



# Cochise County Planning Commission

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

**Regular Meeting**  
**February 13, 2013**  
4:00 p.m.

## AGENDA

1. **4:00 P.M. - CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action).
3. **APPROVAL OF PREVIOUS MONTH'S MINUTES**
4. **NEW BUSINESS**

**Item 1 – (Page 1) Introduce docket and notify the public who the Applicants are.**

**NOT A PUBLIC HEARING, Docket S-05-05 (La Marquesa Conservation Subdivision Tentative Plat Extension):** Mr. Patrick Kirk, Applicant, is requesting approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat. The current Tentative Plat extension expired on February 5, 2013. The subdivision includes 103-lots on 317 acres located on the north side of Three Canyons Rd. in Hereford.

**Item 2 – (Page 5) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING Docket SU-13-02 (Helfrich):** Mr. Lee Helfrich, Applicant, seeks Special Use authorization for a Bed and Breakfast Establishment, to include equestrian-related Outdoor Recreation, per Sections 607.07 and 607.43 of the Zoning Regulations.

### **Planning Commission**

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a Speaker Information form (available at the meeting) and submit it to County staff before the Call to Order.

The order and or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 7:30 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Manager, Michael Turisk at 520.432.9240. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

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 may 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.

**COMMUNITY DEVELOPMENT DEPT.  
HOURS OF OPERATION**  
Monday through Friday  
7:30 a.m. to 5:00 p.m.  
Phone: 520.432.9240  
Fax: 520.432.9278

The Applicants plan to renovate three existing, detached, one-bedroom buildings for use as B&B rentals for up to six guests, and to use the existing corral and related structures for trail rides and hikes, with the Applicants providing guide services for guests. The subject parcel is located at 6200 N. Cascabel Road, north of Benson.

**Item 3 – (Page 31) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING Docket SU-13-03 (Verizon):** Mr. Ryan Rawson of In Command Communications, on behalf of Verizon Corporation, Applicant, seeks Special Use authorization for a Wireless Communication Tower exceeding 30-feet in height, per Section 607.38 of the Zoning Regulations. The proposed tower would be placed atop Beacon Hill northeast of Douglas. The Applicant intends to replace the existing 40.6-foot wireless tower with a 50-foot self-supported tower. The subject parcel is located at 8377 N. Dangerous Road.

- 5. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
- 6. CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda and for no longer than five minutes). *The Planning Commission is prohibited from taking action or engaging in discussion on any item not appearing on the posted agenda.*
- 7. CALL TO COMMISSIONERS ON RECENT MATTERS.**
- 8. ADJOURNMENT.**

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
DRAFT MINUTES**

Wednesday, January 9, 2013

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' Hearing Room.

Mr. Lynch 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 there was a single Special Use Permit on the Agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Chair Lynch noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Tim Cervantes, Pat Edie, Jim Lynch, Jim Martzke, Carmen Miller, Gary Brauchla, Ron Bemis, and Liza Weissler) indicated their presence. Chairman Lynch asked Ms. Wilson to introduce a new staff member, Peter Gardner, Planner I, and then asked the Board Members to introduce themselves and state which District they represent. Staff members present; Beverly Wilson, Deputy Director; Keith Dennis, Planner II; Peter Gardner, Planner I; Adam Ambrose, Civil Deputy County Attorney, Dora Flores, Customer Service and Permit Coordinator.

**CALL TO THE PUBLIC**

Chair Lynch opened the "Call to the Public." Mr. Bemis asked if he was allowed to speak at the Call to the Public. Council indicated that Mr. Bemis was free to speak at any time. Mr. Bemis requested a roster of County Staff present at the meeting be included in the minutes. Jack Cook spoke about various matters. Mike Jackson spoke about concerns that Building Code was adopted improperly due to lack of a Zoning Advisory Board and that all Zoning Regulations were hence invalid. Mr. Bemis asked the Chair if he could question Mr. Jackson regarding this matter. Mr. Ambrose interjected that response to Call to the Public items was not permitted and if the Commission felt discussion was needed then the item would have to be placed on the Agenda at a future meeting. Chair Lynch closed the "Call to the Public."

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the December 12, 2012 meeting as presented.

**Action:** Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Cervantes

**Vote:** Motion passed (**Summary:** Yes = 6, No = 0, Abstain = 2)

**Yes:** Mr. Martzke, Ms. Miller, Chair Lynch, Ms. Edie, Ms. Weissler, Mr. Cervantes

**No:** 0

**Abstain:** Mr. Brauchla, Mr. Bemis

## **NEW BUSINESS**

### **Item 1**

#### **Election of Chairman and Vice-Chairman for 2013.**

Mr. Bemis nominated Mr. Lynch for Chairman for 2013, and Mr. Martzke seconded. Mr. Martzke then moved to close the nominations and Ms. Edie seconded. The nominations were closed by unanimous vote and the nomination of Mr. Lynch was also carried by unanimous vote. Mr. Bemis then moved to nominate Mr. Martzke as Vice-Chairman, and Ms. Edie seconded. Mr. Bemis then moved to close the nominations, and Ms. Edie seconded. The motion passed unanimously.

### **Item 2**

**PUBLIC HEARING, Docket SU-13-01 (Workman):** The Applicant seeks Special Use authorization from the Planning and Zoning Commission for a Contract Construction Services operation, per Section 607.13 of the Zoning Regulations, utilizing the existing Kings Ranch at Coronado Discovery Center on the property.

The discovery center is the sales office for the subdivision, consisting of three structures and an asphalt parking lot. The Applicant, RL Workman of Workman Homes, is using the sales center as the headquarters for his business and some storage of equipment (indoor) and vehicles (outdoor) will take place. Workman Homes is also the home builder for the Kings Ranch at Coronado subdivision. The subject parcel (104-24-312) is located at 10280 S. Wilderness Road in Hereford, AZ.

Chairman Lynch called for the Planning Director's presentation of the Docket. Keith Dennis, Planner II, delivered the report, illustrating the facts of the case, utilizing photos, maps and other visual aids. He explained the background of the case and the circumstances surrounding the Special Use Permit under consideration, including the history of the subdivision and of the existing structures on the property. Mr. Dennis described the details on the Applicant's site plan as well as the current and proposed uses on the parcel. Issues regarding permitting, access, and parking were discussed as well as the existence of a sign in the County and State Rights of Way that was to be relocated. Mr. Dennis did note that Modifications of access and parking requirements, as well as for screening and signage were requested by the Applicants. He concluded by offering four factors in favor and two factors against approval. Mr. Dennis asked for questions from the Commissioners. There being no questions, Mr. Lynch invited the Applicant to make a statement.

Mr. Cerepanya, the representative for the Applicant, explained how the property owner had come into possession of the subdivision through foreclosure, and the continuing effort to develop the area. He explained the Applicant's misunderstanding that led to the establishment of the office without a permit. He also explained how many employees were onsite and explained the equipment stored on site. Mr. Cerepanya invited questions from staff. There being none, Chairman Lynch opened the Public Hearing. There being no members of the public interested in speaking, Chairman Lynch closed the Public Hearing. Mr. Lynch asked about the sign Modification. Mr. Dennis clarified that this was a new sign as opposed to the signs already addressed. Chairman Lynch asked for the Planning Director's summary and recommendation. Mr. Dennis recommended Conditional Approval and explained the recommended Conditions and Modifications. Mr. Lynch asked the Commission if there were questions for staff. There being none he asked for a motion in the affirmative. Mr. Martzke moved to approve Docket SU-13-01 with the Conditions and Modifications recommended by staff in the staff memorandum. Mr. Cervantes seconded. Mr. Lynch opened the item for discussion. Mr. Cervantes expressed concern about the Applicant proceeding without a permit. Mr. Martzke stated that he felt that the new owner of the subdivision should be held to the required standards and therefore improve the situation. Mr. Bemis expressed his approval of the development. There being no further questions or comments, Mr. Lynch called for a vote. The motion passed 8-0.

**Motion:** Motioned to approve the Special Use authorization for Contract Construction Services.

**Action:** Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Cervantes

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

**Yes:** Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Mr. Bemis, Mr. Brauchla, Ms. Weissler and Ms. Edie.

### Item 3

**PUBLIC HEARING, Docket SU-12-23A (Wu):** The Applicant seeks Special Use Modification of SU-09-23 to construct a Solar Energy Power Plant, which was approved by the Commission in December 2009 with a Condition of Approval requiring the developer to make substantial construction progress within three years from the date of Commission approval; this request is to Modify that Condition to allow for additional time to make substantial construction progress. The location includes six contiguous RU-4 zoning districts (Rural; minimum lot size 4 acres) located approximately seven miles southeast of the Bowie townsite. The property takes access via S. Apache Pass Rd, and the Applicant is Jian Ming Wu.

Peter Gardner, Planner I, delivered the report, illustrating the facts of the case, utilizing photos, maps and other visual aids. He explained the background of the case and the circumstances surrounding the Special Use Modification under consideration. Mr. Gardner noted that the original property owner in 2009 sold the parcels to the current Applicant. It was noted that the Applicant was not present but was available via telephone if necessary. Ms. Weissler asked if the proposed technology was the best choice for the project and how wildlife would be affected.

Mr. Gardner explained that both questions were addressed at the initial approval and explained that under the existing approval minor changes to technology could be approved by staff. Mr. Lynch concurred. Mr. Brauchla and Ms. Weissler expounded on the technology proposed. Mr. Lynch asked for clarification if environmental impacts were addressed in 2009. Mr. Gardner indicated they were and referenced the attached report from the 2009 approval. Mr. Lynch asked the Commission if there were other concerns. Ms. Wilson expounded on the lack of requirement for Environmental Impact Studies. Mr. Bemis added additional information regarding endangered species. Mr. Lynch requested input from the Applicant via telephone; however the Commission decided against doing so.

