



## 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 8 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 the Planning Department at 520.432.9300. 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 can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

**COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
HOURS OF OPERATION  
Monday through Friday  
7:30 a.m. to 5:00 p.m.  
Phone: 520.432.9300  
Fax: 520.432.9278**



# Cochise County Planning Commission

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

**Regular Meeting  
April 8, 2015  
4:00 p.m.**

## AGENDA

***Please Be Courteous - Turn off cell phones and pagers while the meeting is in session.***

### **1. 4:00 P.M. – CALL TO ORDER.**

**2. ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).

### **3. APPROVAL OF PREVIOUS MONTH'S MINUTES**

**4. CALL TO THE PUBLIC** - Pursuant to A.R.S. § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

### **5. NEW BUSINESS**

**Item 1—(page 1)—PUBLIC HEARING Docket SU-15-04 (Sequoia Wireless).** The Applicant is requesting a Special Use authorization to approve a 180-foot tall Wireless Communications facility on an RU-4, Rural zoned property in agricultural use. The subject parcel is located at 5288 E. Shelton Road in Willcox, AZ. The Applicant is Canyon State Wireless.

**Item 2—(page 32)—PUBLIC HEARING Docket SU-15-05 (Iroquois Wireless):** The Applicant, Iroquois LLC, is requesting a Special Use authorization to approve a 100-

foot tall Wireless Communications Tower on an RU-4, Rural zoned property located at 3507 E. Border Road, Douglas AZ. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Section 607.40 of the Zoning Regulations.

**Item 3—(page 57)—PUBLIC HEARING Docket SU-15-06) (Crisantes Ranches/Mormon Road Medical Marijuana):** The Applicant is requesting a Special Use authorization to approve a facility for the cultivation and dispensing of medical marijuana at on an RU-4, Rural zoned property located at 10990 Mormon Road in Elfrida, AZ. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Section 607.55 of the Zoning Regulations. The Applicant is Crisantes Ranches, LLC.

**Item 4—(page 93)—PUBLIC HEARING Docket Z-15-03 (Griffith).** The Applicant has requested a rezoning from SR-43 (Single-Household Residential, one dwelling per 43,560-square feet) to SR-174 (Single-Household Residential, one dwelling per 4-acres). The subject parcel is approximately 5.60-acres in size, and located on S. Cochise Stronghold Road in Pearce, AZ. The Applicant is Michelle Griffith.

**6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS:**

1. The Board of Supervisors Readopted the Cochise County Comprehensive Plan on March 10<sup>th</sup>, with minor word edits for you to review and make comments on May 13<sup>th</sup>.
2. May's dockets include A Special Use Modification request for a sign replacement and wireless communications tower as well as the review of the Comprehensive Plan.
3. The Board of Supervisor's will be hearing the rezoning requests from the March Commission meeting on April 14<sup>th</sup>.
4. The April 28<sup>th</sup> tentatively scheduled meeting between the Board and the Commission has been postponed to a date uncertain. This is to allow the Commission an opportunity to meet the future County Administrator.

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

**8. ADJOURNMENT**

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

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

**ROLL CALL**

Mr. Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Carmen Miller, Gary Brauchla, Patrick Greene, Tim Cervantes, Wayne Gregan, and Liza Weissler) indicated their presence. Staff members present included; Beverly Wilson, Planning Director; Peter Gardner, Planner I; Jesse Drake, Planner II; and Elda Orduno, Civil Deputy County Attorney.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the February 11, 2015 meeting. **Action:** Approve

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

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

**Yes:** Mr. Martzke, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** 0

**Abstain:** Ms. Miller and Mr. Brauchla

**CALL TO THE PUBLIC:**

Mr. Jack Cook of Bisbee spoke of various matters.

**NEW BUSINESS**

**Item 1 PUBLIC HEARING Docket SU-14-19 (AP Towers).** This is a request for a Special Use Authorization to approve the addition of a commercial wireless communications facility and tower in a General Business zoning district located at 4120 E. Ramsey Road, in Hereford, AZ.

Chair Greene called for the Planning Director's report. Planner II Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids.

Ms. Drake also explained Staff's analysis of the request. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Kent Flake of Clear Blue Services in Tempe, spoke, explaining the background and rationale behind the request, and offered to take questions.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Mr. Gregan asked Mr. Flake what the finish on the pole would be. Mr. Flake stated it would be galvanized. Mr. Brauchla asked about the collocation capacity, and Mr. Flake explained the tower's capacity, which met County regulations. Ms. Weissler asked Staff about the height of nearby towers. Ms. Miller asked about siting of towers, and Ms. Drake and Mr. Flake explained the process for an Applicant to site a tower. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Cervantes seconded the motion and Mr. Greene stated he would reserve comment until the final docket, called for a vote. The motion passed 6-1, with Ms. Weissler opposed.

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

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

**Vote:** Motion passed (**Summary:** Yes = 6, No = 1, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, and Mr. Gregan

**No:** Ms. Weissler

**Abstain:** 0

**Item 2 PUBLIC HEARING Docket SU-15-02 (Brya).** This is a request for a Special Use authorization to approve a medical marijuana cultivating, dispensary, and infusion facility in a RU-4 rural zoning district on Leyete Drive outside of Elfrida, AZ.

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

Mr. Greene then opened the Public Hearing. The Applicant, Mr. John Brya of Elfrida, declined to speak to this particular docket, preferring to wait to rebut opposition speakers.

Ms. Linda Schmidt of McNeal spoke in opposition. Ms. Schmidt noted that she did not oppose medical marijuana, but felt this was in the wrong place. She noted concern about wells and the roads.

Mr. Scott Wolfe of McNeal spoke in opposition. Mr. Wolfe expressed concern about the use attracting criminal activity. He stated that evidence existed proving that marijuana use led to stronger drug use.

Ms. Irene Schwek of McNeal spoke in opposition. Ms. Schwek expressed support of medical marijuana, but stated that she felt this was not an appropriate location based on irrigation.

Mr. Daren Spence of McNeal spoke in opposition. He shared personal experience with individuals using marijuana and other substances and expressed vehement opposition for medical marijuana as a cover for illicit drug use.

Ms. Debbie Koontz of McNeal spoke in opposition. Ms. Koontz expressed concern about losing the ability to build on her land based on the location of the facility, and concern for property values.

There being no further speakers in support or opposition, Mr. Greene invited the Applicant to rebut. Mr. Brya stated it was “a little late to argue the marijuana laws” and asked his colleague, Mr. Parent to further rebut. Mr. Parent stated that there would be no irrigation. He also stated that they would maintain the road, and that the only limits on cultivation were visibility. He stated that the dispensary would help clean up the area by regulating marijuana in the area. Mr. Greene asked Mr. Parent to direct his remarks to the Commission rather than the public. Mr. Parent further explained the law regarding intake of the product.

Mr. Greene then closed the Public Hearing and invited discussion, reminding the Commission that their role was to address land use issues rather than decided legal issues. Mr. Gregan asked Staff about the required setbacks, which Staff clarified. Mr. Greene asked the Applicant if they intended to deliver product rather than having pickup. The Applicants clarified their intent and required security systems. Mr. Brauchla asked about irrigation rights. Ms. Drake explained the state non-expansion area, but noted that the water was a State level regulation. Ms. Miller expressed concern about light pollution potential of the site. Ms. Wilson noted that an existing dispensary in Dragoon met both state and county codes regarding lighting. There being no further discussion, Mr. Greene asked for Staff’s recommendation. Ms. Drake recommended Conditional Approval. Mr. Greene called for a motion. Ms. Weissler made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene noted that the Commission should vote based on the regulations rather than personal feelings, and called for a vote. The motion passed 6-1, with Ms. Miller opposed.

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

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

**Vote:** Motion passed (**Summary:** Yes = 6, No = 1, Abstain = 0)

**Yes:** Mr. Martzke, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** Ms. Miller

**Abstain:** 0

**Item 3 PUBLIC HEARING Docket SU-15-03 (CFAC).** This is a request for a Special Use authorization to approve an existing facility as a Victim Advocacy Center, a Use considered Welfare and Charitable Services on an MH-72, (Multiple Household Residential) zoned property, located at 214 E. Tacoma Street in Sierra Vista, AZ.

Chair Greene called for the Planning Director's report. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staff's analysis of the request, including the requested Modifications. He closed by listing factors in favor of and against approval and invited questions from the Commission. Ms. Weissler stated that she thought Staff had received several letters of opposition. Mr. Gardner stated that Staff had not received any such opposition.

Mr. Greene then opened the Public Hearing. The Applicant, Ms. Lori Rutherford of Sierra Vista, spoke, explaining the background and rationale behind the request. She stated that she had not received any opposition to her notification.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler stated that she worked with one of the individuals who had emailed the Applicant, and further stated that she heard that the neighbor was in opposition, and expressed concern about that disconnect. Mr. Gregan asked if this facility would be used by agencies outside Cochise County. Ms. Rutherford stated that it was possible, but she couldn't say with certainty. She further explained how the center would benefit the Medical and Law Enforcement agencies in the County. Mr. Cervantes asked for more details of how the Center operates, with emphasis on neighborhood impacts. Ms. Rutherford explained the process and how it would produce minimal impact to neighboring properties. Mr. Gregan asked about operating hours. Ms. Rutherford clarified that normal business hours would be the norm, but it would be possible that there may be cases outside of those hours. Mr. Greene asked Staff regarding potential signage. Mr. Gardner explained the permitted signage. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Ms. Miller seconded the motion and Mr. Greene then called for a vote. The motion passed unanimously.

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

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

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** 0

**Abstain:** 0

**Item 4 PUBLIC HEARING Docket Z-15-01 (Southwest General Development).** This is a request for a rezoning from R-36 (Residential, one dwelling per 36,000-square feet) to GB (General Business). The subject parcel is approximately 0.65-acres in size and will facilitate the construction of a Retail Establishment. The parcel is located on E. Cactus Lane off of Highway 92 in Hereford, AZ.

Chair Greene called for the Planning Director's report. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staff's analysis of the request. He closed by listing factors in favor of and against approval and invited questions from the Commission. Mr. Gregan asked if the nearby residence would require the Applicant to build screening as the site was developed. Mr. Gardner stated that this was correct.

Mr. Greene then opened the Public Hearing. The Applicant's representative, Mr. Bob Workman of Sierra Vista, spoke, offering to answer any questions.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler asked what the planned retail establishment was. The Applicant's representative deferred to Staff. Mr. Gardner stated that while the exact business was not relevant to Staff, the proposed business was a Dollar Store. Ms. Weissler asked if the neighbors were aware of this. Mr. Gardner explained that the Applicant had not disclosed the exact nature of the business, but was not under any obligation to do so. Ms. Weissler expressed concern that neighbors may have objected if they were aware of the exact business. Ms. Weissler asked what additional permits would be needed. Mr. Gardner explained that a Building/Use permit would be required. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval. Mr. Greene called for a motion. Mr. Gregan made a motion to forward the docket to the Board of Supervisors with a recommendation of Approval, with the Conditions recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene called for a vote. The motion passed 6-1, with Ms. Weissler opposed.

**Motion:** Motioned to forward the docket to the Board of Supervisors with a recommendation of Conditional Approval with Conditions recommended by Staff. **Action:** Recommend Conditional Approval.

