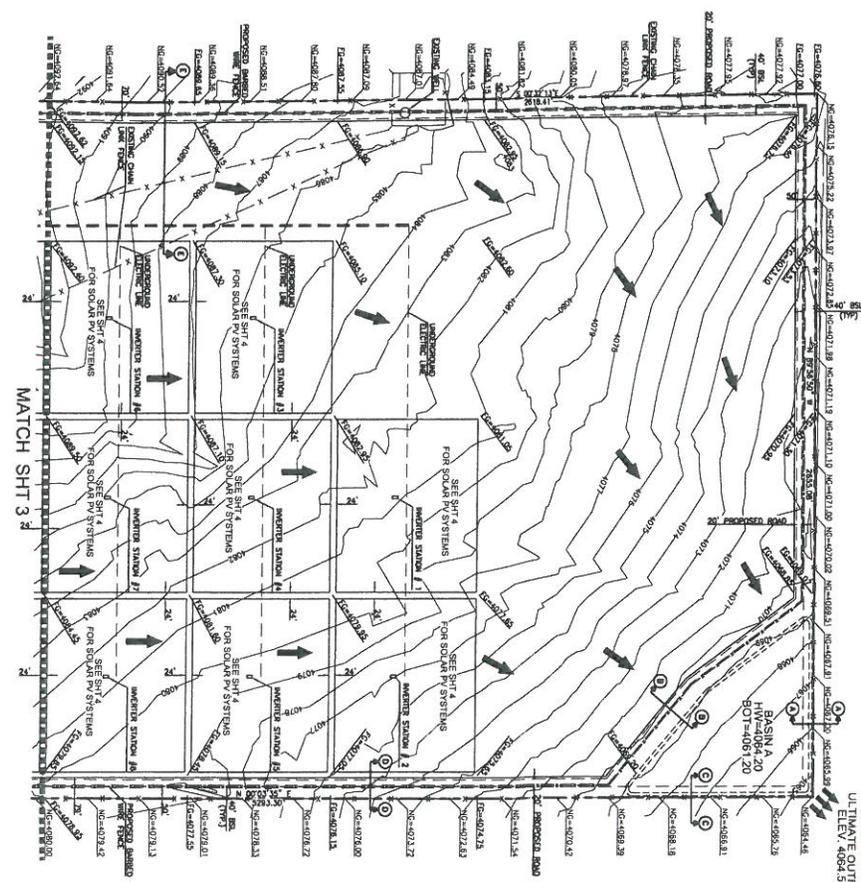


ENGINEERING &  
SURVEYING  
124 CHANDLER  
AVENUE, ANTONIO, TEXAS  
78104-2200  
TEL: 817.381.8100  
WWW.KINETIX.COM

PROJECT:  
"RAINBOW'S END SOLAR FARM"  
COCHISE COUNTY, ARIZONA

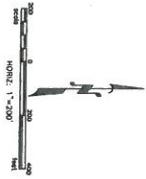
DATE: 11/25/20  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

SHEET NO. 2  
2 OF 5



ULTIMATE OUTFALL  
ELEV. 4064.50

AREA	COMPARING AREA (SQ.FT.)	RETENTION AREA (SQ.FT.)	EXCESS AREA (SQ.FT.)
A	320.78	17.31	303.47
TOTAL	320.78	17.31	303.47



34







# SPECIAL USE: Docket SU-11-13 (Rainbow Solar Energy)

COCHISE COUNTY

NOV 29 2011

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons: \_\_\_\_\_

*Please see attached.*

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: \_\_\_\_\_

(Attach additional sheets, if necessary)

PRINT NAME(S):

*Kevin Parker*

SIGNATURE(S):

YOUR TAX PARCEL NUMBER: 407-61-010 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 4190 W. Highway 80, Douglas, AZ 85607

Upon submission of this form or any other correspondence, it 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 by our Department no later than 4 PM on December 5, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

**RETURN TO:** Beverly Wilson, Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
Email: [bjwilson@cochise.az.gov](mailto:bjwilson@cochise.az.gov)  
Fax: (520) 432-9278

In general, Cochise County Community College District is supportive of the request for Special Use Permit to construct a 20MW photovoltaic facility on the parcel northeast of our Douglas campus. The District believes that renewable energy technologies are future-focused. They create potential emerging job markets for our students and generate clean energy for our communities. Our one concern, however, is any interference the facility might have on our airport operations. In addition to being a public use airport, the Cochise College Airport is used by a larger number of student pilots. The safety of our student pilots is foremost in our operations. The developer needs to ensure that aviation compatible materials are used on the facility and that the facility is situated on the proposed property to create minimal hazards to the pilots using the Airport.



Proposed Site

Route

Image © 2011 GeoEye

X's Represent Ricca's Property

80

40

# SPECIAL USE: Docket SU-11-13 (Rainbow Solar Energy)



YES, I SUPPORT THIS REQUEST.

Please state your reasons: THIS PROJECT SHOULD BE GOOD  
FOR THE COUNTY AND THE COMMUNITY AND THE  
ENVIRONMENT

THE SUBJECT PROPERTY IS IN SECTION 35  
NOT 34 AS STATED IN 3RD PARAGRAPH OF LETTER

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets, if necessary)

PRINT NAME(S):

RAINBOW'S END RANCH COCHISE, LP

SIGNATURE(S):

[Signature] MANAGER  
407-01-005 407-61-002

YOUR TAX PARCEL NUMBER:

407-01-000

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

YOUR ADDRESS

P.O. Box 2050 BASTROP, TX 78602

Upon submission of this form or any other correspondence, it 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 by our Department no later than 4 PM on December 5, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Beverly Wilson, Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: [bjwilson@cochise.az.gov](mailto:bjwilson@cochise.az.gov)

Fax: (520) 432-9278

**COCHISE COUNTY**  
**DEC 05 2011**  
**PLANNING**

Madeline Carol Riggs  
4466 N. Brooks Rd.  
Douglas, Az. 85607

Community Development Department  
Planning, Zoning, and Building Safety  
1415 Melody Lane  
Bisbee Az. 85603

Dear Commissioners,

I do not Support Docket SU-11-13 the Rainbow Solar Facility. Please consider the following points:

1) The Facility is right up to my property line and is less than 50 yards from my home.