Chairman Lynch opened the Public Hearing. There being no members of the Public interested in speaking, Chairman Lynch closed the Public Hearing. Ms. Miller brought up three points of concern; one was concern about impact and the size of the project; the second concern was the recent changes in technology pointing towards photovoltaic systems; the last was concern about approving a Special Use based on speculation, and stated that the power lines that may serve the project were in doubt. Ms. Wilson asked the Chair if Ms. Miller's concerns should be directed to the Applicant. Ms. Miller stated that she felt the Applicant would be unable or unwilling to address the questions and declined to request a call to the Applicant. Mr. Bemis spoke about the cumulative effects of photovoltaic arrays on the hydrologic contours of a parcel. He stated that he felt Staff should require more information from Applicants for solar projects addressing these concerns. He expounded that solar projects and highways have impacted range uses and wildlife. Ms. Miller also added concerns that solar projects negatively impacted the environment. Mr. Lynch noted that while the arguments were valid they were equally applicable to any energy project. Mr. Bemis responded that he felt that environmental impacts should be given greater weight. Chairman Lynch asked if these concerns were addressed by staff. Ms. Wilson and Mr. Gardner explained that the issue was addressed in 2009, and that it would be dealt with in greater detail during the Commercial Permitting process. Mr. Bemis asked for more information from Staff about mitigation of hydrological impact from any solar projects of any scale, and expressed concern that such mitigation was not being addressed by staff. Chairman Lynch noted that such issues were common with any development and expressed confusion as to the point of the current discussion regarding the project at hand. He also addressed concerns about speculation, stating that he felt this project was not speculative in that the request is not simply to increase the value of the land for sale. Mr. Bemis again asked if this approval would prevent the County from addressing water issues and stated that he felt denial was appropriate. Mr. Bemis noted that the proposed power lines have not yet been approved due to the contentious nature of the projects. With no further questions from Commissioners, Chairman Lynch asked for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the requested Conditions.

Mr. Lynch asked about the expiration of the current permit and Mr. Gardner provided the information. Mr. Bemis moved to approve Docket SU-09-23A with the Conditions recommended by staff in the staff memorandum. Mr. Martzke seconded.

Mr. Lynch opened the item for discussion. Mr. Martzke asked if the Condition should be worded to automatically revoke the permit after three more years without progress and moved to so amend the motion. He expressed a desire to give the current Applicant the chance to develop the parcel. This modification to the motion was not seconded by the Commission. Mr. Bemis asked Counsel if there was a legal requirement to allow an Applicant to request an extension. Mr. Ambrose explained that the Commission could grant an extension and that the Zoning Regulations allow the Commission to revoke the permit after notice to terminate is provided and the opportunity given for the Applicant to request an extension. Mr. Lynch asked Mr. Ambrose for clarification of the current situation, which Mr. Ambrose provided. Mr. Lynch also explained the Commission's options. Mr. Lynch explained his thoughts about denial and his rationale. Mr. Bemis expressed his belief that there would not be substantial construction within the next three years, and that regulations may change, and that the Applicant should come back to the Commission when ready to proceed with construction. Counsel asked the Commission if they wanted to contact the Applicant. Mr. Lynch asked for opinions of staff. Mr. Gardner agreed that the Applicant should be contacted. Mr. Bemis stated that he felt the only question should be if the Applicant could provide information on when and where power lines would be installed. Mr. Lynch and Mr. Bemis further discussed this point. Mr. Ambrose also reminded the Commission that they had the option of tabling the item and requesting the information in writing. Mr. Lynch noted that if the Applicant was seriously interested in the project he would have been present and that a single telephone question was not sufficient. He suggested tabling the item until the next meeting to allow the Applicant to be present. Mr. Cervantes and Ms. Edie stated that they felt his only involvement was ownership of the land and that he had no technical input. Mr. Martzke stated that the process to permit the feed lines would take three to five years and therefore no construction would occur within three years under any circumstances. He also noted that his motion to amend the motion was not seconded. The option of tabling was discussed, and Ms. Weissler asked what would happen if the Applicant did not appear. There being no further questions or comments Mr. Lynch called for a vote and the motion failed 0-8.

**Motion:** Motioned to recommend Conditional Approval of the Special Use Modification

**Action:** Approve **Moved by:** Mr. Bemis, **Seconded by:** Mr. Martzke

**Vote:** Motion failed unanimously (**Summary:** Yes = 0, No = 8, Abstain = 0)

**No:** Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Ms. Weissler, Mr. Brauchla, Mr. Bemis and Ms. Edie.

Chairman Lynch called for a five minute break before the next item.

#### Item 4

#### **PUBLIC HEARING, Docket R-13-01:**

A resolution that proposes a number of revisions to the 2008 version of the Cochise County Zoning Regulations (adopted June 20, 2008; Resolution 08-31). The overall intent of the proposed revisions is to: 1) to simplify and clarify the regulations to be understood by staff and the public; 2) build in more flexibility in the administration of the regulations; and 3) bring the regulations into conformance with revisions in the Cochise County

Comprehensive Plan and Arizona Revised Statutes ("ARS"). Examples of land use definitions that have been added include: Commercial Kennels, Community Gardens and Farmers' Markets, and Recycling Transfer Stations. Many other definitions, such as Residential Care Homes and Institutions, were modified for clarity or to meet current ARS requirements. Article 19 has been re-written to conform to ARS. The Commission will be considering revisions to most sections of the Zoning Regulations as part of this Docket. The Applicant is the Cochise County Planning and Zoning Commission

Beverly Wilson, Deputy Director, delivered the report, first introducing Dora Flores, Customer Service and Permit Coordinator, as present to answer any questions the Commission might have. Mr. Bemis interjected with a concern regarding Mr. Jackson's Public Comment and a concern that any action by the Commission was invalid and requested legal opinion. Mr. Ambrose interrupted to assure Mr. Bemis that the issue would be addressed and that the Commission should review the Regulations on their own merits and should trust Staff to assuage the Commission's concerns. Chairman Lynch interjected that he had no intention of approving the document this evening and preferred to come up with a methodology of reviewing the changes. Ms. Wilson offered a Work Session to review the proposed changes with the Commission. Chairman Lynch and Ms. Wilson discussed the items that would be removed from the proposed changes. Ms. Wilson explained that the purpose of the update was to simplify and clarify the language of the regulations and to formalize the interpretations into the regulations, per the requirements of SB1598, and noted that was how kennels came to be included in the changes. She also noted that the proposed kennel definition had been removed from the proposed changes, and explained that references to specific sections of the regulations or Arizona Revised Statutes were removed to ease clerical tracking. She reiterated that the kennel change was deleted and would be dealt with on its own at a later date. The addition of several new definitions was noted to address new trends, and changes to definitions to comply with State statute or for added clarity. She briefly touched on major changes in each Article. Ms. Wilson also noted that renewable energy requirements were also removed from this proposal in Article 4. Changes to Grocery Stores and Communication towers were noted. The additions of Farmers' Markets and Community Gardens were addressed. Alterations to setbacks for Special Uses in General Business Districts were proposed to bring them into line with other Districts. Medical Marijuana uses were added to the list of Special Uses in the Heavy Industrial Districts. Administrative Regulations were modified for clarity. It was noted that a section was relocated from Section 18 to Section 17. Proposed changes to Site Development Standards were noted as intended to clear up recurring situations. Ms. Wilson explained that all content restrictions were removed from the Sign Regulations and the Sign Code was greatly simplified. She completed her presentation by discussing and clarifying Non-Conforming Status.

Chair Lynch then opened the Public Hearing. Mr. Jack Cook spoke regarding the proposed changes. Mr. Jackson spoke about the proposed changes and referenced his Public Comments regarding the legitimacy of the regulations and recommended the Commission investigate the Board's actions. Mr. Ambrose clarified that his office would provide the requested legal opinion.

Chairman Lynch noted that it was not appropriate for the Commission to take on a judiciary or investigative role into the past actions of the Board of Supervisors and reiterated his intention to focus on land use issues as the Commission had been appointed to do. Mr. Bemis commented that he felt that process was important. Mr. Lynch stated that he felt a line-by-line review was not a good approach, nor was a simple up or down vote on the entire document. He addressed the suggestion of Work Sessions and asked for experience. Mr. Bemis supported the concept of a Work Session and once again expressed concern about Mr. Jackson's assertions and requested detailed legal opinions from multiple sources rebutting those assertions. Mr. Bemis also expressed the possibility of holding multiple public meetings prior to the Commission to discuss the changes. Mr. Martzke agreed that a Work Session would be good to understand the whole document. Ms. Edie expressed a desire for more time to review the changes. Ms. Weissler stated that she felt the summary was very clear and that a Work Session would be a good idea, but that the summary was the place to start. Mr. Bemis brought up his background in such documents and suggested breaking the document up into sections. Chairman Lynch asked for input on a timeframe for review and suggested that staff coordinate a Work Session. Mr. Bemis suggested meeting for several hours at a time biweekly for six months. Ms. Wilson asked the Commission why none of the Commission members had contacted Staff with any questions. Mr. Lynch clarified that he had attempted to do so. Ms. Wilson expressed a belief that the changes were straightforward. Mr. Lynch recommended a Work Session to address the summary and definitions to begin with. Mr. Bemis concurred, but expressed concern that Work Sessions were not governed by open meeting law and would shade any discussion. Mr. Lynch proposed the suggested Work Session and requested the summation slides for prior review. He recommended the legal issue brought up by Mr. Jackson be addressed first, but expressed confidence in staff's ability to resolve the issue. Mr. Bemis clarified his earlier comment regarding the legal opinion requested. Mr. Bemis moved to table the item to a time uncertain with the addendum that staff not proceed until receiving Counsel's legal opinion regarding process. Mr. Ambrose stated the answer would be provided before the end of the week. The motion was seconded by Jim Martzke. There was no further discussion and the motion was carried 8-0.

**Motion:** Motioned to table item until time uncertain and schedule a Work Session

**Action:** Table to time uncertain **Moved by:** Mr. Bemis, **Seconded by:** Mr. Martzke

**Vote:** Motion passes unanimously (**Summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Ms. Weissler, Mr. Brauchla, Mr. Bemis and Ms. Edie.

## **PLANNING DIRECTOR'S REPORT**

Chairman Lynch then called for the Planning Director's report. Deputy Director Beverly Wilson reported that there were two Special Use dockets for the next month as well as a Work Session.

## **CALL TO COMMISSIONERS**

Mr. Bemis thanked staff for their efforts on the regulation changes and expressed a desire to support staff but also a concern about correct procedures being followed. Chairman Lynch concurred.