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

**Vote:** Motion passed (**Summary:** Yes = 6, No = 1, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, and Mr. Gregan **No:** Ms. Weissler

**Abstain:** 0

**Item 5 PUBLIC HEARING Docket Z-15-02 (Blake).** This is a request for a rezoning from SR-43 (Single-Household Residential, one dwelling per 43,560-square feet) to SR-174 (Single-Household Residential, one dwelling per 4-acres). The subject parcels are located along S. Cochise Stronghold Road in Pearce, AZ.

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

Mr. Greene then opened the Public Hearing. The Applicant, Ms. Linda Blake, was not present.

There being no speakers Mr. Greene then closed the Public Hearing and invited discussion. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval. Mr. Greene called for a motion. Mr. Martzke made a motion of to forward the docket to the Board of Supervisors with a recommendation of Conditional Approval, with the Conditions recommended by Staff. Mr. Cervantes seconded the motion and Mr. Greene called for a vote. The motion passed unanimously.

**Motion:** Motioned to forward the docket to the Board of Supervisors with a recommendation of Conditional Approval with Conditions recommended by Staff. **Action:** Recommend Conditional Approval.

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

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** 0

**Abstain:** 0

**Item 6 ACTION Docket S-05-05 (La Marquesa Subdivision).** This request is for approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat that was originally approved by the Board of Supervisors on February, 5, 2007. The current Tentative Plat extension expired on February 5, 2015. The developer is Mr. Patrick Kirk and the Project Engineer is Mr. Blaine Reely of Monsoon Consultants in Tucson.

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

The Applicant, Mr. Patrick Kirk spoke, explaining his request.

Mr. Greene invited discussion. There being no discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Gregan seconded the motion and Mr. Greene then called for a vote. The motion passed unanimously.

**Motion:** Motioned to Extend the Tentative Plat with Conditions recommended by Staff. **Action:** Extend the Tentative Plat.

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

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** 0

**Abstain:** 0

**PLANNING DIRECTOR'S REPORT:**

1. The Board of Supervisors will act on the Readoption of the Cochise County Comprehensive Plan on March 10<sup>th</sup>.
2. April's dockets: A Special Use Authorization request for a medical marijuana facility near Elfrida, a rezoning request, and communications tower request.

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

**ADJOURNMENT** – Mr. Martzke moved to adjourn, Mr. Gregan seconded, and the meeting was adjourned at 6:02 pm.



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division  
*Public Programs...Personal Service*  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Jesse Drake, Planner II *JD*  
**FOR:** Beverly J. Wilson, Planning Director *BW*  
**SUBJECT:** Docket SU-15-04 (Sequoia Wireless)  
**DATE:** March 26, 2015 for the April 8, 2015 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant is requesting a Special Use authorization to approve a 180-foot tall wireless communications facility on an RU-4, Rural zoned property in agricultural use. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Sections 607.40 of the Zoning Regulations. The subject parcel (305-43-032D) is located at 5288 E. Shelton Road in Willcox, AZ. The Applicant is Canyon State Wireless.

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

Parcel Size: 320-Acres  
 Zoning: RU-4, Rural  
 Growth Area: Category D  
 Comprehensive Plan Designation: Rural  
 Area Plan: None  
 Existing Uses: Single family residential house/agriculture  
 Proposed Uses: Wireless communications facility with 180-foot tower

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4 Rural	Very low density Res/Ag
South	RU-4 Rural	Vacant
East	RU-4 Rural	Very low density Res/Ag
West	RU-4 Rural	Very low density Res/Ag

**II. PARCEL HISTORY**

1999 – Mobile home and septic permit.

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

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

1999 -Stock corral and gate permit.  
 2001-Hay shed permit.

**III. NATURE OF REQUEST**

The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of a 180-foot tower and base equipment with fencing in the northeast corner of an agricultural parcel. The facility would be located on Shelton Road approximately three miles north of E. Parker Ranch Road, eleven miles east of Highway 191 in Willcox. This facility will provide capacity for the Sherriff’s Department emergency services equipment, will enable agricultural workers to communicate in an area that currently has no wireless capacity, and will be designed to accommodate at least one future wireless carrier.

The tower and base equipment will be surrounded by eight-foot tall chain-link security fencing and the internal base equipment will be surrounded by a concrete wall, reducing the visual and auditory impacts of any equipment. Service technicians will enter through gates and park inside the equipment compound when servicing the equipment.

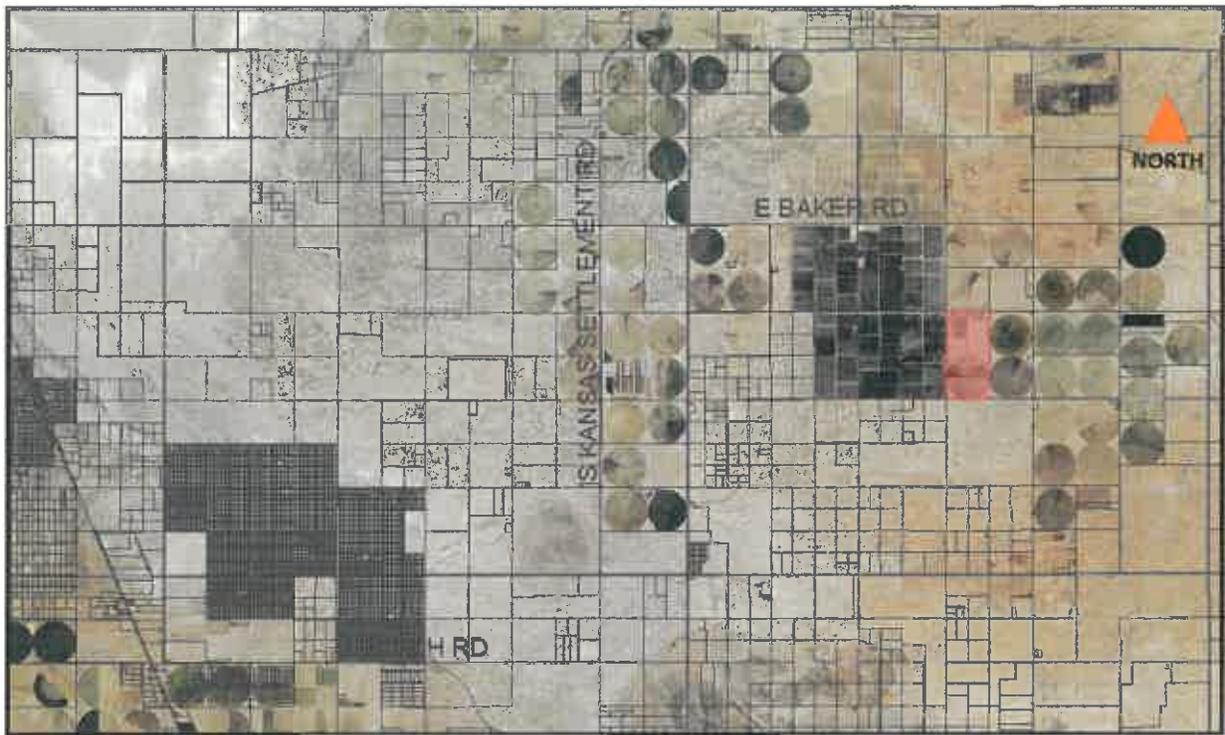
The applicant is requesting a waiver of the requirement of a Private Maintenance Agreement for that portion of the driveway connecting to Shelton Road, because, once construction is completed, there will be minimal, once-a-month traffic to the site from the maintenance technician. The low level of traffic is unlikely to create a negative impact on the transportation system in the area. This waiver request is supported by both Planning staff and the County Transportation Planner.

The chart below specifies the antenna data for the nine antennas will be attached to the tower at various heights. All antennas and frequencies are FCC licensed:

<b>Carrier name</b>	<b>Height</b>	<b>Antenna Dimensions</b>	<b>Radio Frequency</b>	<b>Area</b>
Cochise VHF RX	180 Feet	22' Omni	136-174 MHz	Wilcox
Cochise VHF TX	100 Feet	20' Dipole	136-174 MHz	Wilcox
Cochise 700 TX	100 Feet	14'	700 Mhz	Wilcox
Cochise 700 RX	180 feet	14'	700 Mhz	Wilcox
Cochise MW Dish	60 feet	6' Dish	6 GHz	Wilcox
Cochise MW Dish	40 feet	6' Dish	6 GHz	Wilcox
Sequoia Farms RX	180 Feet	17.5'	406-512 MHz	Wilcox
Sequoia Farms TX	100 feet	17.5'	406-512 MHz	Wilcox
Broadband PCS	80 feet	75.8" x 13" x 3.15"	1895-1910 Mhz	Wilcox

The Federal Communications Commission certifies that all telecommunications equipment, bands, frequencies and power levels are within legal limits. Staff has received no information that the proposed frequencies would interfere with Public Safety. In the application review memorandum from Ft. Huachuca, the US Army IMCOM Central Encroachment Board Review committee has noted that the addition of the tower, equipment and spectrum usage will have minimum to no effect on EPG missions, however any future wireless provider proposing

additional capacity on this tower should be assessed on an individual basis.



*Location Map*

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

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed.

Seven of the ten factors apply to this request. The project, as submitted, complies with six those six factors; and will fully comply if a waiver is granted for the seventh factor. The three remaining factors do not pertain to this application.

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

The project site is not within the boundaries of any area plan.

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

The proposed communications facility provides a non-residential and non-agricultural activity that will serve local needs.

**C. Development Along Major Streets: Complies**

Access to the property is on private and county-maintained roads. Traffic generated by the proposed communications facility will be minimal and will not create unsafe traffic conflicts, hazardous traffic congestion or obstruct the functioning of arterials.

**D. Traffic Circulation Factors: Complies**

A technician will provide periodic maintenance to the antennas on the tower approximately once a

month as needed for service or maintenance. If granted, the Special Use will not significantly increase the traffic on local roads.

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

Electricity to the project site is served by Sulphur Springs Valley Electric Cooperative; no other utilities are required by the Applicant. Access is taken from Swanson Rd. via Cimmaron Drive, both non-county-maintained roads, which then connect with Shelton Road and Kansas Settlement Road, both county-maintained roads.

**F. Significant Site Development Standards: Complies with Waiver**

The proposed 180-foot tower would make collocation available for future wireless service providers.

The application meets setback requirements.

The site is not in a designated floodplain.

In addition, at 180-feet tall the tower is exempt from Federal Aviation Administration lighting and marking requirements which require lighting and marking if a structure is 200-feet tall or higher.

Staff is recommending that, other than FCC required signage, or emergency signage, no signage be permitted for this use

This Special Use request is not in conformance with the requirement for a private maintenance agreement to provide permanent legal access for a non-residential use, found in Section 1807.02.A. The applicant is requesting a waiver of the private maintenance agreement requirement for that portion of the access on Swanson Road and Cimmaron Drive that connects to Shelton Road. Staff supports the waiver request due to the low traffic volume that will be generated by this facility.

**G. Public Input: Complies**

The Applicant sent a letter to all property owners within 1,500-feet of the tower parcel to notify them of this application and to address any neighbor concerns. This notification produced no comments.

**H. Hazardous Materials: Not Applicable**

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

The antennas do not generate smoke, noise, lights, or odors. The most significant noise is generated by the air conditioning units on ground in the equipment shelters which are similar to air conditioning units in homes. The remote location of this facility further minimizes the impact of any noise that may be generated. The tower will have no lights and the base facility will have no lighting except when the technician is on-site working.

**J. Water Conservation: Not Applicable**

No new water use is proposed.

**V. MODIFICATIONS TO DEVELOPMENT STANDARDS**

The applicant is requesting a waiver of the private road maintenance agreement requirement and staff is recommending the waiver due to the low traffic volume that will be generated by this facility.