2) I have talked to Phillip Leiendecker, he says that a facility like this one would decrease the value of my home and land. If I would want to sell in the future, I would not have the value that it is currently.

3) The project would also change the run off of water, which flows west to east toward my fields and pastures. This water irrigates two of the fields and fills a dirt stock tank. If they put in berms, this could also cause flooding around them. Which would take out the Gazelles next door.

4) They will also need to take out all the vegetation and streams to level the area. This will create a lot of dust and noise during construction. After they are done it will cause blowing dust during storms.

5) Rainbow's End is a large ranch. There are other places on that property that would be more suitable. Maybe off Central Hwy. that already has power lines along the road.

Thank you for your consideration in this matter. My home and land mean the world to me.

Sincerely,

*Madeline Carol Riggs*

**SPECIAL USE: Docket SU-11-13  
(Rainbow Solar Energy)**

**COCHISE COUNTY**

NOV 29 2011

**PLANNING**

       YES, I SUPPORT THIS REQUEST

Please state your reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  X   NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:   ATTACHED LETTER + MAP    
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets, if necessary)

PRINT NAME(S):   MADÉLINE CAROL RIGGS   \_\_\_\_\_

SIGNATURE(S):   Madeline Carol Riggs   \_\_\_\_\_

YOUR TAX PARCEL NUMBER:   407-01-006D5   (the eight-digit identification number found on the tax statement from the Assessor's Office)   407-01-006C6  

YOUR ADDRESS   4466 N. Brooks Rd Douglas, AZ 85607  

Upon submission of this form or any other correspondence, it 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 by our Department no later than 4 PM on December 5, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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1415 Melody Lane, Building E  
Bisbee, AZ 85603  
Email: [bjwilson@cochise.az.gov](mailto:bjwilson@cochise.az.gov)  
Fax: (520) 432-9278



# **COMMUNITY DEVELOPMENT DEPARTMENT**

*Planning, Zoning and Building Safety*

1415 W. Melody Lane, Bisbee, Arizona 85603

(520) 432-9450

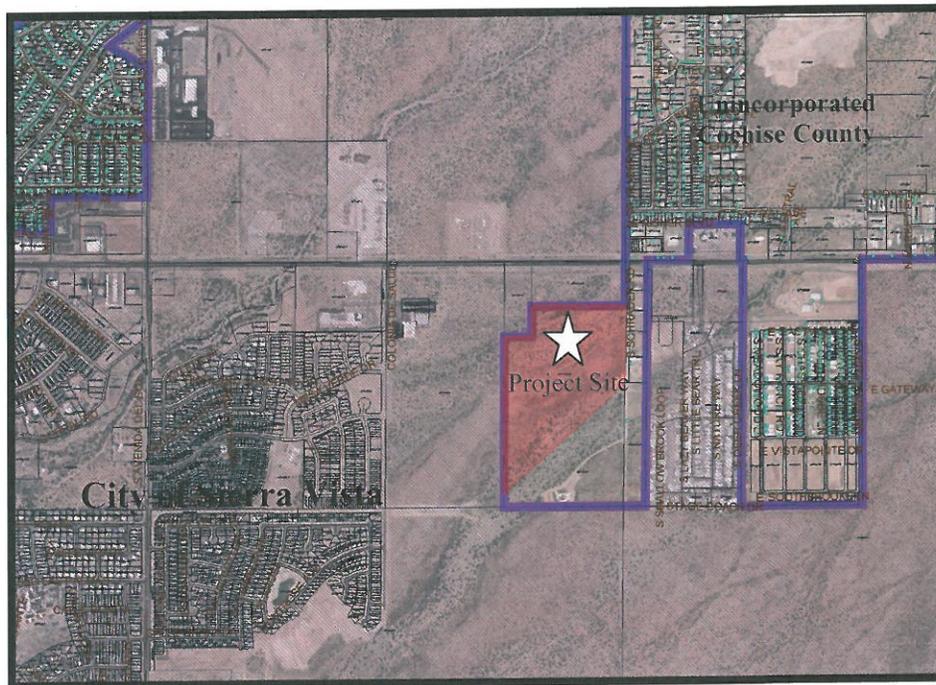
Fax 432-9278

Carlos De La Torre, P.E., Director

**TO:** Planning and Zoning Commission  
**FROM:** Keith Dennis, Senior Planner  
For: Michael Turisk, Interim Planning Director  
**DATE:** December 5, 2011 for the December 14, 2011 Meeting  
**SUBJECT:** S-07-01, Rio Mesa Subdivision Tentative Plat Extension Request

## **I. REQUEST AND BACKGROUND**

This request is for approval of an additional one-year time extension for the Rio Mesa Subdivision Tentative Plat which was approved by the Board of Supervisors on October 23, 2007. The developer is Mr. Jay Anderson of FAMCOR Group, and the Project Engineer is Mr. Peter Salonga of Oracle Engineering Group in Tucson.



The original parcel was 53.3 acres in size and is located at the southwest corner of Hwy 90 and Schrader Road. The Rio Mesa Master Development Plan was approved in 2006 (MDP-06-01), and included a 139-lot residential subdivision with two General Business lots. The property was at that time rezoned from TR-36 to MR-1 and GB (Z-06-01). The Board of Supervisors approved the Tentative Plat (TP) on October 23, 2007. In 2008, the GB parcels were annexed into the City of Sierra Vista. After the annexation, the subdivision as proposed now consists of 41.8 acres, and is planned to be constructed in four phases. The site lies inside a small enclave of County land surrounded by the City of Sierra Vista.