## **ADJOURNMENT**

Mr. Martzke moved to adjourn, Mr. Bemis seconded, and the meeting was adjourned at 6:05 p.m.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

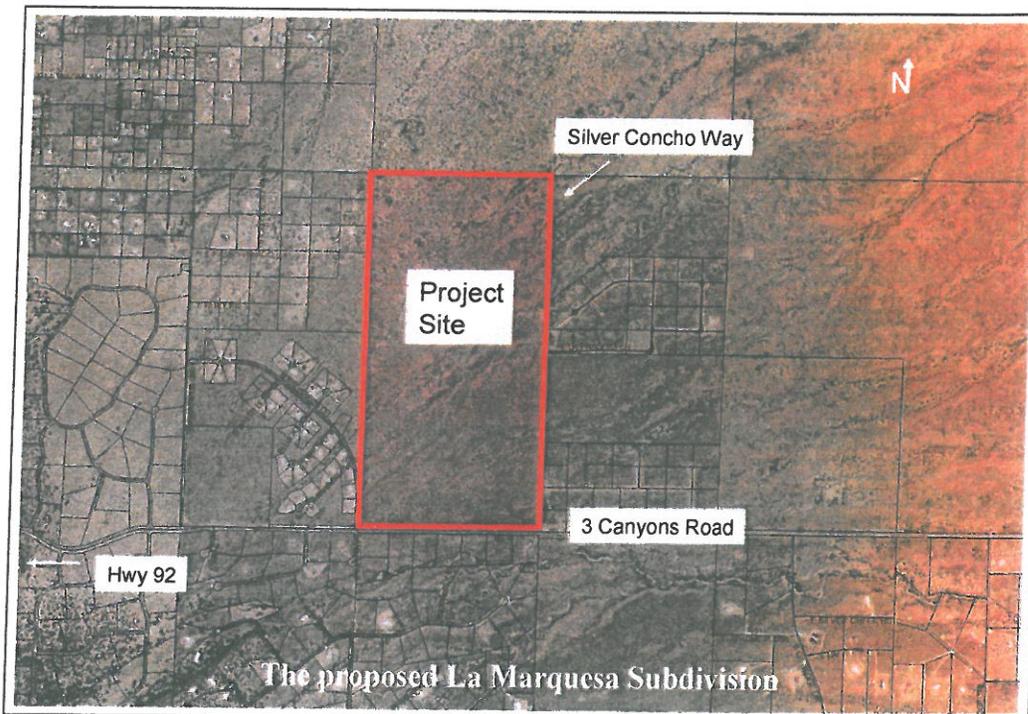
## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Keith Dennis, Planner II *KD*  
**FOR:** Beverly J Wilson, Deputy Director, Planning Division *BW*  
**DATE:** January 29, 2013 for the February 13, 2013 Meeting  
**SUBJECT:** Tentative Plat Extension, La Marquesa Subdivision (S-05-05)

### I. NATURE OF REQUEST

This request is for approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat. The Tentative Plat was approved by the Board of Supervisors on February, 5, 2007. The current Tentative Plat extension expired on February 5, 2013. The Developer is Mr. Patrick Kirk and the Project Engineer is Mr. Blaine Reely of Monsoon Consultants in Tucson.

The subdivision is a 103-lot Residential Conservation subdivision located on 317 acres, zoned RU-4 (Rural; one home per 4 acres). The parcel (104-01-011R) is located on the north side of Three Canyons Road in Hereford, about one mile east of Highway 92.



## II. BACKGROUND

Since the Board of Supervisors approved the Tentative Plat (TP) in 2007, the developer has received a one-year administrative extension, in 2009, followed by three subsequent one-year extensions granted by the Commission.

In 2010, and again in 2012, the Commission voted 7 – 0 to recommend denial for a waiver request from the developer, which would have removed a Board-imposed requirement that the subdivision be served by a water company. The Developer is not requesting further action or deliberation on this issue at this time.

## III. ANALYSIS

Tentative Plat approvals are effective for a two-year period, after which a one-year extension may be approved by staff (per Section 208 of the Subdivision Regulations). Subsequent requests for a one-year extension are decided by the Planning Commission. As stated above, the Developer has utilized his one-year administrative extension, and obtained three subsequent Commission-approved extensions. Each time, the Planning Department has required or recommended that such approval be conditioned upon the Developer adhering to the same Conditions of Approval that attended his initial TP approval in 2007. Should the Commission grant the current request, staff would again recommend these conditions carry forward.

## IV. STAFF RECOMMENDATION

Staff recommends conditional approval of the one-year time extension for the La Marquesa Tentative Plat, to expire on February 5, 2014; the conditions to be the same as for the original Tentative Plat approval on February 5, 2007.

Suggested Motion: *Mr. Chair, I move to conditionally approve a one-year time extension for the La Marquesa Subdivision Tentative Plat, Docket S-05-05, with a new expiration date of February 5, 2014, and with the same Conditions as the February 5, 2007 approval of the Tentative Plat.*

## V. ATTACHMENTS

- A. La Marquesa Subdivision Tentative Plat Sheet 1
- B. Extension Request



**From:** Patrick Kirk [<mailto:patrickkirk10@yahoo.com>]  
**Sent:** Wednesday, December 19, 2012 10:56 AM  
**To:** Wilson, Beverly  
**Subject:** La Marquesa Tentaitve Plat Extension

Hi Beverly,

It seems like we have been missing each other the last few weeks. Per my voicemail, I would like to get on the next available commission schedule

for a tentative plat extension request for the La Marquesa subdivision. Please let me know where to send a check and when the meeting is.

Thanks

Patrick Kirk

4B



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Planner II *(initials)*

FOR: Beverly J. Wilson, Deputy Director Planning Division *(signature)*

SUBJECT: Docket SU-13-02 (Helfrich)

DATE: January 23, 2013, for the February 13, 2013 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant seeks Special Use authorization from the Planning and Zoning Commission for a Bed and Breakfast Establishment to include equestrian Outdoor Recreation, per Sections 607.07 and 607.43 of the Zoning Regulations. The Applicants plan to renovate three existing buildings for use as B&B rentals, and to use the existing corral and related structures for trail rides and hikes, with the Applicants providing guide services for guests.

The subject parcel (209-29-001R) is located at 6200 N. Cascabel Road, north of Benson. The Applicants are Lee Helfrich and Megan O'Connell.

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

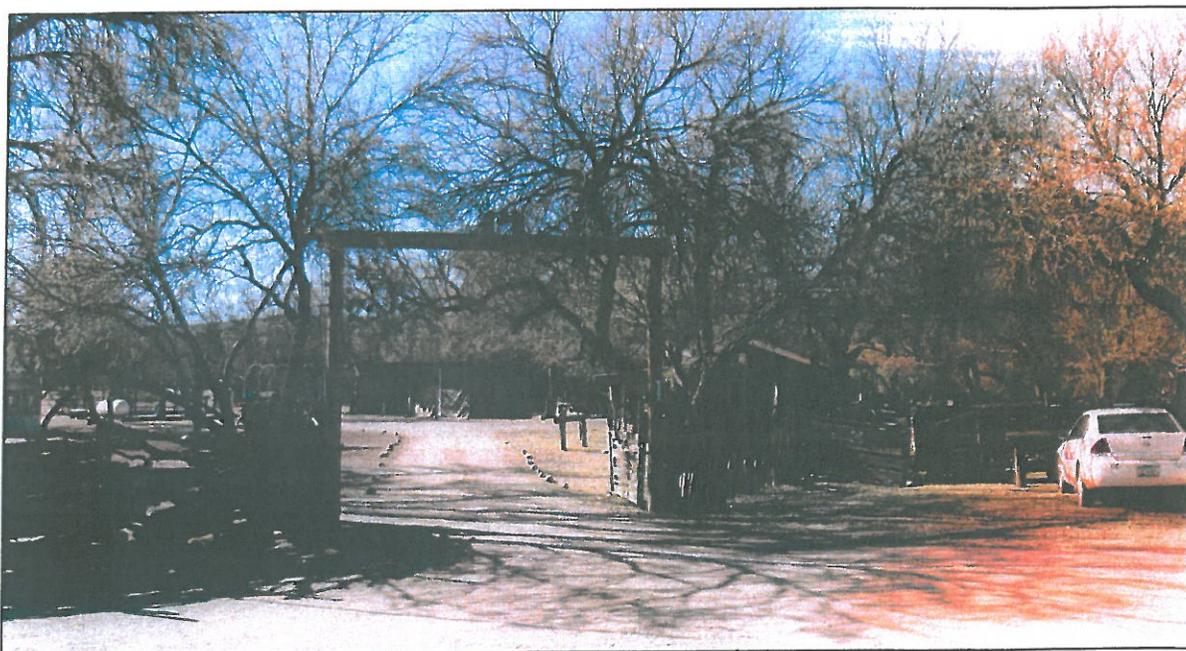
Parcel Size: 5-Acres  
 Zoning: Rural (RU-4; one home per 4-acres)  
 Growth Area: Category D (Rural)  
 Comprehensive Plan Designation: Rural  
 Area Plan: None Applicable  
 Existing Uses: Old Cascabel Ranch headquarters

#### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	BLM Land, Cascabel Road
South	RU-4	BLM Land
East	RU-4	Cascabel Road, Dog Kennel
West	RU-4	BLM Land, San Pedro River

## II. PARCEL HISTORY

- The property is the Old Cascabel Ranch headquarters, and was used as part of a cattle ranch starting in 1906. Later, the property was used as a guest ranch, but no permit was issued for that use of the land. This use discontinued in the late 1990s, prior to purchase by the Helfrich family in 2001.
- In 2007, a permit was issued for a 468-square foot loafing shed with turnout area.
- In July 2012, the Applicants obtained a permit to replace the septic system. This new system serves the Helfrich home and guest house on the property.
- There are no violations associated with the property.



*The proposed Bed & Breakfast Establishment is located at the Old Cascabel Ranch headquarters.*

## III. NATURE OF REQUEST

The ranch headquarters has been used in the past as a guest ranch, with lodging and outdoor activities taking place on and off-site, such as horseback riding, trap-and-skeet shooting, youth scouting activities, and similar uses.

The Applicants intend to revive this historical use of the property by utilizing existing structures. There are three site-built, detached structures designated for lodging: a 1,632-square foot guest house, a 231-square foot "foreman's cottage" and a 336-square foot building currently in use for storage.

The Applicants intend to phase in improvements to these structures until the three buildings are open for business. They estimate between two and six guests on average.

The immediate plan is to utilize the guest house as the largest and primary lodging for the business. This structure would be outfitted with an ADA compliant restroom and accessibility provisions. The remaining two buildings would be made ready for use later as resources permit.

The Applicants keep six horses on the property, in corrals on the north and south sides of the property. The north side of the property includes a small roping arena and a shade structure used for equestrian activities. This site is located along the banks of the San Pedro River, offering opportunities for hiking, trail rides, birding and similar activities. The owners are in discussion with the Bureau of Land Management (BLM) for permits allowing access to neighboring BLM lands.

#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Eight of the 10 criteria apply to this request. The project as submitted complies with five of the eight applicable Special Use factors, as submitted. If the Conditions of Approval recommended by staff and the Modifications requested by the Applicant are applied, the project would comply with each of the eight applicable factors.

##### **A. Compliance with Duly Adopted Plans: Complies**

The property is not within the boundary of any area plan. However, the proposed project complies with applicable Comprehensive Plan policies relative to the appropriateness of the use in Category D – Rural areas.

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

Section 601.02 of the Zoning Regulations encourages “those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.”

##### **C. Development Along Major Streets: Not Applicable**

The site is not located along any arterial roadway, and uses an existing access point onto Cascabel Road.