## **VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within 1500-feet of the subject property. Staff posted the property on March 23, 2015 and published a legal notice in the *Bisbee Observer* on March 19, 2015. In response to applicant and County mailings, the Planning Department received no letters about this request.

## **VII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve an unmanned wireless communications facility consisting of a 180-foot tower and base equipment in the northeast corner of an agricultural parcel to provide Sherriff's Department public safety service and allow for future collocation for at least one commercial wireless provider.

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

1. With the recommended waiver and Conditions of Approval, the proposed use would fully comply with the seven Special Use factors used by staff to analyze this request;
2. Cochise County encourages collation of wireless facilities and the proposed tower and base facilities are designed to provide co-location for additional wireless providers;
3. The applicant is providing increased public safety services to the community; and
4. No letters in opposition have been received.

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

None apparent.

## **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. 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. No signage, other than FCC required, or emergency signage, will be allowed for this communications facility.

Staff further recommends that the following Waiver of development standards be applied to the use:

1. A Waiver of the requirements of the private road maintenance agreement for that portion of the access on Swanson Road and Cimmaron Drive that connects to Shelton Road.

2. Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-15-04, with the Conditions of Approval and the Waiver to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

**IX. ATTACHMENTS**

- A. Application with site plan
- B. Parcel map
- C. Site evaluation letter
- D. Request for waiver letter
- E. Agency comment memos



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

1. I am the Owner or authorized Agent of the Owner of the property being developed.
2. I am applying for the meetings/ review(s) indicated below.
3. I have read and understand the information provided in this Application Guide.
4. This application is complete and accurate to the best of my knowledge. Submission of false information may constitute fraud, and may be punishable by fine, imprisonment, or both pursuant to A.R.S. §13-2310.
5. I hereby request all inspections necessary to process this application, and if the permit is issued I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit.

By signing below, I acknowledge that:

6. Incomplete or inaccurate submittals by the Owner, Applicant or any other representative may result in delays, return of submittals, or denial of this application.
7. The submittal is subject to an administrative review of 10-business days (5-business days initial review, 5-business days resubmittal review) at which time I will receive written or electronic notice if the application is complete or, in the case of an incomplete application, a list of deficiencies that need to be corrected. An application will not pass the review for administrative completeness until all deficiencies have been corrected.
8. If the County does not issue a written or electronic notice of administrative completeness within the 10-business days, the application will be deemed administratively complete and the substantive review process begins.
9. The overall review time is 130-business days.
10. The substantive review process is 120-business days.

By signing below, I acknowledge that:

11. A complete response to any correspondence will be submitted to Cochise County for any subsequent reviews.
12. The Applicant or Agent will be sent written or electronic notice of a license approval or denial within the substantive review period.
13. All required permits must be obtained prior to any construction and that failure to obtain permits may result in fines or other penalties.
14. The Applicant or Agent is responsible for all changes and additional time required to correct plans and/or development as a result of differences between the proposed use and what is permitted in the zoning district in which the property lies.
15. The project review process and timeframe is suspended when a project triggers the requirement for an application for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

By signing below, I acknowledge that:

16. An appeal protesting any denial of an application may be made to Cochise County Community Development Department, Planning Division Deputy Director, Beverly Wilson, 1415 Melody Lane, Bldg. E. Bisbee, Arizona 85603. The appeal shall set forth all relevant facts pertaining to the denial, and must be in writing. It must be filed within ten-days from the date of the denial letter.
17. If the County does not issue to the Applicant the written or electronic notice granting or denying a license within the **overall** time frame or within the mutually agreed upon time frame extension, the county SHALL refund the Applicant all fees charged for reviewing the applications and SHALL excuse any fees not yet paid. The refund SHALL be made within 30-working days after the expiration of the agreed upon time frame pursuant A.R.S. § 11-1605(J).

*Jim Pate*

2-19-15

Signature

Date

*Coyote State Wireless*

Print Name/Firm

Owner  Agent



SU-15-04  
(SEQUOIA WIRELESS)

# 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 305-43-032D

APPLICANT Canyon State Wireless

PHYSICAL ADDRESS:  
5258 SHELTON ROAD  
WILLOW, AZ 85644

ADDRESS #8 Corral Rd Sierra Vista Az 85635

CONTACT TELEPHONE NUMBER 520-458-4772

EMAIL ADDRESS: ted.kulkens@canyonstatewireless.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) Troquois LLC

ADDRESS 145 N Merchant St Decatur IL 62623

DATE SUBMITTED Feb 19, 2015

Special Use Permit Public Hearing Fee (if applicable)	\$ 300.00
Building/Use Permit Fee	\$ 0
<b>Total paid</b>	<b>\$ 300.00</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.)

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? Farm Property
2. What is the proposed use or improvement? 116' Public Safety Communications Tower  
& Commercial Communications - collocation
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? Continued Farm use no impact
4. Describe all intermediate and final products/services that will be produced/offered/sold. Communication Services

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)

Tower = Steel      Communications Shelter - Block

6. Will the project be constructed/completed within one year or phased? One Year X

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: 24 Hours (from     AM to     PM)

B. Number of employees: Initially: 0 Future:    

Number per shift Seasonal changes    

C. Total average daily traffic generated:

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

1 once a month Technician services facility at night and only uses light when needed

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

0

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

Kansas settlement rd : Shelton Rd

(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

N/A

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

D. Estimated total gallons of water used: per day 0 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?

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

\*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	Sulphur Springs Valley Elect	
Natural Gas	Southwest Gas	
Telephone	Qwest	
Fire Protection	Wilcox Fire Dept	

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

1. Describe any activities that will occur outdoors.

NONE  
\_\_\_\_\_  
\_\_\_\_\_

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? \_\_\_\_\_

NONE  
\_\_\_\_\_  
\_\_\_\_\_

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?

\_\_\_\_\_

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. \_\_\_\_\_

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)

Crushed aggregate

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? N/A  
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  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 Lori Pitte

Print Applicant's Name Lori Pitte

Date signed February 19, 2015



February 12, 2015

Mr. James Pitts  
President  
Canyon State Wireless  
8 Corral Rd.  
Sierra Vista, AZ 85635

Dear Jim:

This letter confirms that you are authorized to take any action required in order to obtain a building permit to construct a 180-foot communication tower to be used primarily by the Cochise County Sheriff's Office (CCSO). You are also authorized to take any other necessary actions as it relates to the construction of the CCSO tower on behalf of Sequoia Farm Foundation in Cochise County, Arizona.

The permit and tower refers to the property (Jordan Farm) located at:

The West half of Section 22, Township 16 South, Range 26 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

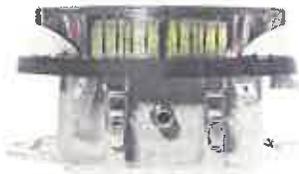
EXCEPT a non-participating undivided  $\frac{1}{2}$  interest in and to all oil, gas, and mineral rights as reserved in Deed recorded in Docket 82, page 467, records of Cochise County, Arizona; and

EXCEPT a non-participating undivided  $\frac{1}{4}$  interest in and to all oil, gas, and mineral rights as reserved in Deed recorded in Docket 89, page 231, records of Cochise County, Arizona.

If there are any questions regarding this tower, please direct them to Trisha Cook at 217.362.8600 or [tac@hgbfoundation.org](mailto:tac@hgbfoundation.org).

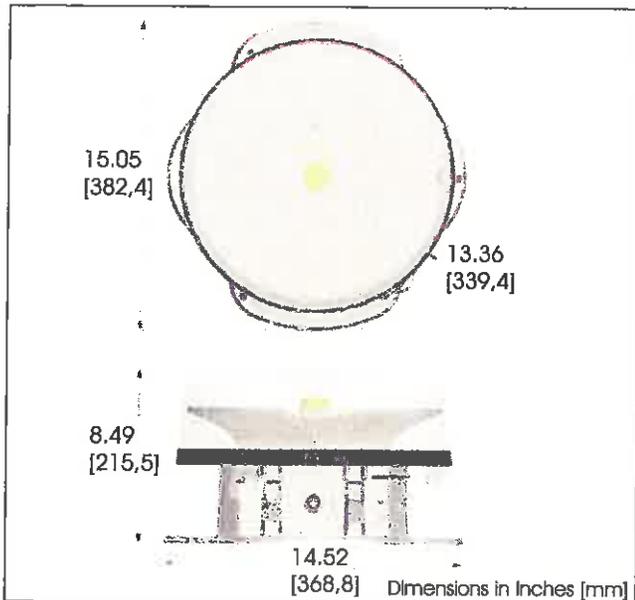
Regards,

Howard G. Buffett  
President



US Patents #7,208,881 #7,568,821 #7,604,380 #7,777,424

## Vigilant® LED Based L-865 / L-864 Medium Intensity (White / Red) Strobe



### Certifications & Ratings

- FAA Approved  
(Check FAA Website for current certification)
- IP 66

### Qualified By

- Intertek ETL
- CSA

### Compliant To

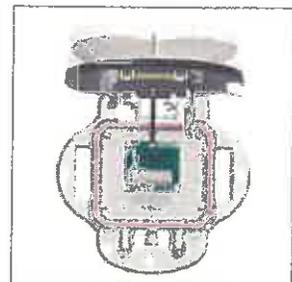
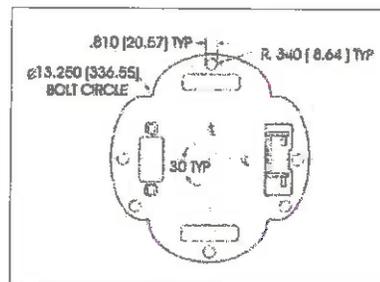
- Canadian Aviation Regulation CAR 621 (Transport Canada)
- DGAC Mexico

### Application:

The all LED Dialight Vigilant® medium intensity White / Red strobe is designed for the lighting of communication towers, chimneys, smoke stacks, wind generators and other obstructions to aerial navigation, as specified by the FAA. The Dual L-865 / L-864 uses LED technology for light output from both the White / Red strobe.

Unlike conventional Xenon flashtube technology, provides years of maintenance free service. Working voltages of less than 200V DC are significantly less than those of Xenon flashtube designs, therefore, this system represents an advance in safety. The Dialight Dual L-865 / L-864 LED beacon operates from a 48V DC supply.