The MR-1 District carries a minimum lot size of 3,600 square feet, and allows single and multiple-household dwellings, excluding rehabilitated mobile or manufactured homes and/or recreational vehicles. Although the MR-1 District allows for smaller lots and a variety of housing options, the project is proposed with 139 residential lots ranging in size from 6,000 square feet to 9,822 square feet, with site built homes.

After the Board approved the Tentative Plat in 2007, the project engineer, at that time Buck Lewis Engineering, began work on the Final Plat requirements, as well as the original approval conditions of the Tentative Plat as adopted by the Board. The Final Plat was scheduled for Board action in early September of 2008. The sharp economic downturn of September 2008 significantly affected the real estate market and the project was delayed.

In 2011, the project was bought by a new developer, Jay Anderson of FAMCOR group, who hired Oracle Engineering Group of Tucson to move the plat towards Final Plat approval. The new team obtained an administrative Tentative Plat extension in early October of 2010, and an additional extension was granted by the Commission in November 2010. Section 208 of the Subdivision Regulations allows the Planning Director to administer a one-year Tentative Plat extension; subsequent extensions must be granted by the Commission. The October 2010 extension granted by the Commission expired on October 23, 2011. The request before the Commission is thus to "revive" and extend the plat one additional year, making this request the third one-year extension request pertaining to Rio Mesa.

As stated, the Plat was previously scheduled for Board action, with a recommendation of approval from the Commission and staff. That recommendation was based on the developer having met all applicable Subdivision Regulations, as well as having fulfilled the MDP, rezoning and Tentative Plat approval conditions. The current developer and engineer are thus confident that, with a reactivated Tentative Plat, they may move confidently forward to Final Plat approval.

## **II. RECOMMENDATION**

Staff recommends **approval** of the one-year time extension for the subdivision Tentative Plat, to expire on October 23, 2011.

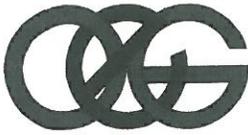
### Suggested Motion

*Mr. Chairman, I move to approve a one-year time extension for Rio Mesa Subdivision Tentative Plat, Docket S-07-01, with a new expiration date of October 23, 2012.*

### Attachments:

- A. Rio Mesa Subdivision Tentative Plat Sheet 1
- B. Time Extension Request Letter





ORACLE ENGINEERING GROUP, Inc.

November 1, 2011

Cochise County  
Planning and Zoning Department  
1415 Melody Lane, Bisbee, Arizona 85603  
Attn: Michael Turisk

**RE: Rio Mesa Subdivision Tentative Plat – Docket S-07-01**

Dear Mr. Turisk:

We respectfully request that the above tentative plat application (S-07-01) be extended to October 23, 2012 to allow us additional time to assess the updated Traffic Conditions on SR 90. We understand that this request will have to be approved by the Planning and Zoning Commission and would like to be on their agenda as soon as practical.

Enclosed is \$500 for the Tentative Plat extension fee.

Sincerely,  
Oracle Engineering Group, Inc.

Pete Salonga, P.E.

PS/bgs

COCHISE COUNTY

NOV 09 2011

PLANNING



## **COMMUNITY DEVELOPMENT DEPARTMENT**

***Planning, Zoning and Building Safety***

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

*Carlos De La Torre, P.E., Director*

### **MEMORANDUM**

TO: Cochise County Planning and Zoning Commission

FROM: Michael Turisk, Interim Planning Director   
For: Carlos De La Torre, P.E., Community Development Director

SUBJECT: Docket R-11-06 (Amendments to the Cochise County Zoning Regulations concerning Lot Development Administrative Modifications)

DATE: December 5, 2011, for the December 14, 2011 Meeting

#### **Zoning Regulation Amendments: Lot Development Administrative Modifications**

**Docket R-11-06:** Consideration of amendments to Article 17 of the Cochise County Zoning Regulations concerning Lot Development Administrative Modifications. The Commission will consider and forward to the Board of Supervisors a recommendation to modify the current lot modification standards to allow for more flexibility in our process.

#### **I. BACKGROUND**

The primary purpose of Administrative Lot Modifications is to permit flexibility in how some of our site development standards, such as minimum setbacks, are applied to individual lots. The process is intended to reduce procedural delays by, for example, eliminating the need for a formal Variance process under particular circumstances, as well as to ensure due process in the review of unique and atypical development situations, such as those presented by terrain constraints. Furthermore, the process is intended to encourage originality, flexibility and innovation in site planning and design, including those which maximize solar access or potential. Although the Administrative Lot Modification process benefits the Applicant by reducing the time and money to obtain permits, the process is cognizant of the need to protect adjacent residents and properties from negative impacts and to maintain the overall integrity of the immediate area.

Currently, per our current the Lot Modification Administrative Modification process, the following site development standards may be eligible for a reduction of up to *20 percent*:

- Minimum setbacks;
- Maximum site coverage;
- Maximum building/structure height; and
- Minimum required parking spaces.

Furthermore, the minimum area of a particular site may be reduced as follows:

- Any lots that are in a Zoning District with a minimum site area of one acre or smaller (e.g., Residential), the minimum site area may be reduced up to *five percent*; and
- Any lots that are in a Zoning District with a minimum site area of more than one acre (e.g., Rural), the site area may be reduced up to *two percent*.

There is a public process required for all applications for Lot Development Administrative Modifications. This includes mailing notice to neighboring property owners within 300 feet of the subject parcel. Staff decisions are based on comments from property owners as well as review of the proposal in the context of the neighboring environment.