##### **D. Traffic Circulation Factors: Complies (Subject to Conditions #2 and #3)**

Compliance with this factor depends upon the ability of a proposed land use to utilize the existing transportation network in the manner in which it was designed, and upon permitting access driveways and dedication of right-of-way where applicable.

The project site accesses Cascabel Road, classified as a Rural Minor Collector road, which is maintained by Cochise County. This road is adequate for the proposed use, and the site utilizes the old Cascabel Ranch access driveway, which is over 100-feet wide; however, this driveway is not permitted by the County.



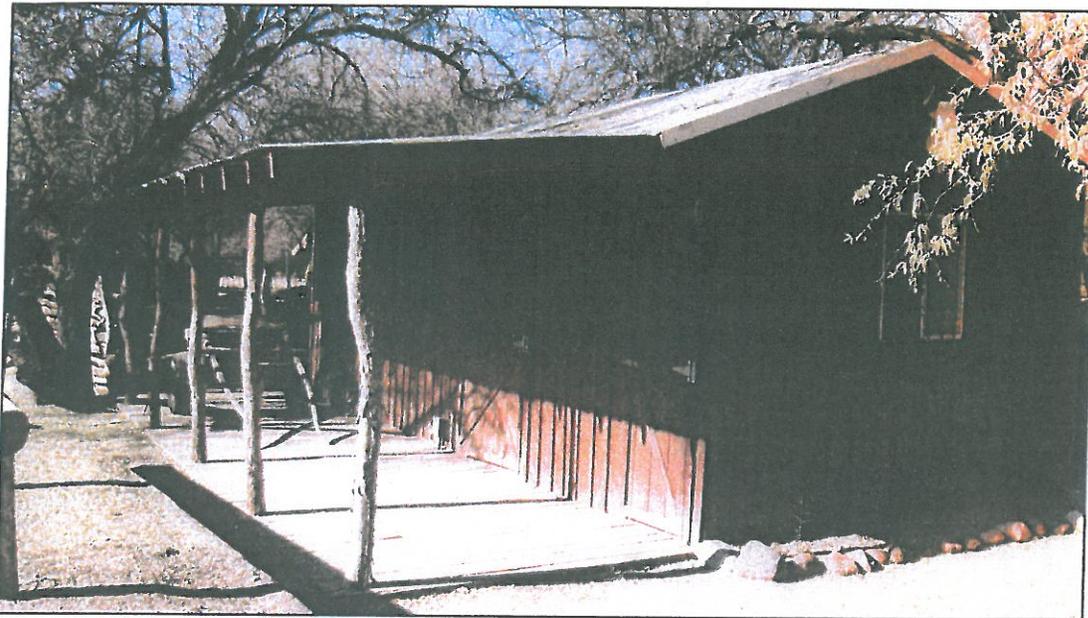
*Above: the owners' single family residence. Below: guest house to be used for accommodations.*



To ensure compliance with this factor, Staff recommends, as Condition #2, that prior to permit issuance, the Applicant grant a public access easement to the County, along a 33-foot strip of the northeasterly portion of Cascabel Road. Staff further recommends, as Condition #3, that the Applicant obtain a right-of-way permit to legitimize the existing driveway access onto the road.

**E. Adequate Services and Infrastructure: Complies (Subject to Condition #4)**

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property. The property is served by an on-site well and septic system. SSVEC provides electric power, and the site lies in the Cascabel Fire District.



*Above: two existing structures are slated for renovation for use as guest cabins.*

**F. Significant Site Development Standards: Complies (Subject to Condition #2 and Requested Modifications)**

As submitted, the project site complies with most applicable site development standards. The Applicant has, however, provided staff with a request for Modifications to two standards related to internal surfacing and circulation. These are discussed in Section VI of this report, below.

**G. Public Input: Complies**

The Applicant completed the Citizen Review process and received positive responses from three neighboring property owners.

**H. Hazardous Materials: Not Applicable**

Per the Applicant, no hazardous materials are to be stored or utilized on site.

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

The project is proposed as a "guest ranch," occupying what was once a working cattle ranch along the San Pedro River. It is expected that the use would have a minimum of off-site impacts, including traffic, which is expected to have a range of trip-generation similar to a higher-occupancy household at full build-out.

**J. Water Conservation: Complies (Subject to Condition #4)**

As a business utilizing an existing site, the Applicants intend to use existing water fixtures in the existing guest house initially. The owners indicate that the two other structures planned for use as cabins will not include fixtures, but that a community shower/restroom facility may have to be built. Condition #4 would require that new construction conform to the water conservation regulations given in the Zoning Regulations, as well as applicable Comprehensive Plan policies (Section 102E).

**V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1,500 feet of the subject property. Staff posted the property on January 8, 2013, and published a legal notice in the *Bisbee Observer* on January 10, 2012. To date, the Department has received no correspondence regarding the request.

**VI. REQUESTED MODIFICATIONS**

Owing to a desire to accommodate existing site conditions, the Applicant has requested three site development standard Modifications as part of this Docket. Each Modification is supported by staff:

1. A Modification to the 24-foot two-way driveway standard for commercial uses (Section 1804.06.F); the Applicant requests to allow the existing 22-foot wide, paved driveway to remain;

2. A Modification of the standard requiring a 2-inch deep gravel surface on internal drive aisles and parking areas (Section 1804.07.D); the request is to allow the existing native surface to be deemed sufficient; and
3. A Modification to the 40-foot setback required for Special Uses in the RU District (604.03), to legitimize a livestock shade structure which is 29'6" from the northern property line.

## **VII. SUMMARY AND CONCLUSION**

### **Factors in Favor of Approving the Special Use**

1. With the requested Modifications, the proposed use would comply with each of the eight applicable Special Use factors used by staff to analyze such requests;
2. Per Section 601.02 of the Zoning Regulations, the proposed use is appropriate in the Rural Districts and one that would not threaten the rural character of the area;
3. The proposed use would generate no appreciable off-site impacts;
4. The proposed use would use existing structures; and
5. The Applicant's Citizen Review effort yielded two positive responses from neighboring property owners.

### **Factors Against Allowing the Special Use**

1. The proposed use would introduce a small measure of commercial traffic onto a Rural Minor Collector.

## **VIII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **conditional approval** of the Special Use request, subject to the following Conditions:

1. Within 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. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12 months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees.

A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;

2. Prior to the issuance of a permit, the Applicant shall work with County staff to grant a 33-foot public access easement along the Cascabel Road frontage;
3. Prior to the issuance of a commercial permit, the Applicant shall obtain a right-of-way permit to legitimize the existing driveway access along Cascabel Road;
4. All permits for new water systems and fixtures shall comply with the County water conservation regulations as given in Section 1820 of the Zoning Regulations, and with the water conservation policies provided in Section 102E of the Comprehensive Plan;
5. It is the Applicants' 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
6. 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.

Staff also recommends that the Modifications discussed above be applied to the land use as part of such approval.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-13-02, with the Conditions and Modifications of development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

#### **IX. ATTACHMENTS**

- A. Special Use Application
- B. Location Map
- C. Concept Plan
- D. Agency Comments
- E. Requested Modifications
- F. Citizen Review and Public Comment



# COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety  
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240  
Fax 432-9278

SU-13-02

## COCHISE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 209-29-001R/209-35-008 ZONING DISTRICT RU4

APPLICANT: Bryant Lee Helfrich

MAILING ADDRESS: 6200 N. Casabel Rd Benson AZ 85602

CONTACT TELEPHONE NUMBER: 520-212-2233

PROPERTY OWNER (IF OTHER THAN APPLICANT): Lester Helfrich

ADDRESS: 6200 N Casabel Rd  
Benson AZ 85602

DATE SUBMITTED: 1

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

\$ 500  
\$ 0  
\$ 500

### PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

paid  
by 19, 2012  
check #21404  
[Signature]

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property? RESIDENTIAL
  
2. What is the proposed use or improvement? BED + BREAKFAST / RIDING STABLE  
FOR B+B → IMPROVE 3 EXISTING BUILDINGS  
FOR RIDING STABLE → USE EXISTING CORRALS
  
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? people + their animals staying on property  
trail rides/hikes; we expect little to no impact on neighborhood

4. Describe all intermediate and final products/services that will be produced/offered/sold.

guide service for riding/hiking

3 cottages for people to stay in

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

guest house -> wood/stucco other buildings -> wood

6. Will the project be constructed/completed within one year or phased? One Year \_\_\_\_\_  
Phased  if phased, describe the phases and depict on the site plan.

Guest house will be ready first followed by the cottage + then the building marked storage; guide service will start as permits are obtained and destinations established

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: \_\_\_\_\_ Hours (from \_\_\_\_\_ AM to \_\_\_\_\_ PM) Appointment only

B. Number of employees: Initially: \_\_\_\_\_ Future: \_\_\_\_\_  
Number per shift Seasonal changes > initially just the partners (2)

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

depending on season probably no more than 3-5 vehicles

(2) Total trucks (e.g., by type, number of wheels, or weight)

depending on season 1-3 horse trailers + trucks

At most

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

most will come from Benson on Casabel road and head back to Benson

A few percentage could go north on Casabel road

(4) If more than one direction, estimate the percentage that travel in each direction

75% will come from the South (from Benson) 25% could come from the North

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

heaviest traffic would be fall -> spring

hiking & riding will close for summer

time of day would vary "Public Programs, Personal Service"  
[www.cochise.az.gov](http://www.cochise.az.gov)

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D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day \_\_\_\_\_ per year \_\_\_\_\_

E. Will you use a septic system? Yes  No \_\_\_ If yes, is the septic tank system existing? Yes  No \_\_\_  
 Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access\*? Yes  No \_\_\_  
 If no, what steps are you taking to obtain such access?