Unit Weight	27 lbs (9.5 kg)
Operating Voltage	120-277V AC 50/60Hz power factor corrected supply (see below for options)
Supply Voltage Ranges	Normal +/- 10%
Effective Intensity	White Day 20,000 cd White Night 2,000 cd Red Night 2,000 cd
Wattage	White Day 85W White Night 10W Red Night 25W
Power Factor	>0.9
Operating Temp.	-40°F to +131°F (-40°C to +55°C)
Synchronization	Multiple-unit sync from single controller (Operates with other manufacturers of GPS sync devices)



Flip top design for simple installation

Part Number	Description	Voltage	Certification / Compliance
D1RW-C13-009OEM	Flash Head and Power Supply - 8 Conductors	48V DC	FAA (TC) L-865 / L-864
D1RW-C13-009OEMTC	Flash Head and Power Supply - 8 Conductors	48V DC	TC only L-865 / L-864
D1RW-C13-409OEM	Flash Head and Power Supply - 4 Conductors	48V DC	FAA (TC) L-865 / L-864
D1RW-C13-409OEMTC	Flash Head and Power Supply - 4 Conductors	48V DC	TC only L-865 / L-864
D1RW-9005	Inverter	120-277V AC / 48V DC	





# POWER & TELEPHONE GENERAL NOTES

- SUBCONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL AND EXACT WORK/MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY COMPANY ENGINEERING PLANS AND SPECIFICATIONS ONLY.
- SUBCONTRACTOR SHALL FURNISH AND INSTALL ALL CONDUIT, PULL WIRES, CABLE PULLBOXES, CONCRETE ENCASUREMENT OF CONDUIT (IF REQUIRED), TRANSFORMER PAD, BARRIERS, POLE RISERS, TRENCHING, BACKFILL, AND INCLUDE ANY UTILITY COMPANY REQUIREMENTS IN SCOPE OF WORK.
- UTILITY CONTACTS

**TELEPHONE COMPANY:**  
 COMPANY NAME: CENTURY LINK  
 ADDRESS: 10000 N. CENTURY LINK  
 CITY, STATE, ZIP: SCOTTSDALE, AZ 85258  
 PHONE NUMBER: (602) 484-4000  
 CONTRACTOR: KELLY SHANNON (602) 394-5033

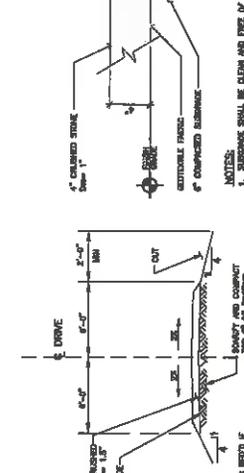
**POWER COMPANY:**  
 COMPANY NAME: SULAR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC.  
 ADDRESS: 10000 N. CENTURY LINK  
 CITY, STATE, ZIP: SCOTTSDALE, AZ 85258  
 PHONE NUMBER: (602) 484-4000  
 CONTRACTOR: KELLY SHANNON (602) 394-5033

## NOTICE

- ELECTRICAL SUBCONTRACTOR SHALL CONTACT UTILITY COMPANIES 14 DAYS MINIMUM PRIOR TO ACTIVATION AND NOTIFY UTILITY COMPANY REPRESENTATIVE OF THE EXACT DATE OF ACTIVATION.
- VERIFY ALL EXISTING UNDERGROUND UTILITIES BEFORE TRENCHING. THESE UTILITIES SHALL BE IDENTIFIED BY THE UTILITY COMPANIES. DUE TO TIME CONSTRAINTS AND ARE INTRODUCED AS A GENERAL GUIDE ONLY.
- ELECTRICAL SUBCONTRACTOR SHALL CONTACT TELE. CO. & POWER CO. MINIMUM 14 DAYS PRIOR TO TRENCHING.
- INSTALL ALL CONDUITS & EQUIPMENT AS SPECIFIED BY POWER CO. & TELEPHONE CO.
- FIELD VERIFY EXACT MEASUREMENT OF ALL NEW UTILITY FEEDERS PRIOR TO BID. DO NOT SCALE FROM THESE PLANS.
- CONTACT UTILITY COMPANIES FOR UNDERGROUND CONDUIT INSPECTIONS PRIOR TO BACKFILLING TRENCH.
- IT IS THE ELECTRICAL SUBCONTRACTORS RESPONSIBILITY TO COORDINATE WITH THE POWER AND TELEPHONE COMPANIES TO INSURE THAT SERVICE CONDUITS ARE TERMINATED AT THE CORRECT POWER POLE, PEDESTAL, ETC.

**NOTE:**  
 HAND DIG EXCAVATIONS NEAR EXISTING UTILITIES & WHERE INDICATED ON SITE PLAN

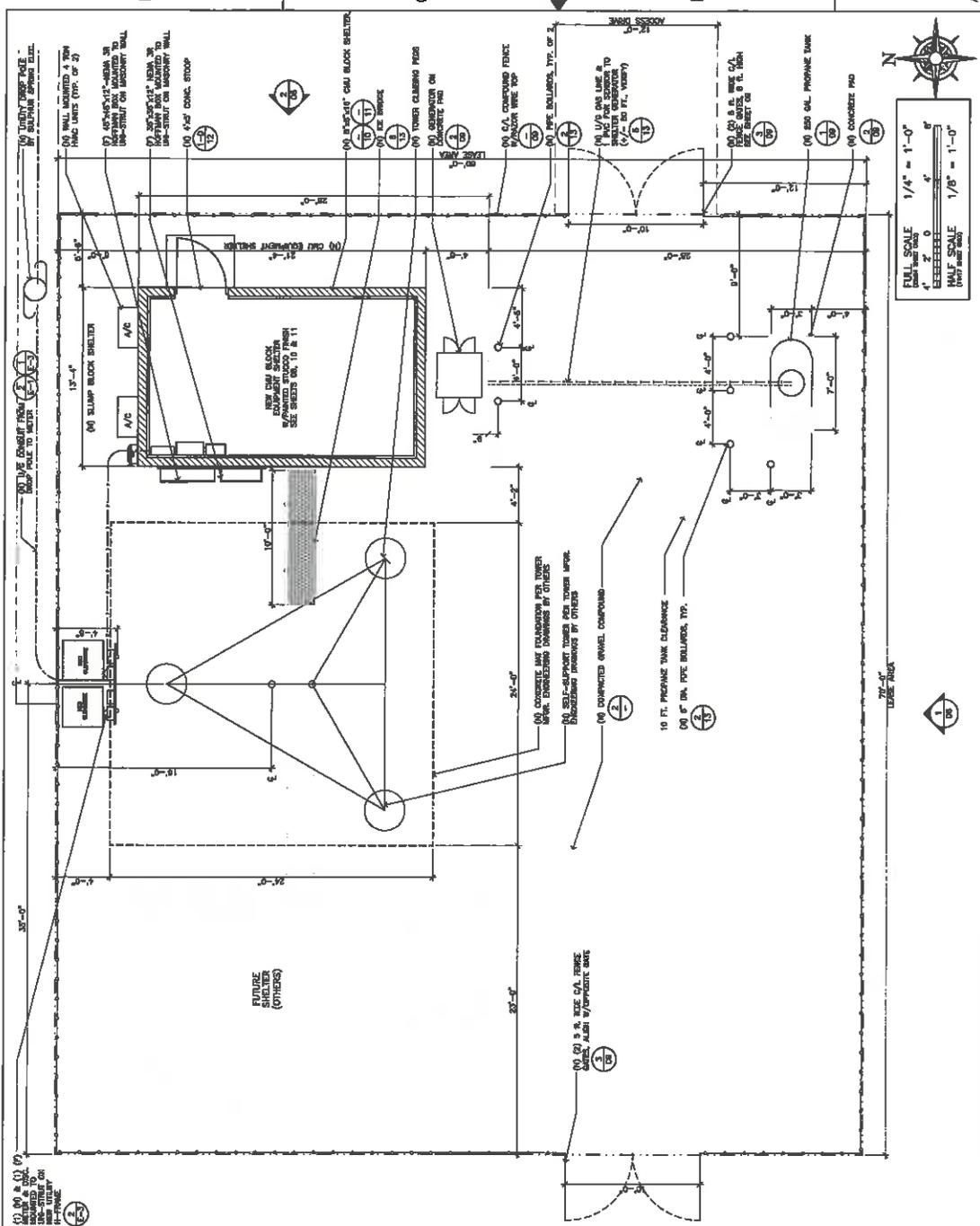
**NOTES:**  
 NONE



**NOTE:**  
 1. CONSTRUCTION TO COORDINATE & PROVIDE PROTECT EXISTING UTILITIES PRIOR TO CONSTRUCTION.  
 2. LOCATION SERVICE PRIOR TO CONSTRUCTION.



**NOTE:**  
 1. CONSTRUCTION TO COORDINATE & PROVIDE PROTECT EXISTING UTILITIES PRIOR TO CONSTRUCTION.  
 2. LOCATION SERVICE PRIOR TO CONSTRUCTION.



**SCALE: 1/4" = 1'-0"**

**SEQUOIA FARMS, LLC**  
 COCHISE COUNTY

**DETAILED SITE PLAN**

**NO. DATE CONSTRUCTION DRAWING REVISIONS**

1	04/20/14	CONSTRUCTION DRAWING	REVISIONS
---	----------	----------------------	-----------

DESIGNED BY: CR  
 DRAWN BY: BJD  
 SCALE: AS SHOWN

**SEQUOIA FARM FOUNDATION**  
**SELF-SUPPORT TOWER**  
 COCHISE COUNTY  
 5288 E. SHELTON RD.  
 WILCOX, AZ 85844

**CANYON STATE WIRELESS, INC**  
 8 CORRAL RD  
 SIERRA VISTA, AZ 86336  
 PHONE: (520) 438-4772

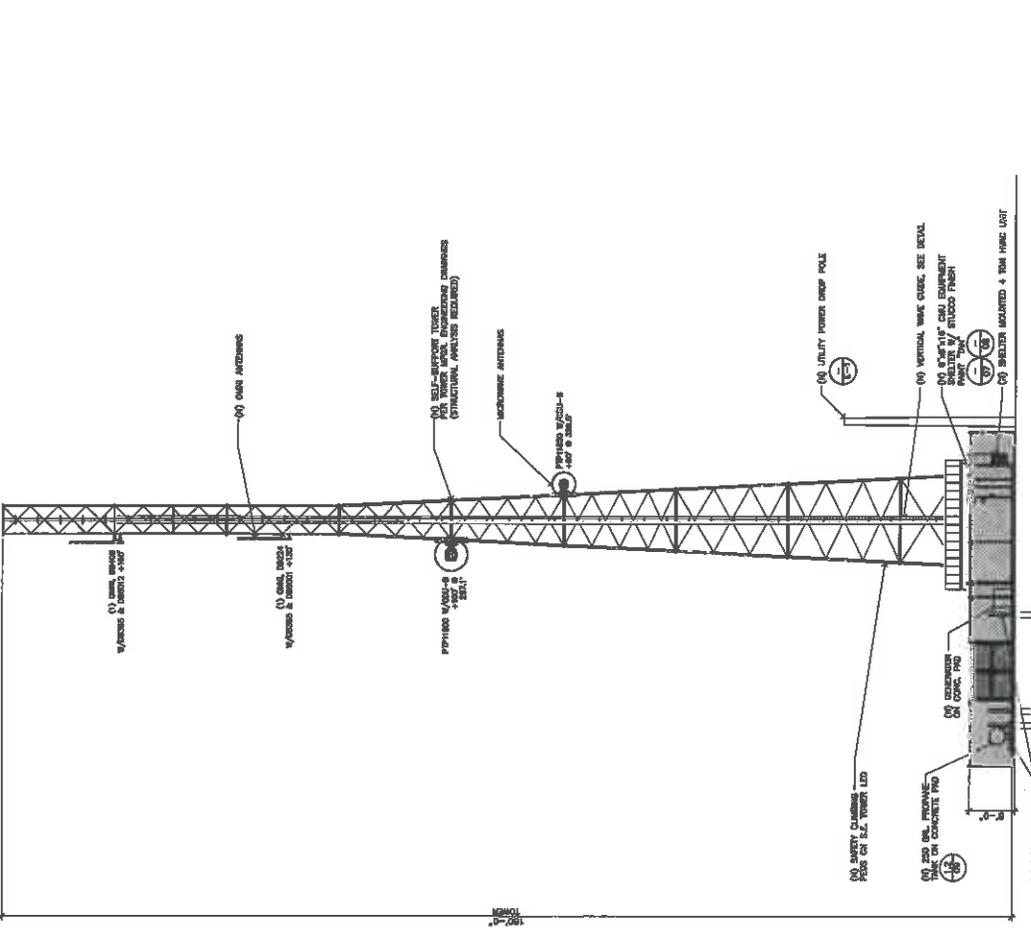
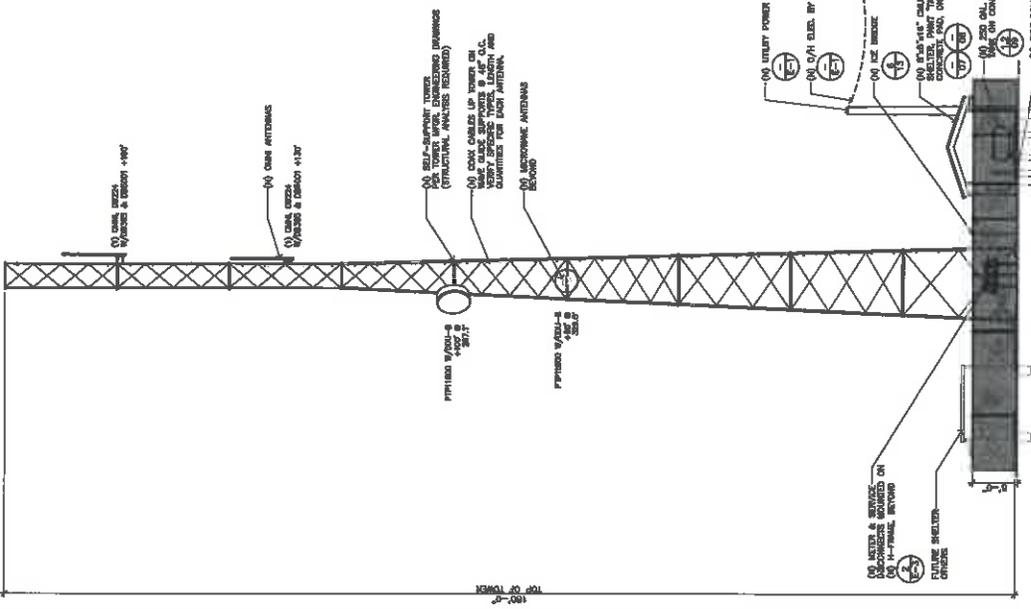
**Clear Blue Services**  
 101 N. WILCOX AVENUE  
 WILCOX, ARIZONA 85844