The following criteria are used to evaluate Administrative Lot Modification applications:

1. The proposed modification will not violate any provisions of the County's Comprehensive Plan, area plans, adopted master plans or other provisions of the Zoning Regulations;
2. The proposed modification will be considered in the context of the surrounding community; (consistency with the scale and character of existing development);
3. The proposed modification will not substantially reduce the amount of privacy currently enjoyed by nearby property owners;
4. The proposed modification will not adversely impact traffic or traffic circulation, drainage, water conservation measures, sewage treatment systems and other such systems; and
5. The modification does not create a situation where the proposed use of the property will create a hazard or nuisance.

## **II. PROPOSED TEXT AMENDMENTS**

In evaluating our current standards, Staff recognized that there is value in allowing for a measure of greater flexibility without compromising safety or quality of life for neighboring residents.

The proposed text amendments to Section 1715 are in **boldface**:

### 1715 Lot Development Administrative Modifications

#### 1715.01 Purpose

- A. To allow flexibility in how some site development standards are applied to individual lots, but not to larger developments such as subdivisions.
- B. To provide flexibility in site development and building code standards that may be appropriate to facilitate improvements in Neighborhood Rehabilitation (NR) and Enterprise Redevelopment (ER) areas.**

- B. To minimize procedural delays and ensure due process in the review of unique and exceptional development situations.
- C. To provide administrative relief from zoning requirements that do not affect adjacent properties and the nearby area.
- D. To encourage originality, flexibility and innovation in site planning and architectural design.
- E. To address any site-specific characteristics or constraints that may warrant the modification(s)

#### 1715.02 Eligible Lot Development Standards

A. The following site development standards may be eligible for a reduction of up to ~~20~~ **25** percent: minimum setbacks, maximum site coverage, maximum building/structure height and minimum required parking spaces.

B. The minimum site area may be reduced as follows:

1. For any lots that are in a zoning district with a minimum site area of one acre or smaller, the minimum site area may be reduced up to ~~5~~ **10** percent.

2. For any lots that are in a zoning district with a minimum site area of more than one acre, the site area may be reduced up to ~~2~~ **4** percent.

#### 1715.03 Application

A. All applications shall be made on forms supplied by the County **Zoning** Inspector and shall include an accurate site plan as described in Section 1705. In addition, details and reasons need to be provided as to the proposed modification(s).

B. The County Zoning Inspector shall review the application for compliance and completeness. If there are deficiencies, the Inspector shall notify the applicant.

#### 1715.04 Notice to Affected Property Owners

The County Zoning Inspector shall mail a notice to the surrounding property owners within 300 feet of the subject parcel. The notice shall contain a copy of the application and shall state that all comments concerning the proposed request must be forwarded to the **Planning Community Development** Department in writing within 15 days from the date the notice was mailed.

#### 1715.05 Action on Application

A. Based on staff comments and those from the affected property owners, The County Zoning Inspector shall review the proposed development and requested modification(s) of the standard(s) and shall either approve, approve subject to conditions, or deny the application within 7 working days from the end of the 15 day comment period.

B. The Zoning Inspector shall use the following criteria to evaluate the proposal:

1. The proposed modification will not violate any provisions of the Cochise County Comprehensive Plan, area plans, duly adopted master plans or other provisions of these Regulations.

2. The proposed modification(s) will be considered in light of the surrounding community, including scale and character with existing neighboring land uses, and shall not negatively impact adjacent property owners;

3. The proposed modification(s) will not substantially reduce the amount of privacy currently enjoyed by nearby property owners if the development were located as specified by these Regulations.

4. The proposed modification(s) will not adversely impact traffic or traffic circulation, drainage, water conservation measures, sewage treatment systems and other such systems. (iii) Public Services. The modification of setbacks shall not negatively impact public services, including emergency access, access to rights-of-way, dedicated tracts, or easements;

5. The modification(s) does not create a situation where the proposed use of the property will create a hazard or nuisance.

C. The Zoning Inspector shall, via certified mail, provide the applicant with a notice of disposition and written statement of the decision and reasons therefore, and any conditions of approval. Notice shall also be sent to the surrounding property owners within 300 feet of the site and shall include information on how to appeal the decision made by the Zoning Inspector and the appeal deadline (see Article 21 and Section 2103).

1715.06 Appeals

The decision of the County Zoning Inspector may be appealed to the Board of Adjustment in accordance with the provisions of Article 21.

1715.07 Fees

Applications for a Lot Development Administrative Modification shall be accompanied by the fee specified in the Planning and Zoning Fee Schedule.

**III. Staff Recommendation**

The proposed revision to Article 17 of the Zoning Regulations would allow for greater flexibility by allowing up to a *25 percent reduction of certain site development standards* (increased from 20 percent). Furthermore, the minimum site area for any lots that are in a Zoning District with a minimum site area of one acre or smaller may be reduced up to *10 percent* (increased from five percent), and any lots located in a Zoning District with a minimum site area of more than one acre, the site area may be reduced up to *four percent* (increased from two percent).

Staff recommends that the Planning and Zoning Commission forward the proposed amendments to the Board of Supervisors with a recommendation of approval.



## COMMUNITY DEVELOPMENT DEPARTMENT

*Planning, Zoning and Building Safety*

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

*Carlos De La Torre, P.E., Director*

### MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Michael Turisk, Interim Planning Director   
For: Carlos De La Torre, P.E., Community Development Director

SUBJECT: Docket R-11-07 Amendments to Article 4 (Plan Area Designations and Master Development Plans) regarding areas designated by the Comprehensive Plan as Neighborhood Rehabilitation (NR) and Enterprise Redevelopment (ER).