\_\_\_\_\_  
 \_\_\_\_\_

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one): \_\_\_\_\_ private road or easement\*\*  
 County-maintained road  
 \_\_\_\_\_ State Highway

\*\*If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.  
 Attached \_\_\_\_\_ NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	private well	also generator backup
Sewer/Septic	private	
Electricity	SEVEC	
Natural Gas	N/A	
Telephone	Midvale Telephone	
Fire Protection	Cassabel Vol. Fire Dept	

**SECTION B - Outdoors Activities/Off-site Impacts**

1. Describe any activities that will occur outdoors.

Hiking and horseback riding on established /  
marked trails

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2. Will outdoor storage of equipment, materials or products be needed? Yes \_\_\_ No  if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. \_\_\_\_\_

\_\_\_\_\_

3. Will any noise be produced that can be heard on neighboring properties? Yes \_\_\_ No  if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No  if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Will odors be created? Yes \_\_\_ No  If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Will any activities attract pests, such as flies? Yes  No \_\_\_ If yes, what measures will be taken to prevent a nuisance on neighboring properties?

fly traps, spreading manure

\_\_\_\_\_

7. Will outdoor lighting be used? Yes \_\_\_ No  If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes \_\_\_ No  If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. \_\_\_\_\_ B. \_\_\_\_\_ C. \_\_\_\_\_ D. \_\_\_\_\_

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9. Will any new signs be erected on site? Yes \_\_\_ No  If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?  
Yes \_\_\_ No

If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No \_\_\_

Will washes be improved with culverts, bank protection, crossings or other means?  
Yes \_\_\_ No \_\_\_

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)  
existing packed stone/sand

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?  
Yes \_\_\_ No  If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

### SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Community Development, Planning, Zoning & Building Safety Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site is one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? NONE  
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) \_\_\_\_\_

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**SECTION D - Hazardous or Polluting Materials**

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes \_\_\_\_\_ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)**

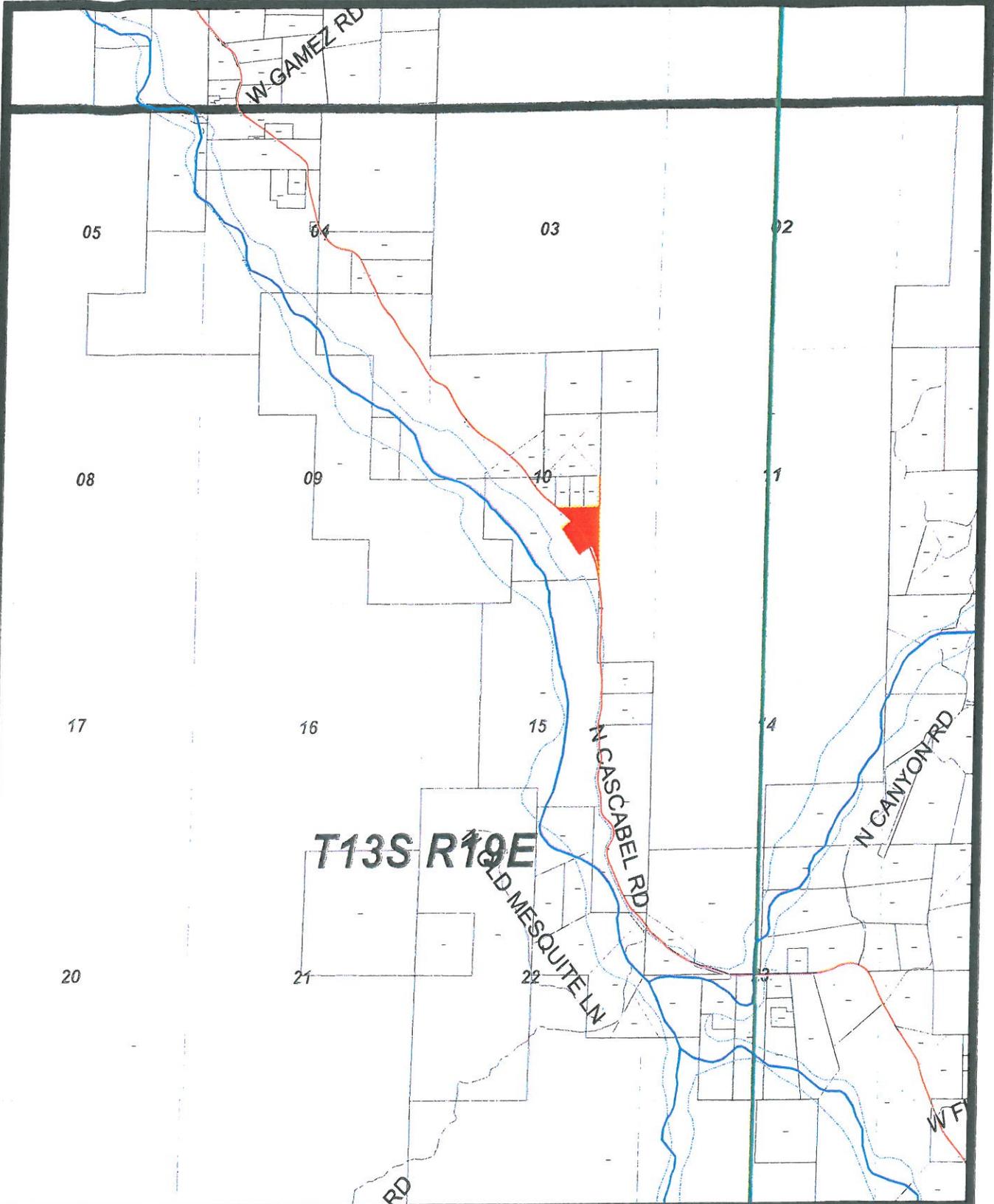
**SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Bryant Lee Helphich

Date signed 12/18/12

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Docket SU-13-02  
(Helfrich)  
Location Map

This map is a product of the  
Cochise County GIS



20  
B

SCALE 1" = 100'

FENCES

ALL FENCES UNDER 6'  
EXCEPT MESQUITE CORRALS,  
ALL PASTURES 4' HORSE  
FENCING w/ TOP ELEC LINE

TAX Parcel ID - 209-29-001R1  
PROPERTY NAME - HELFRICH FAMILY TRUST  
PROJECT - BED & BREAKFAST

DRAINAGE FLOW  
- ALL WATER FLOWS NW

ROAD TRAVEL WAY TO PROPERTY LINE  
- PROPERTY LINE ENDS FOR 600  
AT CENTER OF CASCABEL

Building Dimensions

HOUSE 55' x 40' x 14'  
GUEST HOUSE 34' x 48' x 12'  
FOREMAN'S COTTAGE 21' x 11' x 8'  
SHED 13' x 28' x 11'

Setbacks from road

rd to shed 120'  
rd to house 44'  
rd to mesquite corral 80'

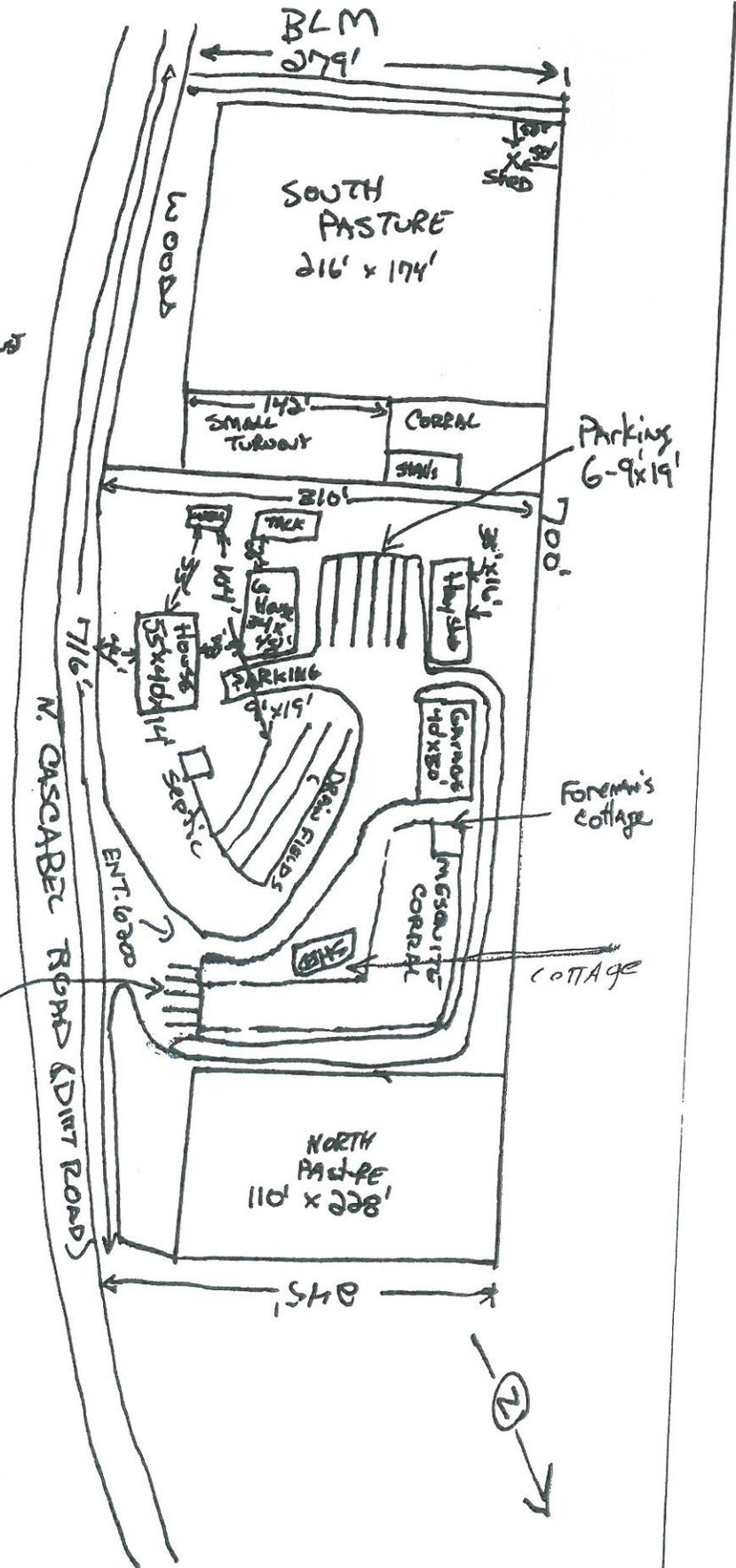
setbacks from w. prop line

Hayshed to prop line → 60'  
Garage to prop line → 50'  
Foreman's cottage to prop line → 63'

distances between buildings

dist btwn House & G. House 23'  
" " Tack & G. House 25'  
" " House to well 33'  
" " Hayshed to Garage 24'

Driveway surface packed gravel  
Driveway width 12'





COCHISE COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
Highway and Floodplain



MEMORANDUM

**DATE:** January 7, 2013  
**TO:** Keith Dennis, Senior Planner  
**FROM:** Terry Couchenour, Right-of-Way Agent II  
**SUBJECT:** Special Use Permit for Helfrich (SU-13-02)

**Background:** Bryant Lee Helfrich requested a Special Use Permit for Assessor Parcel Numbers 209-29-001R and 209-35-008 for use as Bed and Breakfast rentals to include Equestrian Outdoor Recreation. Right -of-way staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

**Analysis:**

- Access for the subject parcels is via Cascabel Road, a county maintained road (Maintained ID # 1229). The road bisects the two parcels and serves as the Northeasterly boundary of APN 209-29-001R and the Southwesterly boundary of APN 209-35-008.
- Cascabel Road was established as a declared county highway on November 5, 1889 per Board of Supervisor Minutes Volume 2 Pages 556-559. The road is indicated on the March 6, 1880 General Land Office plat for Township 13 South, Range 19 East. The declared width for the road is 66' per Arizona Revised Statute 28-7042.A.
- While a formal right-of-way conveyance (such as a Grant of Easement or a Deed of Dedication) for Cascabel Road was not recorded in 1889, the Federal government granted rights-of-way for highways over public lands per Section 8 of the Mining Act of 1866 (referred to as RS2477 rights-of-way). A review of <http://www.glorerecords.blm.gov/> indicates that the subject parcels were transferred from the Federal government, into private ownership per patents dated November 16, 1891 (Severin Rambaud) and July 12, 1921 (Ezra W. Wall). Based on these records, the road was established as a public highway while still under Federal ownership thereby qualifying for RS2477 rights-of-way.
- In conjunction with SU-07-17 and in order to further perfect right-of-way, staff recommended dedication of the road half width (33') across APN 209-35-008. In October of 2007, Bryant Lee Helfrich dedicated the half width.