**SEAL:** I hereby certify that I am a duly Licensed Professional Engineer in the State of Arizona, License No. 12345, and that I am the author of the design shown on these plans. My seal is placed hereon in full view of the public.

**DATE:** 12/13/14

**SCALE:** 1/4" = 1'-0"

**NOTES:**  
 1. REFER TO ARCHITECT'S & ENGINEER'S LOCATING SKETCH FOR TO CONSTRUCTION.  
 2. STRUCTURAL ANALYSIS REQUIRED.  
 3. TOWER FOUNDATION SHALL BE REFERENCED ONLY, SEE REVISION & STRUCTURAL DETAILS BY FUTURE SHEET.

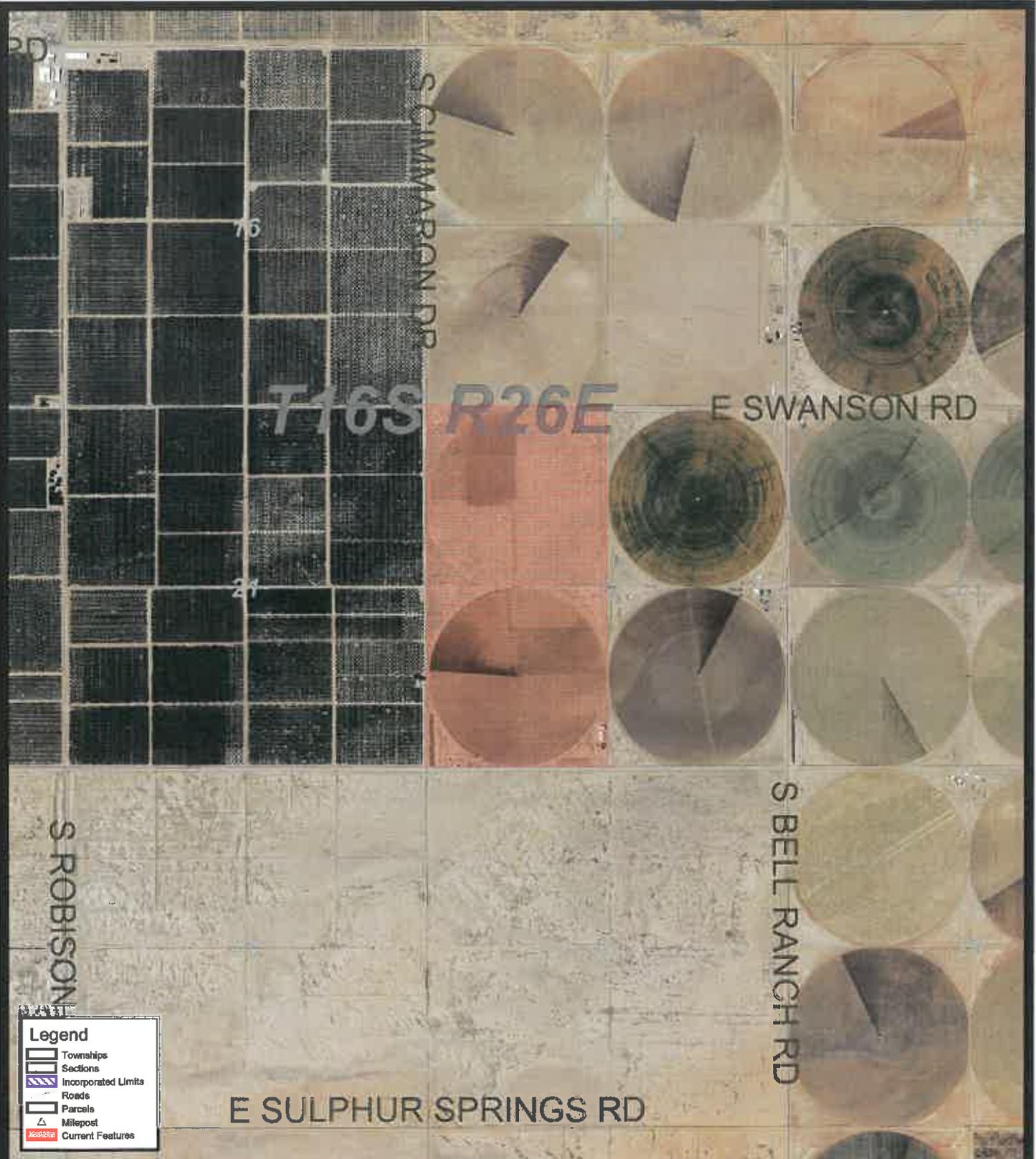


SCALE: 3/32" = 1'-0" 1 SOUTH ELEVATION  
 SCALE: 3/32" = 1'-0" 2 EAST ELEVATION

<b>SEQUOIA FARMS, LLC</b> COCHISE COUNTY ELEVATIONS DRAWING NUMBER: SEQUOIA FARMS - 06 0 DATE: 2/11/14	
PROJECT: SEQUOIA FARMS - 06 0 SHEET: 21 OF 21	DRAWN BY: SLD CHECKED BY: CE DATE: 02/11/14 PROJECT: SEQUOIA FARMS - 06 0

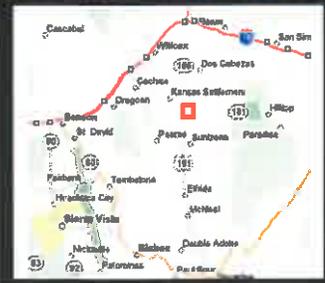
**Clear Blue Services**  
 CONSTRUCTION SERVICES

21



**Legend**

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



SU-15-04 (Sequoia Wireless)  
 5288 E. Shelton Rd  
 Willcox  
 APN 305-43-032D

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

22 B

1" = 200'

February 23, 2015

To Whom it may concern:

I am writing this letter on behalf of Iroquois LLC to inform you that we have submitted a permit to Cochise County Planning and Zoning to build an 180 feet tall communications tower on parcel 305-43-032D

The sole purpose of this tower is to allow for private and public safety communications for farm and ranch employees and Cochise County Law Enforcement

The purpose of this letter is to inform all adjoining property owners that border this particular parcel, of our intent to build this communications tower thus allowing any and all neighbors to voice any concerns they may have.

If there are concerns or objections, please submit them in writing to myself, Ted Kulkens (agent for Iroquois LLC) addressed to Canyon State Wireless #8 Corral Rd Sierra Vista Az 85635.

If there are no responses after 30 days of receipt of this letter it will be considered that there are no objections to this proposed communications tower.

Any questions, please don't hesitate to contact me via email at: [ted.kulkens@canyonstatewireless.com](mailto:ted.kulkens@canyonstatewireless.com)

Regards,

Ted Kulkens

**Drake, Jesse**

---

**From:** Ted Kulkens [ted.kulkens@canyonstatewireless.com]  
**Sent:** Friday, March 20, 2015 3:18 PM  
**To:** Drake, Jesse  
**Subject:** RE: Special Use request SU-15-04 (Sequoia Wireless)

Ms. Drake

Canyon State Wireless respectfully requests a waiver of the requirement for a Private Maintenance Agreement for that portion of the driveway connecting to Shelton Road, because, once construction is completed, there will be only a once-a-month visit to the site from the maintenance technician, and that low level of traffic is unlikely to create a negative impact on the transportation system in the area.

Thank you,

Ted Kulkens  
Canyon State Wireless

*Ted Kulkens,*  
Special Projects

**Canyon State Wireless.**

(520) 458-4772  
[ted.kulkens@canyonstatewireless.com](mailto:ted.kulkens@canyonstatewireless.com)



## Drake, Jesse

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**From:** Lamberton, Karen L  
**Sent:** Friday, March 13, 2015 11:15 PM  
**To:** Drake, Jesse  
**Subject:** Canyon State Wireless SU 15-04

Parcel: 305-43-032D/SU 15-04

This is a request for a tower previously submitted in October by the Sherriff's Department, then withdrawn. Access is taken from Swanson Rd., via Cimmaron Dr. (both not in the county-maintained system) from Shelton Rd., a county-maintained, native-surfaced roadway. Once constructed, there is anticipated to only be minimal maintenance activities that are unlikely to create an impact on the transportation system in the area.

### Requirements at the Commercial Permit Stage

- The applicant will be required to provide a Private Maintenance Agreement, per Zoning Regulation 1807.02A, for that portion of their driveway to Shelton Rd.

It is suggested that the applicant consider requesting the Planning and Zoning Commission for a waiver from the above Zoning Regulation given given the limited use of the site; however, if not requested or approved this would be a condition for the applicant at the commercial permitting stage.

A full traffic and site analysis will not be conducted for this proposal given the limited nature of the potential traffic impact. This e-mail contains all my comments: no formal memo will be submitted.

**Karen L. Lamberton, AICP**  
County Transportation Planner  
Community Development Department  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
520-432-9240 phone  
520-432-9278 fax

**Public Programs... Personal Service**  
[www.cochise.az.gov](http://www.cochise.az.gov)

**Drake, Jesse**

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**From:** Hudgins, Pamela A  
**Sent:** Tuesday, February 24, 2015 2:39 PM  
**To:** Drake, Jesse  
**Subject:** Right-of-way memo for SU-05-04 Canyon State Wireless  
**Attachments:** RightOfWayMemo.doc

Good afternoon Jesse,

Based on my review, adjoining the subject parcel, Swanson Road is not a County Maintain road. Per the site plans access for the subject parcel is via Swanson Road and not Shelton Road. Please see the attached memo.