DATE: December 5, 2011, for the December 14, 2011 Meeting

**Docket R-11-07:** Consideration of amendments to Article 4 (Plan Area Designations and Master Development Plans) of the Cochise County Zoning Regulations concerning areas in unincorporated Cochise County designated by the Comprehensive Plan as Neighborhood Rehabilitation (NR) and Enterprise Redevelopment (ER). The Commission will consider and forward to the Board of Supervisors recommendations concerning the proposed amendments, which are intended to provide administrative regulatory relief to property owners in Neighborhood Rehabilitation and Enterprise Redevelopment areas by allowing for flexibility and clarifying specific requirements.

#### I. BACKGROUND

Areas designated by the Comprehensive Plan as Neighborhood Rehabilitation and Enterprise Redevelopment are those that, generally speaking, are comprised of a high number of deteriorating uses and/or areas with a large number of incompatible and deteriorating residential and commercial structures and uses. Furthermore, these areas generally have insufficient infrastructure to provide an adequate measure of health, safety, welfare and general convenience. What's more, residents in these communities have expressed interest in making improvements to the area. In order to facilitate improvements, some flexibility in site development and building code standards are currently afforded; however, The specifics are lacking; the proposed amendments would codify the specific site development standards eligible for administrative modification and the extent to which they may be modified.

## II. PROPOSED TEXT AMENDMENTS

For the sake of brevity and consistency, Staff is simply proposing to apply the proposed requirements set forth in R-11-06 (Lot Development Administrative Modifications) to the Neighborhood Rehabilitation and Enterprise Redevelopment Areas, including the public notification process. Again, this is an effort to clarify the specific site development standards allowed for modification, and to what degree those eligible site development standards may be modified.

The proposed text amendments to Article 4 are in **boldface**:

### 404.04 Designating Areas as Neighborhood Rehabilitation (NR)

- A. The area to be designated is within a Category A, B or C Growth Area.
- B. The area is a residential neighborhood with a high number of deteriorating dwellings.
- C. The infrastructure of the area is unable to provide for adequate public health, safety, welfare and general convenience.
- D. There is community interest in improving the area.
- E. Some flexibility in site development and building code standards may be appropriate to facilitate improvements (**see Article 17 – Lot Development Administrative Modifications**).

### 404.05 Designating Areas as Enterprise Redevelopment (ER)

- A. The area to be designated is within Category A, B, or C Growth Area.
- B. The area is:
  - 1. Comprised of a high number of deteriorating enterprise uses; and/or
  - 2. Has a large number of incompatible neighborhood and enterprise uses that are deteriorating.
- C. The infrastructure of the area is unable to provide for adequate public health, safety, welfare and general convenience.
- D. There is some existing community interest in improving the area.
- E. Some flexibility in site development and building code standards may be appropriate to facilitate improvements (**see Article 17 – Lot Development Administrative Modifications**).

**III. Staff Recommendation**

Staff recommends that the Planning and Zoning Commission forward to the Board of Supervisors the proposed zoning regulation text amendments with a recommendation of approval.

**IV. Attachments**

Correspondence from the Sierra Vista Community Development Department.

## Turisk, Mike

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**From:** Donald Brush [Donald.Brush@SIERRAVISTAAZ.GOV]  
**Sent:** Monday, December 05, 2011 1:14 PM  
**To:** Turisk, Mike  
**Subject:** RE: County Site Development Standards in our NR and ER Areas

Mike --

What is the motivation for the change? If it's targeted at Fry Townsite, reducing standards to help facilitate development might be a factor that could discourage annexation efforts. If it's aimed at other areas in the County, but happens to include Fry, the changes are fairly minor and we have no issues with them. We definitely support the idea of flexibility in general as we realize no two sites are the same in terms of development issues.

Thanks!  
Don

Donald Brush, AICP  
Planning Administrator  
Department of Community Development  
1011 N. Coronado Drive  
Sierra Vista, AZ 85635  
520-458-3315  
donald.brush@sierravistaaz.gov

-----Original Message-----

From: Turisk, Mike [mailto:MTurisk@cochise.az.gov]  
Sent: Monday, December 05, 2011 10:16 AM  
To: Donald Brush  
Subject: Re: County Site Development Standards in our NR and ER Areas

Thanks Don.

Cochise County Government  
"Public Programs, Personal Service"

----- Original Message -----

From: Donald Brush [mailto:Donald.Brush@SIERRAVISTAAZ.GOV]  
Sent: Monday, December 05, 2011 08:43 AM  
To: Turisk, Mike  
Cc: Jeff Pregler <Jeff.Pregler@SIERRAVISTAAZ.GOV>  
Subject: RE: County Site Development Standards in our NR and ER Areas

Mike -- Jeff and I will look this over today and get back to you.

Thanks,  
Don



## **COMMUNITY DEVELOPMENT DEPARTMENT**

### ***Planning, Zoning and Building Safety***

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

*Carlos De La Torre, P.E., Director*

### **MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Beverly Wilson, Interim Planning Manager  
For: Michael Turisk, Interim Planning Director  
**SUBJECT:** Docket R-11-08 (Commission Review of By-Laws and Ordinance)  
**DATE:** November 28, 2011 for the December 14, 2011 Meeting

#### **I. BACKGROUND**

**Docket R-11-08 (Commission Review of By-Laws and Ordinance):** The Planning and Zoning Commission agreed at their November 9, 2011 meeting, to independently review both the County Planning Commission Ordinance, dated November 20, 1969, and the Bylaws and Rules of Procedures for County Planning and Zoning Commission, Cochise County, Arizona. Chairman Jim Lynch requested that both Staff and the Commissioners provide written comments for discussion at the December 14, 2011 meeting. Deputy Civil County Attorney, Britt Hanson, has advised that from this discussion possible changes to these documents be proposed and that these proposed changes be legally advertised before any voting occurs. If proposed changes do result from this discussion, they will be provided to the Public through legal advertisement for vote during the January 11, 2012 Commission meeting. At this meeting, the Public will be invited to comment on any of the proposed changes.