**Recommendation:**

- It is recommended that the applicant perfect the right-of-way for that portion of Cascabel Road that traverses APN 209-29-001R. Perfection of right-of-way can be accomplished via a Grant of Easement for the Northeasterly 33' of APN 209-29-001R. Staff recommends perfection via a Grant of Easement as opposed to a Deed of Dedication. A Grant of Easement is recommended due to the close proximity of the existing homesite relative to the travelway of the road.  
Staff can prepare the documentation necessary to be signed by the property owner.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**Date:** January 18, 2013  
**To:** Keith Dennis, Senior Planner  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** Helfrich B&B with Equestrian Services: SU-13-02/Parcels #209-29-001R & 209-35-008

The applicant is applying for a Special Use Authorization to develop up to three sites on their property for bed and breakfast facilities along with offering equestrian services to guests and visitors. Other outdoor recreation activities may occur on site, such as hiking or nature talks. Access is taken from Cascabel Rd., just past milepost 25, on a county-maintained, primitive, rural minor access roadway, native surfaced, with 20-foot cross-sections. Primitive roadways are typically bladed about twice a year. Cascabel Rd. is a chip-sealed surfaced roadway, with a 24-foot cross-section, to approximately milepost 15.1. The applicant is advised that there are no current plans to hard-surface this segment of Cascabel Road in the near future; however, projects to reconstruct the existing native surfaced roadways will continue over the next few years providing minor improvement to the drainage and travel-ways.

This proposed use is estimated to generate, at full build out and full occupancy, 40.65 trips per day per the ITE Manual, 8<sup>th</sup> ed. Peak hour impacts will likely be negligible; most trips would occur on the weekends and would likely be easily absorbed into the typical traffic pattern. The first phase (one guest bedroom) would not increase the trip generation for this site beyond that of a typical residential unit and, once built-out with the proposed three small rustic overnight rentals, would not increase the trip generation for this site beyond what would be allowed under current zoning for this parcel.

### Recommendations

The applicant is advised that at the Commercial Permit stage it is requested that the applicant register his driveway (which has been in place prior to current driveway permit polices) with the Highway Dept. with an informational (no-fee) Right-of-Way/Encroachment Permit. The current access point to the county-maintained roadway at Cascabel Rd. is adequate for access onto a native-surfaced primitive roadway but should be formally established via an informational Right-of-Way/Encroachment Permit with the Highway Dept.

We also support the request of the Highway Dept. for dedication of the southern half from centerline of Cascabel Rd. either as a deed of Dedication or Grant of Easement. The applicant may discuss this with the County's Right-of-Way staff and they will assist the applicant with any necessary paperwork.

Given the minimal traffic impacts anticipated from this use no other off-site improvements would be required. Given the rural nature of the site and the proposed use this department recommends a waiver to parking and driveway surface requirements to allow the existing native surfaces. Gravel surfaces are likely undesired at this location given the extension equestrian activities that are proposed on the site. The applicant may also wish to obtain a waiver from minimum (24-foot) driveway widths to allow the existing width, that varies along the driveway route, to remain. Currently the internal vehicle circulation on the site is sufficient and is adequately separated from the equestrian travel ways with well defined parking areas both in front and within the site itself.

The applicant is advised that additional details on their site plan will be needed at the Commercial Permit stage. Although the applicant site plan is adequate for describing their conceptual plan for the Special Use Authorization process at the time of Commercial Permitting all of the required elements of a site plan, described in the County's Zoning regulations should be addressed. These specifically include the addition of dimensions (e.g. driveway widths and access aprons on Cascabel Rd.) and sight triangles (at the access driveways). These detailed dimensions will also be needed for the requested ROW/Encroachment Permits for the access point onto the county-maintained roadway. It is noted that one handicapped parking space will be required: this will need to meet current ADA and County design standards and would need to include a cement/hard-surface even if the general parking area surfacing requirements are waived (ADA is a federal standard).

cc: Docket SU13-02

To the Commission:

I am asking the Commission to modify three standards that are in place for commercial businesses.

The first modification that I am hoping for is to be able to keep our driveway the width it already is. It is approximately 12 feet in width. It has an entryway of telephone poles that have been on the property for a long time with mesquite log fence butted up to that. It would be quite difficult to change the width to the recommended 24 feet width.

The second modification that I am asking for is to not put gravel down on the driveway. The road that we drive in on is dirt, the substrate that is on the driveway now has worked fine for many years. We have horses on the property and the gravel/stone is not good for their feet.

The final modification that we are asking is the building that is in the north pasture. It sits about 30 feet from the north property line. For commercial permits you ask for 40 feet. This building has been there for many years and is only used for hay storage when needed.

Thank you for your time and consideration

Bryant Lee Helfrich

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## Citizen Review Report

We mailed our letters in the beginning of March. Attached to this report is a copy of the letter, and also the general site plan that we sent along with the letter. We also attached the written responses that we have received from our mailings. We received three written response, and three oral responses. The responses are all positive, and everyone liked the idea. The BLM office did contact us and sent out an application for a special recreations permit. There were a couple of people who did not respond as of April 11, 2012.

To Whom It May Concern:

My name is Megan O'Connell and my husband is Lee Helfrich. We own the property at 6201 N Cascabel Rd. We are thinking about setting up a riding stable/bed and breakfast at 6200 N Cascabel Rd. There are three buildings on that property that we are going to renovate for this purpose. Our goal in setting this up is that we would attract people who enjoy nature and would like to see some of our area. There are two activities that we would offer from the bed and breakfast. The first activity would be hiking. We would have marked trails for them to hike on and maps would be provided as well. They could go for day hikes, overnight hikes, or for a few hours a day. The second activity would be horseback riding to a destination and then coming back to the ranch. The number of horses would vary but not exceed 15. These animals would be current on their vaccinations and the corrals would be kept clean to reduce flies as part of our pest program. At this point the destinations are not set up, but the 6200 N Cascabel Rd would be more like a staging area for one to two night trips in the desert. We are not interested in adding any other buildings, so the number of people on the property would be minimal. We both feel that this would be a benefit to the community as we will be hiring people within the community to help renovate and possibly work with us in this venture in the future. The look of the property will not change much from the road, as we have adequate parking and we are not adding any other buildings.

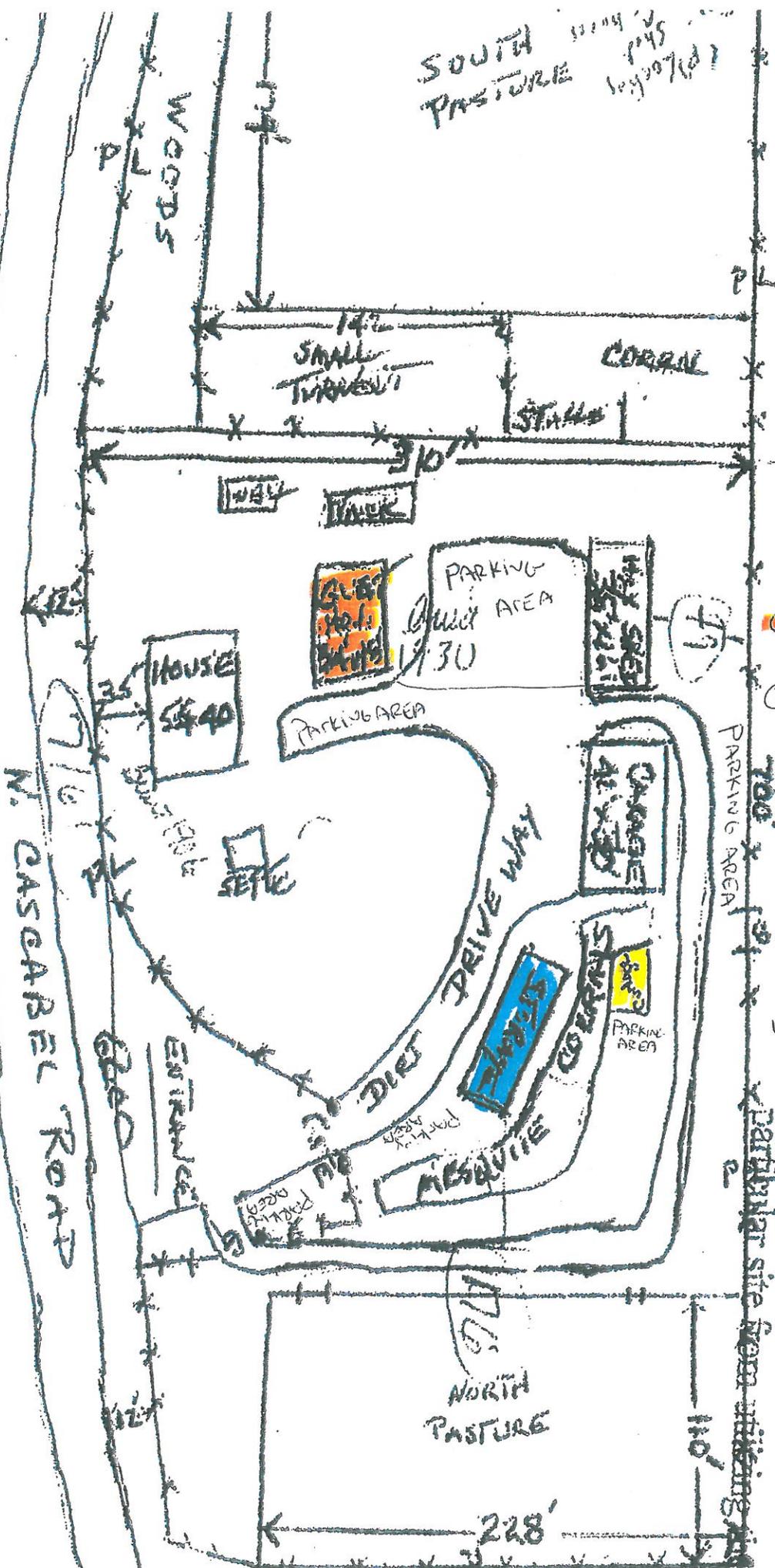
We have included a site plan for your convenience. Please note that the main building that we will be utilizing is the Guest House. That will also be the first building that we will be dressing up. After that we will be cleaning up the Cottage located behind the mesquite corral and then the storage building located in front of the mesquite corral.