As always, I thank you for your continued cooperation.

**Pam Hudgins**

Right-of-Way Agent  
Cochise County Community Development  
Highway and Floodplain Division  
520-432-9300  
520-432-9337 fax

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**INTEROFFICE MEMO**

**Date:** February 24, 2015  
**To:** Jesse Drake, Planner II  
**From:** Pam Hudgins, Right-of-Way Agent II  
**Subject:** Special Use Permit for Canyon State Wireless (SU-15-04)

**Background:**

Canyon State Wireless requested a Special Use Permit for APN 305-43-032D to construct a Wireless Communications Tower on an RU-4, Rural zoned property. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Section 607.40 of the Zoning Regulations. The subject parcel is located at 5288 E. Shelton Road in Willcox, AZ. It is further described as being situated in Section 22 of Township 16 South, Range 26 East, Cochise County, AZ. Right-of-Way staff was contacted by Planning and zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

**Analysis:**

Access for the subject parcel is from State Route 191 North to Birch Road. East on Birch Road to Kansas Settlement Road. North on Kansas Settlement Road to Swanson Road. East on Swanson Road to the site on the right side of the road. Swanson Road adjoins and serves as the Northerly bound of the subject property.

Adjoining the subject parcel, Swanson Road is not a county maintain road.

The development review team transmittal letter received from Jesse Drake, Planner II shows access for the subject parcel is from Shelton Road, a county maintained road. However per site detail on pages 3 and 4 of the site plans, show access is from Swanson Road, a non-maintained road.

**Recommendation:**

Based on my review of the site plans, no further right-of-way dedication is required at this time.

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

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

## Drake, Jesse

---

**From:** Lopez, Rosa I  
**Sent:** Monday, February 23, 2015 9:14 AM  
**To:** Drake, Jesse  
**Subject:** RE: SU-15-04 (Sequoia) 1st

Good morning Jesse,

The permit is good to approve.

Thanks,  
-Rosa

---

**From:** Drake, Jesse  
**Sent:** Friday, February 20, 2015 12:51 PM  
**To:** Lambertson, Karen L; Hudgins, Pamela A; Izzo, Michael D; Flores, Dora V; Hanson, Britt W; Capas, Carol; Lopez, Rosa I; Gordon, Eric K CIV USARMY IMCOM CENTRAL (US); Megan Resor  
**Subject:** SU-15-04 (Sequoia) 1st

Wireless Communication tower for your review and comment. There will be more than one email.

### **Jesse Drake**

Planner II

Cochise County Community Development  
Planning, Zoning and Building Safety Division  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
520-432-9300  
520-432-9278 fax

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**Drake, Jesse**

---

**From:** Gordon, Eric K CIV USARMY IMCOM CENTRAL (US) [eric.k.gordon.civ@mail.mil]  
**Sent:** Thursday, March 19, 2015 1:19 PM  
**To:** Drake, Jesse  
**Cc:** Gordon, Eric K CIV USARMY IMCOM CENTRAL (US); Kosbab, Margo A CIV USARMY USAG (US)  
**Subject:** RE: Encroachment Board Review - SU-15-04 (Sequoia) Willcox, AZ (UNCLASSIFIED)  
**Attachments:** 460 MHz Line of Sight\_Calloway.pdf; 460 MHz Radiation Pattern\_Calloway.jpg

CLASSIFICATION: UNCLASSIFIED

Ms. Jesse Drake,

The Fort Huachuca Encroachment Board members reviewed Canyon State Wireless' application for a communications shelter and a 180 ft. Self-Support Communications Tower (collocated) on an RU-4, Rural zoned property, in Willcox, AZ.

Review: The following issues or concerns regarding the proposed project were provided: Line of sight and receive signal level in relation to Fort Huachuca is inhibited (see attachments: radiation pattern and line of sight). The proposal indicates the tower will also be available to support commercial services. Recommend that additional assessments of potential impacts be conducted prior to installation of any new service. EPG conducts testing within line of sight of these services in the Wilcox/Playa area, impact will have to be assessed on a case by case basis.

Based on the information provided and noting that public safety communication services currently exists in the proposed area, it is determined that the addition of the tower, equipment and spectrum usage will have minimum to no effect on EPGs missions. However, if line of sight and receive signal level in relation to Fort Huachuca is inhibited (see attachments: radiation pattern and line of sight) then EPG missions could be impacted, we would request that additional assessments be conducted on a case by case basis.

Thank you,

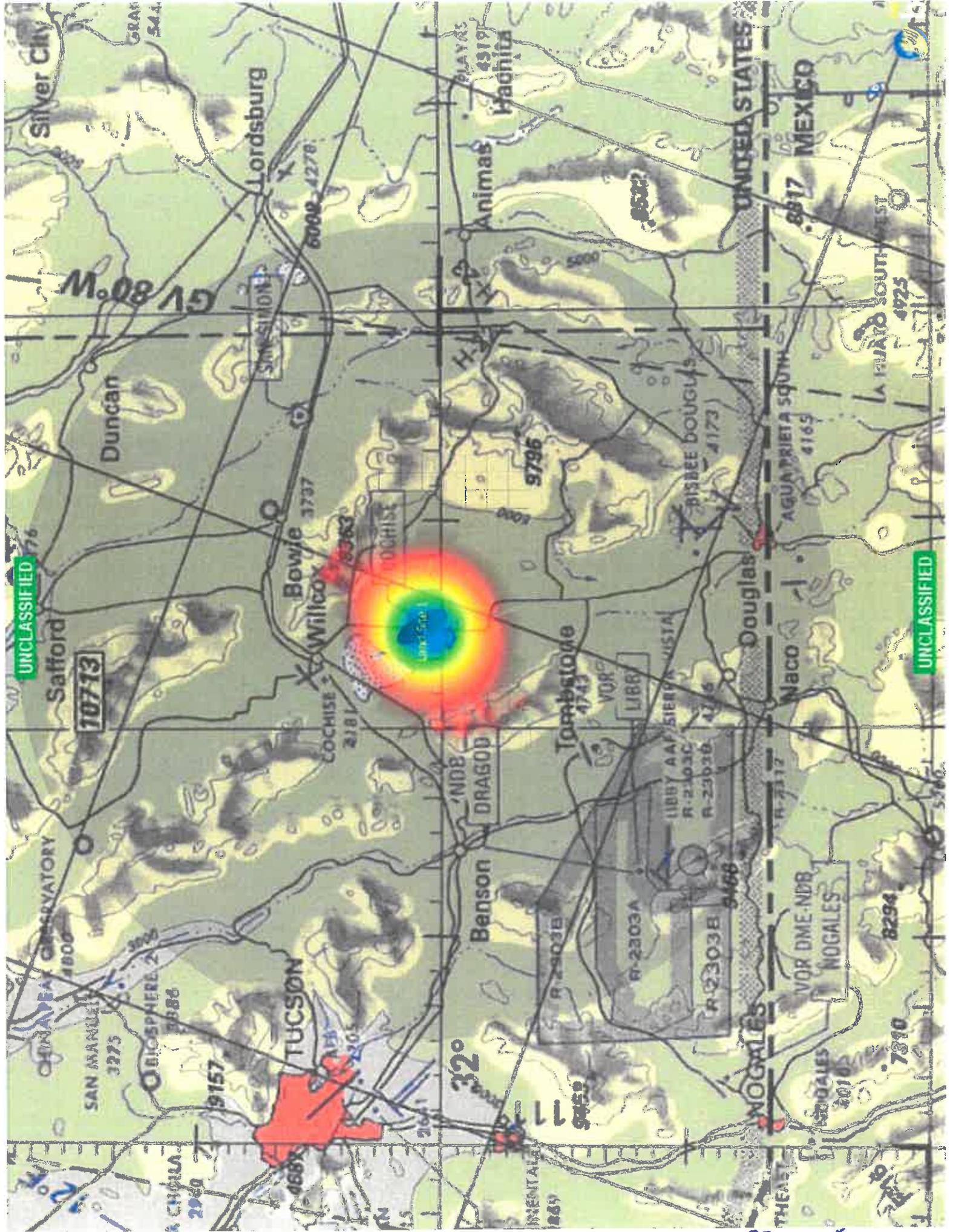
v/r  
Eric Gordon  
USAG Fort Huachuca PAIO  
☎ Phone: 520-533-4980

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

From: Drake, Jesse [<mailto:JDrake@cochise.az.gov>]  
Sent: Friday, February 20, 2015 12:51 PM  
To: Lamberton, Karen L; Hudgins, Pamela A; Izzo, Michael D; Flores, Dora V; Hanson, Britt W; Capas, Carol; Lopez, Rosa I; Gordon, Eric K CIV USARMY IMCOM CENTRAL (US); Megan Resor  
Subject: SU-15-04 (Sequoia) 1st

Wireless Communication tower for your review and comment. There will be more than one email.

