

**COCHISE COUNTY PLANNING & ZONING COMMISSION**  
**FINAL MINUTES**  
**February 11, 2015**  
**REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chair Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Mr. Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated that there were three Special Use Dockets, on the agenda. Mr. Greene explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Mr. Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Wayne Gregan, Patrick Greene, Liza Weissler, Pat Edie, Nathan Watkins, and Tim Cervantes) indicated their presence. Staff members present included; Peter Gardner, Planner I; Jesse Drake, Planner II; and Britt Hanson, Chief Civil Deputy County Attorney.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the January 14, 2015 meeting. **Action:** Approve

**Moved by:** Mr. Martzke **Seconded by:** Ms. Weissler

**Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 2)

**Yes:** Jim Martzke, Wayne Gregan, Patrick Greene, Liza Weissler, and Pat Edie

**No:** 0

**Abstain:** Mr. Watkins and Mr. Cervantes

**CALL TO THE PUBLIC:**

Mr. Jack Cook of Bisbee spoke of various matters.

**NEW BUSINESS**

**Item 1 PUBLIC HEARING Docket SU-14-15 (HPAZ NEVADA)** This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 40-foot high tower in a RU-4 rural residential zoning district on E. Nevada Drive in Hereford.

Chair Greene called for the Planning Director's report. Planner II Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Benjamin Tyler of Sierra Vista, spoke, explaining the background and rationale behind the request noting that his father, the previous applicant had passed away.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler stated that she had worked for Mr. Tyler's father and expressed her condolences. She then expressed concern about converting residential towers to commercial towers, and asked if there were more such towers. Ms. Drake noted that until Staff received an application or complaint regarding a tower no action could be taken. Ms. Weissler asked why the application came in and if a complaint was received. Ms. Drake explained that Staff had not received any public complaints. Ms. Weissler stated that she had trouble believing that the Applicant's were unaware of permitting requirements. Mr. Gregan asked if the Commission granted the Special Use, would the tower become a commercial tower. Ms. Drake stated that there would be a commercial use on the existing tower, noting that the distinction was slight but important. Mr. Gregan expressed concern that granting the Special Use would open the door to more antennas in the future. Ms. Drake noted that the County did encourage co-location of antennas on existing towers. Mr. Gregan asked the Applicant if he understood the ramifications of not applying for the permit. Mr. Tyler stated that he did, and acknowledged that they were asking for forgiveness rather than permission. Mr. Gregan expressed further concern that approval would lead to additional antennas on this tower. Mr. Cervantes noted prior experience with the Applicant and the technology in question. He noted that the antennas were small, and on the unlicensed spectrum, and are very safe. He stated that this sort of system was very commonly used to share internet service in the area. Mr. Cervantes agreed with Ms. Weissler's remarks, but noted that the Applicant had approached Staff to legitimize their equipment. Ms. Weissler did agree that previous internet access in the Hereford area was poor, but again noted displeasure at after the fact applications. She asked what would stop a homeowner from using the residential height exemption to install a major tower, at the request of a commercial provider, who would then mount their equipment on it, circumventing the regulations. Mr. Cervantes seconded the concern. Mr. Gardner explained that ham radio towers are permitted by Staff as a residential structure, and are exempt from height restrictions, but is the scenario brought up was not dissimilar from the current docket, and noted that the Commission may be more hesitant to approve such a docket based on the appearance of an attempt to circumvent the regulations. Mr. Watkins asked who maintained the towers. Mr. Tyler responded that he did. Ms. Weissler stated that homeowners maintained the towers, and Mr. Tyler reiterated that he provided maintenance to the tower in addition to his own equipment. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene stated he would reserve comment until the final docket, called for a vote. The motion passed 5-2.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Mr. Gregan **Seconded by:** Mr. Martzke

**Vote:** Motion passed (**Summary:** Yes = 5, No =2, Abstain = 0)

**Yes:** Jim Martzke, Wayne Gregan, Patrick Greene, Nathan Watkins, and Tim Cervantes

**No:** Liza Weissler and Pat Edie

**Abstain:** 0

**Item 2 PUBLIC HEARING Docket SU-14-16 (HPAZ Burro)** This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 80-foot high tower in a RU-4 rural residential zoning district on S. Burro Drive in Hereford.

Chair Greene called for the Planning Director's report. Planner II Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Benjamin Tyler of Sierra Vista, declined to speak to this particular docket.

Ms. Mary Ann Wagner, of Hereford, spoke in opposition to the request. Ms. Wagner stated that she saw the equipment being installed in 2011, but had not received any information about the installation. She expressed confusion regarding the zoning and use, and concern about future expansion. She also expressed concern regarding radiation from the towers. Ms. Wagner expressed concern that the request would harm her property values due to commercial zoning.

There being no further speakers in support or opposition, Mr. Greene invited the Applicant to rebut. Mr. Tyler addressed the radiation concern, explaining the low output and the type of radiation generated, noting it was less dangerous than a residential microwave.

Mr. Greene then closed the Public Hearing and invited discussion. Mr. Cervantes asked about the age of the tower. Mr. Greene noted that Staff reported that the tower was permitted in 1984. Mr. Gregan asked Ms. Wagner if she understood that the tower would remain even if the request was denied. Ms. Wagner stated that she did. Mr. Cervantes noted that the Commission could impose a condition prohibiting additional collocation on this tower, and asked about camouflage for the antennas. Mr. Tyler noted it was possible, but explained the tower would not be hidden. The Commission had a lengthy discussion regarding changing technology. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Watkins seconded the motion and Mr. Greene called for a vote. The motion passed 5-2.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Mr. Martzke **Seconded by:** Mr. Watkins

**Vote:** Motion passed (**Summary:** Yes = 5, No = 2, Abstain = 0)

**Yes:** Jim Martzke, Wayne Gregan, Patrick Greene, Nathan Watkins, and Tim Cervantes

**No:** Liza Weissler and Pat Edie

**Abstain:** 0

**Item 3 PUBLIC HEARING Docket SU-14-17 (HPAZ Stone Ridge)** This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 100-foot high tower in a RU-4 rural residential zoning district on S. Stone Ridge Drive in Hereford.

Chair Greene called for the Planning Director's report. Planner II Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Benjamin Tyler of Sierra Vista, spoke, explaining the background and rationale behind the request. There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene admonished the Applicant for installing the equipment without a permit, and warned that any other existing towers should be brought to Staff immediately, or the Commission may not look upon them as kindly. Mr. Greene then called for a vote. The motion passed 5-2.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Mr. Gregan **Seconded by:** Mr. Martzke

**Vote:** Motion passed (**Summary:** Yes = 5, No = 2, Abstain = 0)

**Yes:** Jim Martzke, Wayne Gregan, Patrick Greene, Nathan Watkins, and Tim Cervantes

**No:** Liza Weissler and Pat Edie

**Abstain:** 0

#### **PLANNING DIRECTOR'S REPORT:**

Planner II Jesse Drake stated that there would be two rezonings, three special uses, and a tentative plat extension on the next agenda.

**CALL TO COMMISSIONERS ON RECENT MATTERS:** There was no discussion.

**ADJOURNMENT** – Mr. Greene moved to adjourn, Mr. Martzke seconded, and the meeting was adjourned at 5:06 pm.