We are looking for responses regarding this venture. Please use the included addressed and stamped envelope and tell us your feelings. You may also call us at 520-212-2233. Thank you for your time and consideration.

Sincerely,

Megan O'Connell

27



BLM

The following would be used for the Bed and Breakfast

- ① Guest House
- ② Cottage - behind mesquite corral
- ③ Bull
- ④ Mesquite
- ⑤ Mesquite

We have highlighted these buildings for quick identification on this site plan



# the car store

Charles Ffolliott

3/19/12

MEGAN + LEE

THE PROSPECT SOUND

GREAT • WORTH DO

YOU FIND THE TIME?!

Good Luck

Love

Norwich, Vermont 05055

802-649-1603

Thank you, Megan and Lee, for letting me know about your plans. I really appreciate your caring enough about the community of Castabel that you would tell people about your upcoming business and how you would work to reduce negative impacts for just wouldn't have any to begin with.

I certainly can't see that there is any problem with what you propose. So, I just want to wish you good luck!

-Lissa Vogel

MEGAN,

IT WAS NICE MEETING YOU FRIDAY.  
GOOD LUCK w/ YOUR NEW VENTURE, &  
WE'LL LOOK FORWARD TO SEEING YOU NEXT TIME  
DOWN.

GUYTON & ANNEBUENMAN  
6272 N. CASABEL RD



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs... Personal Service"*

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Keith Dennis, Planner II (KD)  
**FOR:** Beverly J. Wilson, Deputy Director Planning Division (BW)  
**SUBJECT:** Docket SU-13-03 (Verizon)  
**DATE:** January 23, 2013, for the February 13, 2013 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant seeks Special Use authorization from the Planning and Zoning Commission for a Wireless Communication Tower exceeding 30-feet in height, per Section 607.38 of the Zoning Regulations. The proposed tower would be placed atop Beacon Hill northeast of Douglas, AZ. The Applicant intends to replace the existing 40.6-foot wireless tower with a 50-foot self-support tower. The subject parcel (405-51-000) is located at 8377 N. Dangerous Road, east of Douglas.

The Applicant is Verizon Corporation, represented by Ryan Rawson of In Command Communications.

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

Parcel Size: 8,377.30-Acres  
 Zoning: Rural (RU-4; one home per 4-acres)  
 Growth Area: Category D (Rural)  
 Comprehensive Plan Designation: Rural  
 Area Plan: None Applicable  
 Existing Uses: Ranching per ASLD and BLM Grazing Leases/Allotments, with Wireless Communication Facilities atop Beacon Hill

#### Zoning/Use of Surrounding Properties

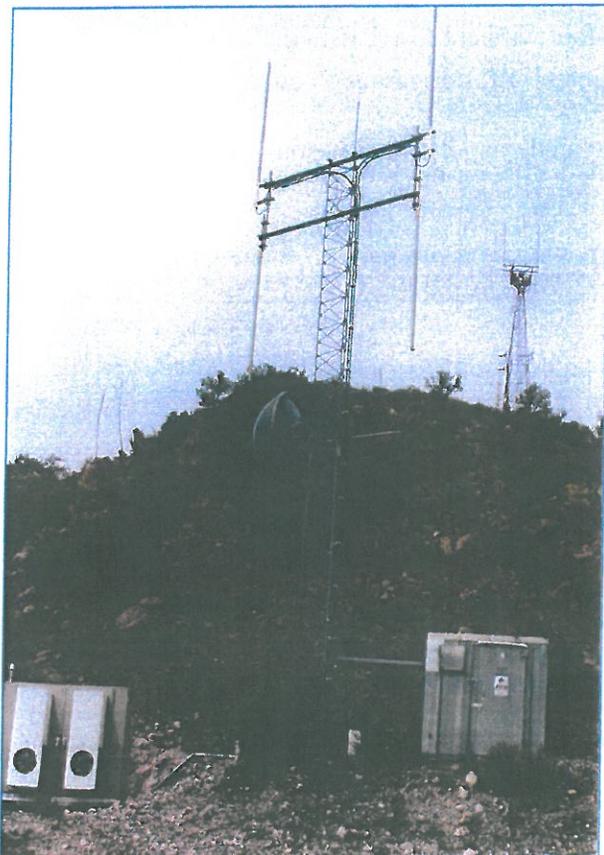
Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Coronado National Forest
South	RU-4	Ranching
East	RU-4	Ranching
West	RU-4	Ranching

**II. PARCEL HISTORY**

- In 2004, a permit was issued to construct a 50-foot tower; the Applicant in this case was Cochise County Information Technologies. As the tower was originally purposed to house emergency services equipment for the County, the project was deemed an “essential government services” land use and was therefore considered exempt from Zoning Regulations, per Section 2002.02 (the permit was thus informational only). Per the Applicant in this case, however, a 40’ 6”-foot tower was actually constructed.
  
- In 2010, a violation was issued for construction/replacing wireless equipment without a permit.
  
- In 2011, a permit was issued for nine new panel antennas on the site, which resolved the aforementioned violation.

Additionally, there are three other towers at this site, each of which has been in place before 1999 when the County began requiring permits for these units.

**III. NATURE OF REQUEST**



Verizon Wireless currently maintains an array of wireless communication equipment, including an existing tower, at the top of Beacon Hill, northeast of Douglas. In 2012, the company commissioned a structural analysis to ascertain whether the existing tower could accommodate additional equipment in order to improve the level of local coverage/service. Once it was understood that the existing facilities could not accommodate additional equipment, the company decided to apply to replace it with a new, 50-foot tower. The proposed tower would have a more robust structural capacity for co-location of additional equipment should the need arise.

*Left: the existing Verizon tower on Beacon Hill.*

Wireless towers under 30-feet in height are permitted uses in the RU-4 District per Section 603.13 of the Zoning Regulations. However, towers above this height must first be authorized by the Planning and Zoning Commission per section 607.38. While the initial permit was granted with an essential government services exemption, the current proposal is not so designated because the proposed tower is intended to accommodate regular, consumer wireless phone and data services in addition to emergency services communication needs. The extra height provided by the proposed tower is expected to provide a significant boost to the coverage area for Verizon customers, among them, Cochise County.

#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Unlike most Special Use requests, many Special Use factors do not apply in this case, as the proposal is for an unmanned site in a remote location. Four of the 10 criteria apply to this request, and the project as submitted complies with three of the four applicable Special Use factors. If the Modification requested by the Applicant is granted by the Commission, the project would comply with each of the four applicable factors.

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

The project site is not within the boundary of any Area Plan. The Comprehensive Plan generally does not include policies that speak to unmanned, wireless communication facilities, but these are uses commonly found in rural areas.

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

Section 601.02 of the Zoning Regulations encourages “*those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.*” As a project intended to facilitate better wireless phone coverage in the region, the proposed tower would comply with this purpose of the Rural District.

##### **C. Development Along Major Streets: Not Applicable**

The project site is not located along any major road.

##### **D. Traffic Circulation Factors: Not Applicable**

The wireless site is located approximately 6.5-miles from SR 80, at the terminus of Dangerous Road. Dangerous Road is a single-lane, native surface road serving the ranching lease lands on this tract, as well as the unmanned, wireless communication site at the top of Beacon Hill. Apart from the initial construction crew and maintenance teams, some of which are known to access the site via helicopter, the site is expected to receive no traffic during operation.

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

The wireless communication towers provide wireless infrastructure to the region. Electric power is provided by APS, with backup generators in close proximity to the equipment.

**F. Significant Site Development Standards: Complies (Subject to Requested Modification)**

Wireless Communication facilities are subject to a set of use-specific site development standards. These are provided in Section 1813 of the Zoning Regulations, and among them are standards relative to co-location, setbacks, height standards, design and certification, as well as security. Regarding the latter, the Applicant has requested that the security standards of 1813.06, which require security fencing and anti-climbing devices, be waived (See Attachment E – Requested Modifications). Staff supports the requests in part due to the very remote location and difficulty in gaining access. The proposed tower meets all other site development standards as proposed.

**G. Public Input: Complies**

The Applicant completed the Citizen Review process and received no response.

**H. Hazardous Materials: Not Applicable****I. Off-Site Impacts: Not Applicable**

Apart from providing more robust wireless phone and data coverage for Verizon customers, as well as other providers, if and when the tower is used to full capacity, the project is not expected to produce any off-site impacts, including visual impacts.

**J. Water Conservation: Not Applicable****V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on January 7, 2013, and published a legal notice in the *Bisbee Observer* on January 17, 2013. To date, the Department has received no correspondence supporting or opposing the project.

**VI. SUMMARY AND CONCLUSION****Factors in Favor of Approving the Special Use**

1. With the requested Modifications, the request complies with each of the four applicable Special Use factors used by staff to analyze such requests;
2. The Special Use would facilitate increased range and quality of phone and wireless data coverage throughout the region, benefitting consumers and emergency service providers. Structurally, the tower as proposed could accommodate additional equipment for other providers in the future;
3. There are existing wireless towers at the Beacon Hill site; and

4. The tower would be sited on a large and remote rural parcel and therefore would not generate significant off-site impacts.

### **Factors Against Allowing the Special Use**

None Apparent.

### **VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **conditional approval** of the Special Use request, subject to the following Conditions:

1. Within 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. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12 months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
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.