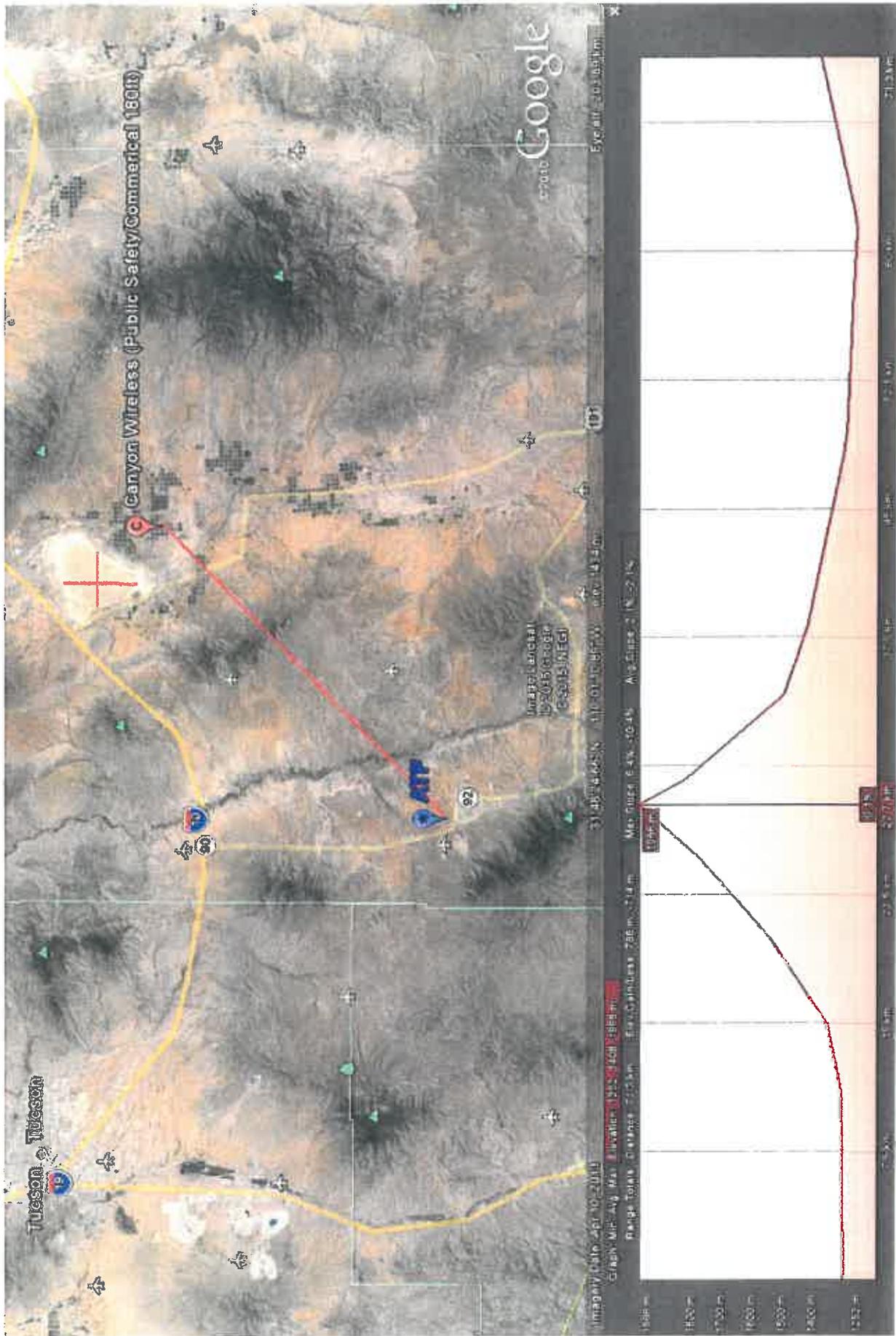
Jesse Drake



UNCLASSIFIED

UNCLASSIFIED

SU-15-04 (SEQUA WIRELESS) FROM ERIC GORDON AT FT. HUACHUCA





**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division  
*Public Programs...Personal Service*  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Jesse Drake, Planner II *JD*  
**FOR:** Beverly J. Wilson, Planning Director *low*  
**SUBJECT:** Docket SU-15-05 (Iroquois Wireless)  
**DATE:** March 26, 2015 for the April 8, 2015 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant is requesting a Special Use authorization to approve a 100-foot tall wireless communications facility on a vacant RU-4, Rural zoned property. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Sections 607.40 of the Zoning Regulations. The subject parcel (101-56-001) is located at 3507 E Border Rd., Douglas, AZ. The Applicant is Iroquois LLC.

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

Parcel Size: 177.97 Acres  
 Zoning: RU-4, Rural  
 Growth Area: Category D  
 Comprehensive Plan Designation: Rural  
 Area Plan: None  
 Existing Uses: Vacant land  
 Proposed Uses: Wireless communications facility with 100-foot tower

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4 Rural	Vacant
South	RU-4 Rural	Vacant
East	RU-4 Rural	Vacant
West	RU-4 Rural	Vacant

**II. PARCEL HISTORY**

No improvements.

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

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

**III. NATURE OF REQUEST**

The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of a 100-foot tower and base equipment on a vacant parcel currently used for ranching and grazing. The facility would be located approximately 2.38 miles west of Highway 80, 2/3rd mile north of the international border between Naco and Douglas, Arizona. This facility will enable ranch workers to communicate with each other and with emergency services in this remote area that currently has no wireless capacity. The tower will be designed to accommodate future wireless carriers.

Before requesting this Special Use the applicant approached the US Border Patrol Naco station requesting the use of a tower on land that the US Department of Homeland Security had recently acquired from the applicant through eminent domain. The applicant’s request to put one antenna on the new Border Patrol tower was denied.

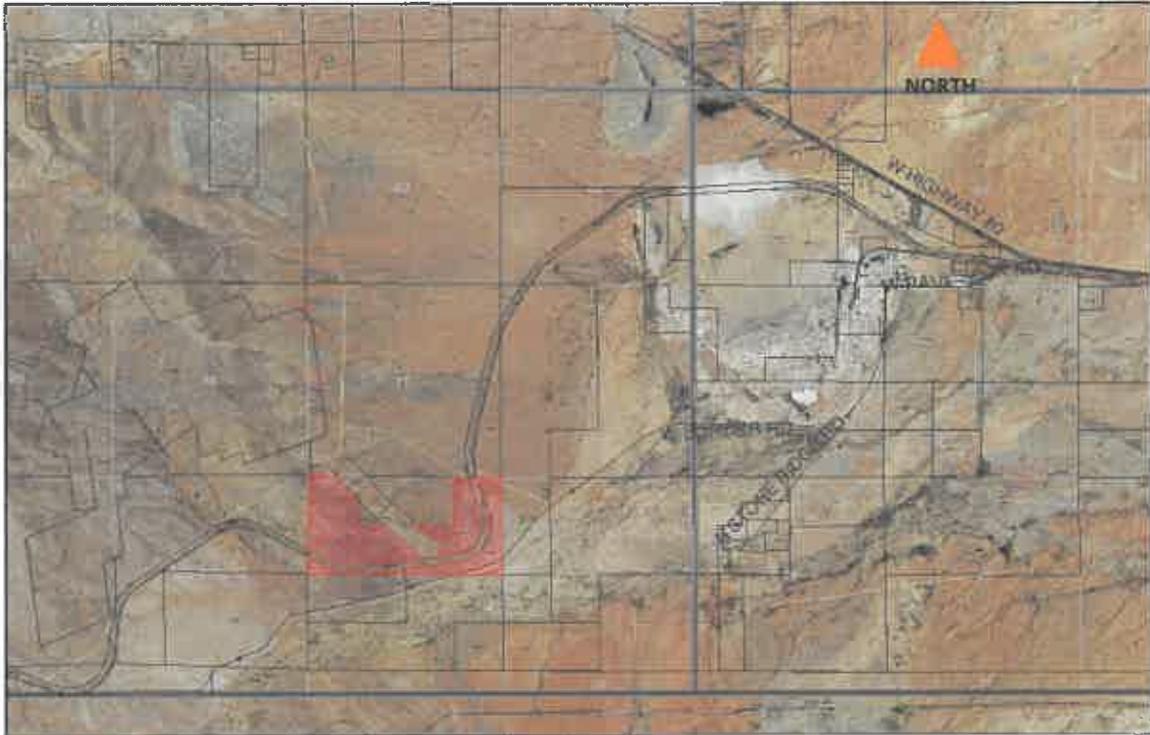
Two FCC licensed antennas will be attached to the tower at 60 and 80-feet above the ground. The antenna installed at 80-feet will extend up to a maximum height of 100-feet.

Carrier name	Height	Antenna Dimensions	Radio Frequency	Area
Sequoia Farms RX	80 Feet	17.5'	406-512 MHz	Douglas
Sequoia Farms TX	60 Feet	17.5'	406-512 MHz	Douglas

The tower will have the capacity for several future whip, side arm and microwave dish antennas for commercial wireless providers.

The Federal Communications Commission certifies that all telecommunications equipment, bands, frequencies and power levels are within legal limits. Staff has received no information that the current frequencies would interfere with Public Safety. A memorandum from Ft. Huachuca, the US Army IMCOM Central Encroachment Board Review committee has noted that this project will pose no threat or adverse impact to their operations. Since the proposed location is in an area of high traffic Border Patrol operations, staff contacted the Department of Homeland Security/US Customs/Border Patrol and requested a review of the application and RF information. Staff received no comments or concerns from DHS/Border Patrol regarding this tower.

The applicant is requesting a waiver of the requirement of a Private Road Maintenance Agreement for Border Road as the access road crosses parcels that are all owned by the applicant, with the exception of the San Pedro Railroad crossing that would be maintained by the railroad; and, once construction is completed, there will be minimal once-a-week traffic to the site from the maintenance technician. The low level of traffic is unlikely to create a negative impact on the transportation system in the area. This waiver request is supported by both Planning staff and the County Transportation Planner.



*Location Map*



*View to site from Border Road*

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

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed.

Seven of the ten factors apply to this request. The project, as submitted, complies with six those seven factors; and will fully comply if a waiver is granted for the seventh factor. The three remaining factors do not pertain to this application.

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

The project site is not within the boundaries of any area plan.

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

The proposed communications facility provides a non-residential and non-agricultural activity that will serve local needs.

##### **C. Development Along Major Streets: Complies**

The parcel takes access on Border Road, a county-maintained road. Traffic generated by the proposed communications facility will be minimal and will not create unsafe traffic conflicts, hazardous traffic congestion or obstruct the functioning of arterials.

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

A technician will provide periodic maintenance to the antennas on the tower approximately once a month as needed for service or maintenance. If granted, the Special Use will not significantly increase the traffic on local roads.

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

The applicant will install solar panels to provide electricity to site and no other utilities are required.

Access is taken from Border Road a county-maintained road which is not over capacity.

##### **F. Significant Site Development Standards: Complies with Waiver**

The proposed 100-foot tower makes collocation available for multiple future wireless service providers.

The application meets setback requirements.

The site is not in a designated floodplain.

At 100-feet tall, the tower is exempt from Federal Aviation Administration lighting and marking requirements.

Staff is recommending that, other than FCC required signage, or emergency signage, no signage be permitted for this use

This Special Use request is not in conformance with the requirement for a private road maintenance agreement to provide permanent legal access for a non-residential use, found in Section 1807.02.A. The applicant is requesting a waiver of the private road maintenance agreement requirement for Border Road. Staff supports the waiver request due to the low traffic volume that will be generated by this facility.

**G. Public Input: Complies**

The Applicant sent a letter to all property owners within 1,500-feet of the tower parcel to notify them of this application and to address any neighbor concerns. This notification produced no comments.

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

The antennas do not generate smoke, noise, lights, or odors. The most significant noise is generated by the air conditioning units on ground in the equipment shelters which are similar to air conditioning units in homes. The remote location of this facility further minimizes the impact of any noise that may be generated. The tower will have no lights and the base facility will have no lighting except when the technician is on-site working if the technician is servicing the facility at night.

**J. Water Conservation: Not Applicable**

No new water use is proposed.

**V. MODIFICATIONS TO DEVELOPMENT STANDARDS**

The applicant is requesting a waiver of the private road maintenance agreement requirement and staff is recommending the waiver due to the low traffic volume that will be generated by this facility.

**VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within 1500-feet of the subject property. Staff posted the property on March 22, 2015 and published a legal notice in the *Bisbee Observer* on March 19, 2015. In response to applicant and County mailings, the Planning Department received no letters opposing this request.

**VII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve an unmanned wireless communications facility consisting of a 100-foot tower and base equipment on vacant land near the international border to provide communications and security for ranch employees and provide future collocation for at least one future wireless provider.

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

1. With the recommended waiver and Conditions of Approval the proposed use would fully comply with the seven Special Use factors used by staff to analyze this request;
2. Cochise County encourages collation of wireless facilities and the proposed tower and base facilities are designed to provide co-location for additional wireless providers; and
3. No letters in opposition have been received.

**Factors Against Allowing the Special Use**

None apparent.

**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. 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. No signage, other than FCC required, or emergency signage, will be allowed for this communications facility.