## COUNTY PLANNING COMMISSION ORDINANCE

AN ORDINANCE OF THE COUNTY OF COCHISE, ARIZONA, CREATING A PLANNING AND ZONING COMMISSION: DEFINING ITS POWERS AND DUTIES: PROVIDING FOR THE ORGANIZATION: AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. ~~THE~~ THE BOARD OF SUPERVISORS OF THE ~~COCHISE~~ COUNTY OF COCHISE DO ORDAIN:

### Sec. 1. ESTABLISHMENT.

A County Planning and zoning commission (hereinafter referred to as ~~the~~ the Commission) is hereby established to consult with and advise the Board of Supervisors (hereinafter referred to as the Board) on, matters of planning and zoning for the growth, development, improvement and beautification of the County.

### Sec. 2. MEMBERSHIP.

The membership shall consist of nine members who shall be qualified electors, residents and real property owners appointed by the Board. Three members shall be appointed from each supervisorial district, and not more than one of the three shall be a resident of an incorporated municipality. Any member may be removed by the Board for neglect of duty, inefficiency, or misconduct in office, after a ten days written notice and hearing thereon. A written statement of the reasons for removal shall be prepared by the Commission Chairman and filed with the Clerk of the Board. The ~~Executive-Secretary~~ Chairman shall notify the Board whenever any member is absent from three consecutive regular meetings; three such absences, ~~without cause,~~ shall be sufficient for the Board to declare a vacancy in that office. When a Commission member moves from the district of which appointed, his office shall at once become vacant.

### Sec. 3. TERMS OF MEMBERS.

The terms of the members of the Commission first appointed from each supervisorial district shall be two, three and four years. Thereafter, each term shall be four years. Vacancies in any term shall be filled only for the unexpired portion of the term.

### Sec. 4. OFFICERS.

The Commission shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for a term of one year. ~~Upon recommendation of the Commission, the Board shall designate an Executive-Secretary.~~ The County Assessor, County Engineer, County Planning Staff and County Attorney shall serve in an advisory capacity to the Commission.

### Sec. 5. COMPENSATION.

Commission members shall serve as such without compensation, except that they may be reimbursed for actual expenses for travel incurred in connection with duties of their office upon authorization by the Commission and prior approval by the Board.

### Sec. 6. ORGANIZATION AND RULES.

The Commission, at its first meeting, shall elect officers and fix the time and place of regular monthly meetings. A majority of five members of the Commission shall constitute a quorum for the transaction of any business or official action including~ but not limited to adoption of policy, recommendations, reports or minutes. The Commission shall adopt rules and procedures for the transaction of business, subject to approval by the Board, and shall keep a record of its transactions, findings, recommendations and determinations. A copy of Commission records shall be kept in the Office of the Clerk of the Board, and such records shall be open to public inspection. No member shall act as an agent for or represent anyone on any matter coming before the Commission, Board, County Boards of Adjustment, or municipal bodies within the County pertaining to the use of land and buildings for any purpose, together with any incidental activities associated therewith or on other matters commonly known as "planning and zoning", and no member shall participate in the Commission's discussions, hearings or vote on any matter in which he has a financial or closely related personal interest, whether direct or indirect.

~~Sec. 7. REPORTS.~~

~~The commission shall submit to the Board such special reports as may be requested, and not less than 120 days prior to the beginning of the fiscal year an Annual Report setting forth the status and progress of its work together with recommendations on the County Planning Program and on staffing and budgeting for planning and zoning. A copy of the Annual Report shall be delivered to the Mayor and Chief Administrative Officer of each municipality within the County.~~

Sec. 8. POWERS AND DUTIES.

The Commission shall undertake and carry out comprehensive studies and surveys of physical, social and economic conditions of the County as may be necessary to continuously advise the Board on matters of planning and zoning for the growth, development, improvement and beautification of the County. It shall consider present conditions, problems and potential and desirable changes in the urban, suburban and rural areas of the County and recommend to the Board, programs, plans, standards, administrative procedures, and means of coordination with municipalities and other governmental agencies. Within the limits of the funds available such studies, surveys and recommendations shall include, but not be limited to:

a. ~~Formulation~~Review, adoption, and amendment of a long-range comprehensive Cochise County ~~Development Comprehensive~~ Plan, and recommending its adoption or amendment to the Board;

b. Investigations, maps, reports, rules, regulations, policies, ordinances, plans and dissemination of public information which in the opinion of the Commission are necessary or desirable to carry out the Cochise County ~~Development Comprehensive~~ Plan;

c. Formulation of zoning regulations and zoning maps and amend-ments thereto and recommendation of adoption by the Board.

d. Formulation of Land Subdivision Regulations and Amendments thereto an1 recommendation of adoption by the Board.

~~e. Capital Improvements Program and Capital Budget designed to provide for needed County facilities and services in accord-ance with the County Development Plan.~~

Sec. 9. COCHISE COUNTY DEVELOPMENT-COMPREHENSIVE PLAN.

The County Development Plan shall contain a statement of goals and policies for growth, development, improvement and beautification of the unincorporated areas of the County; a statement of assumptions and projections of change which may occur during the next ten to twenty years; a plan for land use, highway and other transportation facilities, and for the location and extent of community facilities; and general recommendation<sup>5</sup> for implementing the Cochise County development-Comprehensive Plan.

Sec. 10. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Sec. 11. REPEAL.

All Ordinances or parts of Ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

PASSED AND ADOPTED this ~~20 day of November 1969 (70)~~ by the Board of Supervisors of the County of Cochise, Arizona.