Staff also recommends that the Modification discussed above, concerning security fencing and anti-climbing devices, be applied to the land use as part of such approval.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-13-03, with the Conditions and Modification to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

### **VIII. ATTACHMENTS**

- A. Special Use Application
- B. Location Map
- C. Site Plans
- D. Requested Modifications
- E. Citizen Review Report



SU-13-03

COCHISE COUNTY  
**COMMUNITY DEVELOPMENT**

*'Public Programs. Personal Service.'*

COCHISE COUNTY PLANNING DEPARTMENT  
COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE  
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 405-51-000

APPLICANT Verizon Wireless, C/O: In Command communications

ADDRESS 4294 E Del Rio St., Gilbert, AZ 85295

CONTACT TELEPHONE NUMBER 602-550-5700

EMAIL ADDRESS: ryanrawson@cox.net

PROPERTY OWNER (IF OTHER THAN APPLICANT) Arizona State Land - Greg Novack

ADDRESS 1616 W. Adams Street, Phoenix, AZ 85007

DATE SUBMITTED 12/19/12

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300.00</u>
Building/Use Permit Fee	\$ _____
<b>Total paid</b>	\$ _____

**PART ONE - REQUIRED SUBMITTALS**

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

36 A

6. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property? Wireless Facility  
\_\_\_\_\_
2. What is the proposed use or improvement? Replacement of existing wireless facility.  
\_\_\_\_\_
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Little to none, Verizon is proposing to remove the existing 40.6' tower and replace it with a 50' self-support tower.  
\_\_\_\_\_
4. Describe all intermediate and final products/services that will be produced/offered/sold.

The proposed modification is designed to address customer requests for additional wireless coverage, as well as, provide enhanced structural capacity and improved emergency services to the area.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Steel and concrete foundation.

6. Will the project be constructed/completed within one year or phased? One Year Yes  
Phased \_\_\_ if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 8 Hours (from 9 AM to 5 PM)

B. Number of employees: Initially: 5 Future: N/A  
Number per shift Seasonal changes \_\_\_\_\_

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.  
Four

(2) Total trucks (e.g., by type, number of wheels, or weight)  
Two full size trucks, one cement truck, one bucket truck.

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?  
North and South on Dangerous Road

(4) If more than one direction, estimate the percentage that travel in each direction  
N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest  
9 am to 5 pm Monday thru Friday

Circle whether you will be on public water system or private well. If private well, show the location on the site plan. Neither

D. Estimated total gallons of water used: per day N/A per year \_\_\_\_\_

Will you use a septic system? Yes \_\_\_ No X If yes, is the septic tank system existing?  
Yes \_\_\_ No \_\_\_ Show the septic tank, leach field and 100% expansion area on the site plan.

G. Does your parcel have permanent legal access\*? Yes  No  if no, what steps are you taking to obtain such access?

Lease and Access Easement provided separately.

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached  NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	N/A	
Sewer/Septic	N/A	
Electricity	APS -Existing	
Natural Gas	N/A	
Telephone	Microwave	
Fire Protection	N/A	

### SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

All Construction will be done outdoors.

2. Will outdoor storage of equipment, materials or products be needed? Yes  No  if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

3. Will any noise be produced that can be heard on neighboring properties? Yes  No  if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No X if yes: describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Will odors be created? Yes \_\_\_ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Will any activities attract pests, such as flies? Yes \_\_\_ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties?  
\_\_\_\_\_  
\_\_\_\_\_

7. Will outdoor lighting be used? Yes \_\_\_ No X If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes \_\_\_ No X If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. \_\_\_\_\_ B. \_\_\_\_\_ C. \_\_\_\_\_ D. \_\_\_\_\_

9. Will any new signs be erected on site? Yes \_\_\_ No X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?  
Yes \_\_\_ No X

If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No X

Will washes be improved with culverts, bank protection, crossings or other means?  
Yes \_\_\_ No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)  
Dangerous Road, dirt road

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?  
Yes \_\_\_ No \_\_\_ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

**SECTION C - Water Conservation and Land Clearing**

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

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2. How many acres will be cleared? None  
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) \_\_\_\_\_

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**SECTION D - Hazardous or Polluting Materials**

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes \_\_\_ No X If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).**

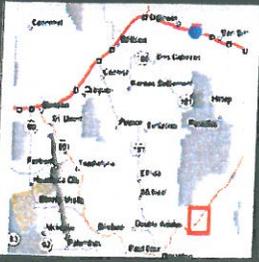
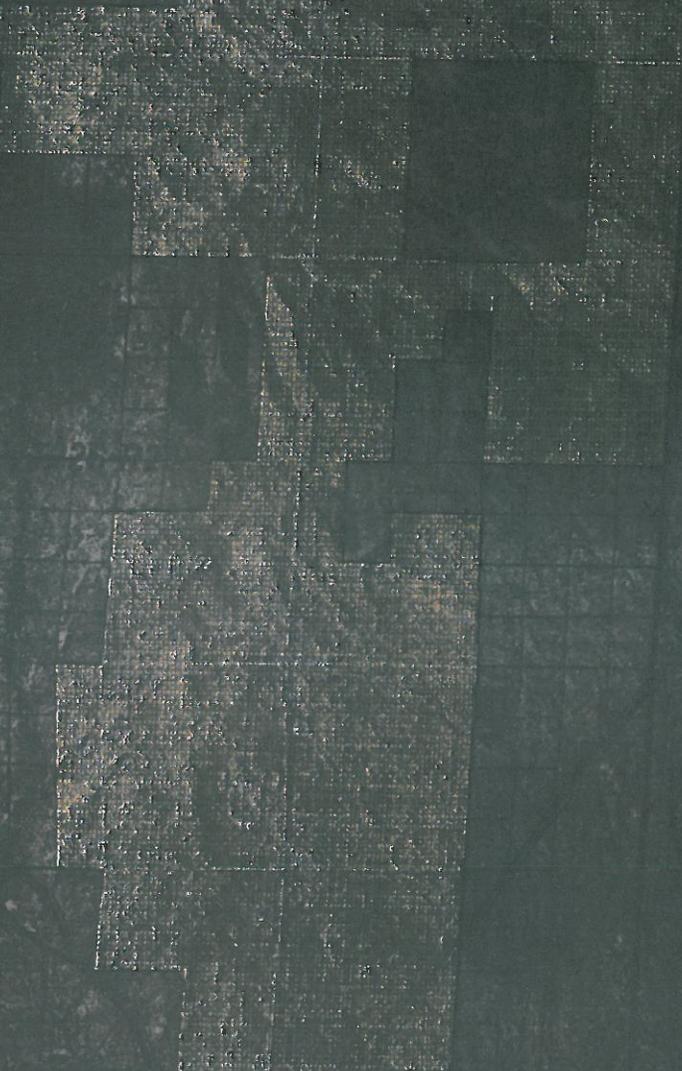
**SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature 

Print Applicant's Name Ryan Rawson

Date signed 12/17/12



Docket SU-13-03  
(Verizon)  
Location Map

This map is a product of the  
Cochise County GIS



43

B







## Dennis, Keith

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**From:** Ryan Rawson [ryanrawson@cox.net]  
**Sent:** Sunday, January 20, 2013 1:20 PM  
**To:** Dennis, Keith  
**Subject:** RE: Deficiencies

Hi Keith,

Yes, we would like to request relief from these zoning regulations. This site is very remote and the access road to the site (Dangerous Road) poses more of a risk than someone climbing the tower. Furthermore, the existing site and all of the other sites located on this parcel do not have a security fence or anti-climbing devices.

Thanks,



**Ryan Rawson**

**In Command Communications LLC**

4294 E. Del Rio Street - Gilbert, Arizona 85295

Mobile: 602.550.5700 - Fax: 623.218.1302

[www.ICCommunications.net](http://www.ICCommunications.net) - [RyanRawson@ICCommunications.net](mailto:RyanRawson@ICCommunications.net)

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**From:** Dennis, Keith [<mailto:KDennis@cochise.az.gov>]

**Sent:** Friday, January 18, 2013 4:09 PM

**To:** Ryan Rawson

**Subject:** Deficiencies

Ryan, your site plan is deficient in the following ways:

Per Section 1812 of the Zoning Regulations, a six-or-more foot security fence is required, as are anti-climbing devices on the tower itself.

If you wish, you can ask the Commission to waive these requirements. If you do, please write back to be requesting these modifications to development standards, stating your reasons for asking for the same.

Have a good weekend.

Keith Dennis - Planner II  
Cochise County Planning Department  
1415 Melody Lane  
Bisbee, AZ 85603  
520-432-9240

"Public Programs - Personal Service"

[www.CochiseCounty.com](http://www.CochiseCounty.com)



Verizon Wireless  
126 W. Gemini Dr.  
Tempe, Arizona 85283

December 12, 2012

**RE: Verizon Wireless Site: AZ6 Beacon Hill – Tower Replacement**

Address: Beacon Hill - 8377 North Dangerous Road, Douglas, AZ 85607

APN: 405-51-000

To Whom It May Concern:

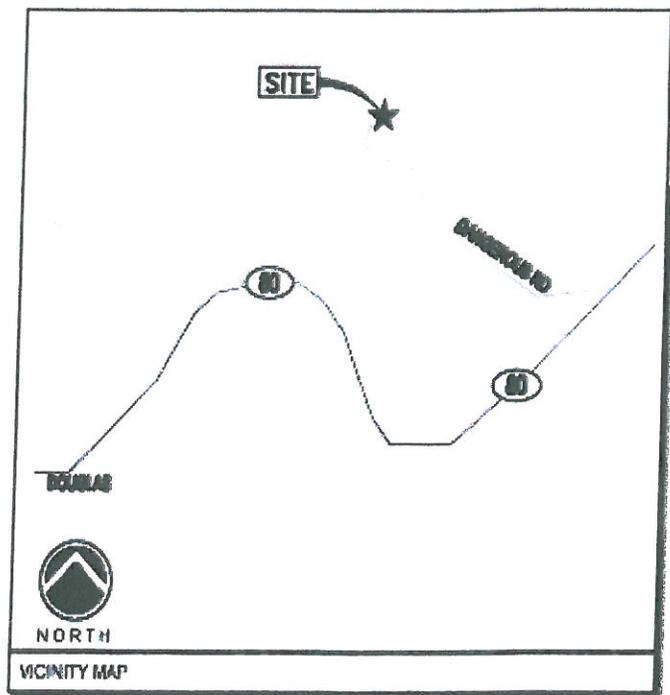
This letter has been sent to you on behalf of Verizon Wireless (Verizon), which has a wireless communication facility located at the above referenced address. Verizon is proposing to remove their existing 40.6' self-support communications tower and replace it with a 50' self-support communications tower. The proposed modification is designed to address customer and visitor requests for additional wireless coverage, as well as, provide enhanced structural capacity and improved emergency services to the area. Per FCC and FAA regulatory requirements, the proposed tower will not require beacon lighting which will help to mitigate the visual impact. Verizon strives to serve its subscribers, while working with each jurisdiction to meet local site design needs and requirements.

I have enclosed a tower elevation drawing detailing the proposed modification.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Ryan Rawson  
ICC – on behalf of Verizon Wireless  
Mobile: 602-550-5700  
Fax: 623-218-1302  
4294 E. Del Rio St.  
Gilbert, AZ 85295



48 F