Cochise County Board of Supervisors

**BYLAWS AND RULES OF PROCEDURES**  
**FOR COUNTY PLANNING AND ZONING COMMISSION,**  
**COCHISE COUNTY, ARIZONA**

**ARTICLE 1-PREAMBLE**

The County Planning and Zoning Commission (“Commission”) was created by the Board of Supervisors of Cochise County, Arizona by authority of “County Planning Commission Ordinance”, passed and adopted November 20, 1969, to direct the growth and physical development of the County of Cochise and environs in sound and orderly fashion for the prosperity, health, safety, convenience, and general welfare of the citizens of Cochise County.

The purpose of these *Rules of Procedure* shall be to implement this Ordinance, and shall at all times be interpreted as carrying out the directives set forth in said Ordinance.

~~The function of the Commission shall be to perform and provide advisory services in matters related to planning and zoning to the Board of Supervisors, County Departments, citizenry and other governmental agencies. Its duties shall be to undertake and carry out comprehensive studies and surveys of existing conditions and prospective future growth of the County; to formulate and adopt regulations for the subdivision of land; to devise and recommend programs for public works improvements and the financing thereof; and to promote public interest in and understanding of the work of the Commission in the performance of its appointed tasks.~~

In order that the functions, duties, responsibilities of the Commission may be carried out in an orderly and consistent fashion with full public knowledge of the procedures involved, the following bylaws and rules of procedures are adopted.

**ARTICLE 2 – OFFICERS**

1. The officers of the County Planning and Zoning Commission shall be:
  - A. Chair: The Chair shall preside at all meetings and public hearings of the Commission, adopt all committees, have general supervision of the conduct of the affairs of the Commission, and perform such other duties as are usually exercised by the Chair of a Commission.
  - B. Vice-Chair: The Vice-Chair shall perform the duties of the Chair in the Chair's absence. In the event that both the Chair and Vice-Chair shall be absent, then the members present shall choose one from among their number to be Chair pro-tem for that meeting.
  - C. Secretary: The Secretary who shall be the secretary to the Planning Director, or a County employee designated by the Board of Supervisors, shall keep a written record of all business transacted by the Commission, notify members of all meetings, keep on file all official records of the Commission and be responsible for serving legal notice of all public hearings. This person shall be responsible

~~directly~~ to the Planning Commission when appointed and qualified. Any compensation for extra hours, if any, shall be fixed by the Board of Supervisors.

The officers of the County Planning and Zoning Commission shall be elected each year from among the members of the Commission for a one-year term at the Annual Meeting, with the exception of the Secretary who shall be appointed.

3. Legal Counsel: The Office of the County Attorney shall render all legal counsel, and shall defend the Commission and the Board in all legal actions, unless the Board of Supervisors shall deem it wise to retain other or additional legal counsel. Advice of legal counsel shall be received and entered in the minutes before disposition of any question of law, or matter requiring legal interpretation or advice unless the Commission has obtained the advice of legal counsel in Executive Session pursuant to Article 3, Section 4, of these Bylaws.
4. Number of Commissioners: The Commission shall be composed of nine (9) members. The members shall be qualified electors, residents and real property owners appointed by the Board. Three members shall be appointed from each supervisorial district and not more than one of the three shall be a resident of an incorporated municipality. Any member may be removed by the Board for neglect of duty, inefficiency, or misconduct in office, after ten days written notice and hearing thereon. A written statement of the reasons for removal shall be filed with the clerk of the Board. The ~~Secretary-Chairman~~ shall notify the Board whenever any member is absent from three consecutive regular meetings. Three such absences, ~~without cause,~~ shall be sufficient

for the Board to declare a vacancy in that office. When a commission member moves from the district of which he/she was appointed, the office shall at once become vacant.

5. Vacancy: Vacancies created by any cause shall be filled for the unexpired term in the case of a Commissioner by appointment of the Board of Supervisors, and in the case of Officers by election by the Commission from their membership.
6. Conflict of Interest Policy: All Members and Officers shall be governed by the Conflict of Interest Policy set forth in Title 38, Chapter 3, Article 8 of the Arizona Revised Statutes.

### ARTICLE 3 – MEETINGS

1. Annual Meetings: The Annual meeting for the installation of new members and election of officers shall be held at the first regular meeting ~~of January in a calendar~~ year.
2. Regular Meetings: Regular meetings of the Commission shall normally be held at least once per month or more as warranted by Commission business, at the time and place as set forth in the notice of meeting.

In the event of a regular meeting date falling upon a legal holiday as prescribed by the State Government, said meeting shall be held on the following Wednesday at the regular time and place.

3. Special Meetings: Special meetings of the Commission may be held at the call of the Chair, or at the request in writing of any five (5) or more members, who shall all sign the notice, which shall then be considered a legal notice of said meeting. All members shall be notified at least 48 hours in advance of the time set for a special meeting.
4. Meetings Open to the Public: All meetings and hearings of the Commission shall be open public meetings pursuant to the requirements and procedures of the Arizona Revised Statutes; and all official votes or actions must be in session open to the public. Executive sessions may be convened by the Commission by affirmative vote of the majority of the members present only pursuant to the requirements and procedures of the Arizona Revised Statutes.
5. Notifications: Notice of all meetings shall be furnished to each member at the time that the required public notification is sent to the news media for publication. Any member may waive notice of any meeting. The attendance of a member at a meeting shall constitute a waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Docket packets shall be furnished ~~to each member~~ to each member at least 48 hours in advance of any meeting.
6. A Quorum: A majority of five (5) members of the Commission shall constitute a quorum.
7. Minutes & Records: The Commission shall keep minutes and records of all its resolutions, transactions, findings, and determinations and, if the vote is not

unanimous, the vote of each member present shall be recorded with each order or resolution. Votes taken by the Commission may be by roll call at the discretion of the Chair and the Chair shall be the last to vote. The minutes, records, resolutions, transactions, findings and determination shall be of public record.

~~8. Reports and Budget Requests: The Commission, through staff, shall submit to the Board special reports as may be requested, including staffing and budgetary reports. Not less than 120 days prior to the beginning of each fiscal year the Commission shall submit to the Board an Annual Report setting forth the status and progress of its work together with recommendations on staffing and budgeting for planning and zoning. A copy of the Annual Report shall be delivered to the Mayor and Chief Administrative Officer of each municipality within the County.~~

9. Decisions of Commission:

- A. Initial motions shall be made in the affirmative form in order to open the discussion of a docket.
- B. Majority votes on Special Use dockets shall be the final decision of the Commission unless appealed to the Board of Supervisors. Tie votes on Special Use dockets will result in the failure of the motion, not the docket and will automatically be moved to the next regularly scheduled Commission meeting. A tie vote at the subsequent Commission meeting will result in failure of the docket.

10. Recommendation to Board of Supervisors: The Commission is an advisory body to the Board of Supervisors. All results of votes of the Commission, except for votes on

Special Use docket, shall be forwarded as a recommendation to the Board of Supervisors.

11. ~~H~~ Procedures. Procedures for discussions and voting at Commission meetings shall be determined by the Commission Chair, with the advice of the Cochise County Attorney if necessary, but in all events with an aim to allowing fair, open and efficient consideration of the issues before the Commission, and not as procedural devices to obstruct the business of the Commission or reasonable participation by the public.

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Rules of Order: Parliamentary Procedure at a Glance by O. Garfield Jones shall be considered as guidelines at the discretion of the Chair. These Bylaws and Rules and Procedures shall govern the proceedings of all Commission meetings, subject to interpretation by the Chair.

12. Adjournment: A motion to adjourn shall always be in order, and shall be carried by a majority vote of members present.

13. Lack of Quorum: In the event that a meeting is not held due to lack of a quorum, all matters scheduled for public hearing and/or action shall be automatically continued to the next regularly scheduled meeting, unless a special meeting date is arranged. Notice of such cancellation and continuation will be provided by staff or any Commission member at the meeting place, identifying the time and place for the re-scheduled public hearing. In such instances, the matter shall not be required to be re-

published, nor shall additional notification be required to be mailed to the neighboring property owners.

14. Quorum Call and Absence Reporting Process:

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1. In the week prior to a meeting, the Commission Secretary issues a quorum call by email. Commissioners respond to Secretary by email or phone.
2. Two days prior to meeting, the Secretary advises the Chairman of projected absentees and reasons for absence, if stated. The Chairman may contact Commissioners planning to be absent.
3. The Secretary maintains a spreadsheet detailing attendance records. A copy of updated spreadsheet is to be provided to the Chairman at each meeting.
4. When a Commissioner is absent for three consecutive meetings, the Chairman will advise appointing Supervisor with recommendations, if appropriate.

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**ARTICLE 4 – ORDER OF BUSINESS**

1. Call to Order by Chair or Vice-Chair
2. Roll Call
3. Determination of a Quorum
4. Approval of Minutes of last preceding meeting
5. Call to Public
6. Old Business
7. Action Items
8. New Business
9. Planning Director's Report

10. Request for Special Meeting

11. Call to Commissioners

12. Adjournment

The above order of presenting new business may be changed to accommodate persons to be heard on matters for consideration before the Commission by majority consent of the Commissioners present.

**ARTICLE 5 – PRESENTATION OF MATTERS BEFORE THE COMMISSION**

1. Writings Required: Every matter on which the Commission is authorized or required to act, brought before the Commission by any person, official, organization or agency, shall be presented in writing or on forms provided for the purpose, and shall include all information necessary for a clear understanding and intelligent action by the Commission. Such information may include maps, surveys, drawings, plans, charts, applicant's citizen input report, and other descriptive data.
  
2. Posting of Agenda: The agenda of cases to be heard shall be posted in the physical location required for posting other legal notices for the Board of Supervisors not less than 24 hours before each regular or special meeting.
  
3. Order of Proceedings: Each matter shall be heard in the following order subject to the discretion of the Chair:
  - A. The Chair shall call the docket number and describe the docket.

- B. The Planning Director or the Director's designee will summarize relevant correspondence and explain maps and other pertinent information.
  - C. The applicant or applicant's representative may make a statement in support of the application.
  - D. Open public discussion.
  - E. Other persons in favor of the application may be heard.
  - F. Those opposed to the application may be heard.
  - G. The applicant may be heard in rebuttal.
  - H. Close public discussion.
  - I. Questions and discussion from Commission members.
  - J. The Planning Director or the Director's designee will provide the Commission with written and verbal recommendations.
4. Withdrawal of Application: The applicant may withdraw any matter brought before the Commission at any time before the Commission has rendered a decision.

**ARTICLE 6 – AMENDMENTS OF BYLAWS & RULES OF PROCEDURE**

The foregoing *Bylaws and Rules of Procedure*, or any part thereof, may be amended at any meeting of the Commission after not less than three (3) days notice have been given to all members of the Commission and a copy of the proposed amendment sent with the notice. It shall require the affirmative of not less than six (6) members to make any amendment or change to these *Bylaws and Rules of Procedure*.

**ARTICLE 7 – RECORDATION OF RULES AND AMENDMENTS**

A certified copy of these Rules and amendments thereto shall be placed on record in the office of the Clerk of the Board of Supervisors within five (5) days following the date of adoption.

REVISED ON JUNE 13, 2007

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Vice – Chair

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Chair