Staff further recommends that the following Waiver of development standards be applied to the use:

1. A Waiver of the requirements of the private maintenance agreement for the access on Border Road.
2. Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-15-05, with the Conditions of Approval and Waiver to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

#### **IX. ATTACHMENTS**

- A. Application with site plan
- B. Parcel map
- C. Site evaluation letter
- D. Request for waiver letter
- E. Agency comment memos



**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 101-56-001

APPLICANT Sequoia LLC

SITE ADDRESS 3509 E. BORDER ROAD, DOUGLAS, AZ 85607

ADDRESS 145 N. Merchant St., Decatur, IL 62523

CONTACT TELEPHONE NUMBER 217-825-6589 DOUG OWER

4111 E. BAKER RD  
WILLCOX, AZ 85643

EMAIL ADDRESS: jdo@sequoiafarmfoundation.org

PROPERTY OWNER (IF OTHER THAN APPLICANT) \_\_\_\_\_

ADDRESS \_\_\_\_\_

DATE SUBMITTED Feb. 24, 2015

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300.00</u>
Building/Use Permit Fee	\$ <u>0</u>
<b>Total paid</b>	\$ <u>300.00</u>

**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.)

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? RANCH LAND / GRAZING  
\_\_\_\_\_
- 2. What is the proposed use or improvement? The improvement is/would be an  
<sup>100</sup>80' tall self supported communications tower that would sit  
on an 11' x 11' concrete pad.  
\_\_\_\_\_
- 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? \_\_\_\_\_  
NONE  
\_\_\_\_\_
- 4. Describe all intermediate and final products/services that will be produced/offered/sold.  
NONE  
\_\_\_\_\_  
\_\_\_\_\_

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)

NO BUILDINGS PROPOSED

6. Will the project be constructed/completed within one year or phased? One Year YES

Phased X if phased, describe the phases and depict on the site plan.

Project will be in 2 phases. Phase I proposed under a commercial building permit to be less than 30'. Phase II to 80' under this proposed SUP app.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 5 Hours (from 7 AM to 5 PM)

B. Number of employees: Initially: 1 Future: 2

Number per shift Seasonal changes NO SEASONAL CHANGES

C. Total average daily traffic generated:

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

1 (ONE) - 1 X / week

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

1 (ONE) pick-up truck / once per week

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

From Hwy 80 to Paul Spur Rd, to E. Border road to Fragois private road.

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

100% from direction described above in (3)

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

1 day / per week (likely to be a Wednesday) 1 (one) pickup truck will drive to tower for inspection.

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

D. Estimated total gallons of water used: per day 0 per year 0

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?

\_\_\_\_\_

\_\_\_\_\_

\*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	X	Solar panel (3'x3'sq)
Natural Gas	N/A	
Telephone	N/A	
Fire Protection	N/A	

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

1. Describe any activities that will occur outdoors.

NONE

\_\_\_\_\_

\_\_\_\_\_

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)  
\_\_\_\_\_ NONE - WILL REMAIN NATIVE ROCK. \_\_\_\_\_

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.

\_\_\_\_\_ NO WATER WILL BE USED. \_\_\_\_\_

2. How many acres will be cleared?  NO CLEARING NECESSARY.  
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.) \_\_\_\_\_

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

**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  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 *Doug Oller*

Print Applicant's Name DOUG OLLER

Date signed Feb 24, 2015



IN WITNESS WHEREOF, Trisha A. Cook, as Treasurer of IROQUOIS, L.L.C., the Principal, executes this Special Power of Attorney, on this 13<sup>th</sup> day of February, 2014, and being first duly sworn, does declare to the undersigned authority that she signs and executes this instrument as the Principal's Power of Attorney and that she signs it willingly as her free and voluntary act for the Limited Purpose expressed in the Power of Attorney and that she is eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.

**"PRINCIPAL":**

IROQUOIS, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY

Trisha A. Cook  
By: Trisha A. Cook  
Its: Treasurer

I, Judy Inman, the undersigned Witness, sign my name to the foregoing Power of Attorney being first duly sworn and do declare to the undersigned authority that the Principal signs and executes this instrument as his Power of Attorney and that he signs it willingly and that I, in his presence and hearing, sign this Power of Attorney as Witness to his signing and that to the best of my knowledge he is eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.

Judy Inman

STATE OF ILLINOIS        )  
  ) ss.  
County of Macoupin        )

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED before me by Trisha A. Cook, as Treasurer of IROQUOIS, L.L.C., the Principal, and subscribed and sworn to before me by Judy Inman, Witness, this 13 day of February, 2015.

Toni R Gentry  
Notary Public



Witness Jki

In Accordance with A.R.S. Title 32

I am currently a licensed contractor:

Contractor Name: CHARLES R. MADDOX  
Doing Business As: SOUTHWEST TRADITIONS INC.  
ROC License #: 265756 Classification of ROC License: KB02  
Contractor's Signature: Charles R. Maddox Date: 2/16/15  
Title: PRES/CEO

I am an Owner/Builder:

Owner/Builder Name: \_\_\_\_\_  
Owner/Builder Address: \_\_\_\_\_  
Owner/Builder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EXEMPTION FROM LICENSING**

I am exempt from Arizona Contractors' license laws on the basis of the licensing exemptions contained in A.R.S. 32-1121A.

- I am the Owner/Builder of the property. I will follow in strict compliance with 32-1121A.5. The property is intended for sole occupancy by the owner, not intended for occupancy by members of the public, owner's employees or business visitors. The structures are **NOT INTENDED FOR SALE OR RENT WITHIN 1 YEAR AFTER COMPLETION.**
- I am the Owner/Developer of the property. I will follow in strict compliance with 32-1121A.6. I will contract with a General Contractor licensed pursuant to this chapter. To qualify for this exemption, all licensed contractors' names and license numbers working on this project shall be included on this application and contained within all sales documents.
- Other Exemption: \_\_\_\_\_

I fully understand that the exemption provided by A.R.S. 32-1121A.14 (the Handyman Exemption) does not apply to ANY construction project which requires a building permit, is the smaller part of a larger project and/or the total aggregate contract price including labor, materials and all other items is \$1,000 or more.

I will be using the following licensed contractors or sub-contractors on this project:

SOUTHWEST TRADITIONS INC., ROC License #: 265756 Class: KB02  
 (General Contractor)

\_\_\_\_\_, ROC License #: \_\_\_\_\_ Class: \_\_\_\_\_  
 (Mechanical Contractor)

\_\_\_\_\_, ROC License #: \_\_\_\_\_ Class: \_\_\_\_\_  
 (Electrical Contractor)

\_\_\_\_\_, ROC License #: \_\_\_\_\_ Class: \_\_\_\_\_  
 (Plumbing Contractor)

**FALSIFICATION OF INFORMATION ON THIS DOCUMENT FOR THE PURPOSE OF EVADING OR ATTEMPTING TO EVADE STATE LICENSING LAWS IS A CLASS 2 MISDEMEANOR PURSUANT TO ARIZONA REVISED STATUTES 13-2704.**

I have read and fully understand all of the information contained within this document. The above information provided by me on this document is true and accurate to the best of my knowledge.

PRINT FULL NAME AND ADDRESS:

CHARLES R. MADDOX  
P.O. Box 240  
PEARCE, AZ 85025

Signature: Charles R. Maddox Date: 2/16/15

## Iroquois LLC self supported 80' radio tower project – Phase I & II Concept Plan

It is Iroquois LLC's intent to build an 80' tall self-supporting radio tower in two phases provided all the necessary permits are approved for each phase from Cochise County Planning and Zoning.

**Phase I** – Once the necessary commercial building permit is approved, phase I would consist of pouring an 11' X 11' X 3' 6" concrete pad. After full cure on the concrete foundations we would then construct 1 (one) 20' section of tower onto the pad with an antenna mounted at the top protruding above the top of the tower by 10' thus creating a communication tower of 30' tall. The permit application for phase I was submitted on February 18, 2015 and is currently being reviewed.

**Phase II** – Once the SUP is approved and the new commercial building permit (for phase II) is approved, this would allow Iroquois LLC to remove the antenna from the top of the 20' section of tower, extend the tower up to 80' high (full design height) and then reattach an antenna to the top of the 80' structure not to be more than 100' finished height.

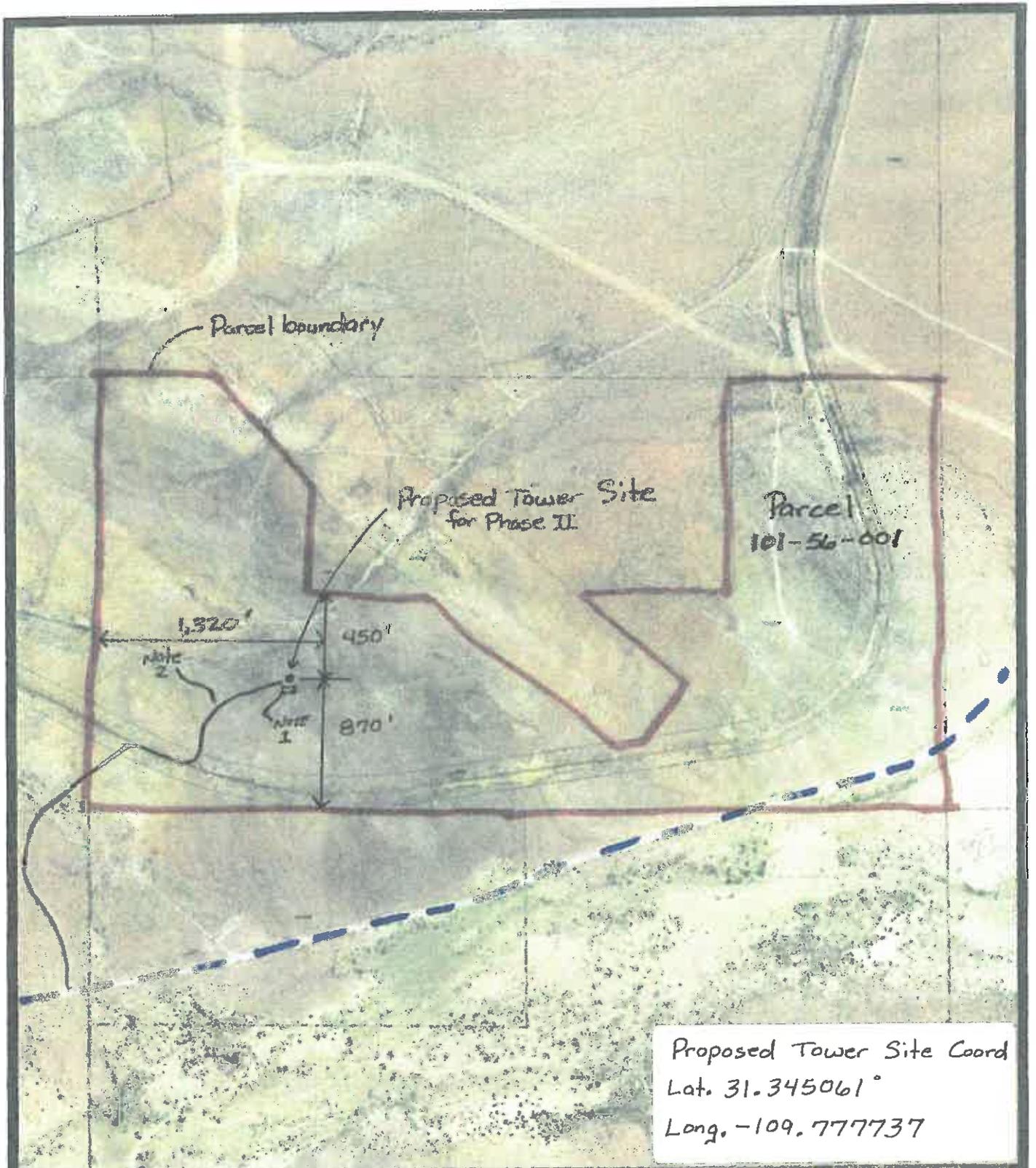
The sole purpose of this tower is to allow for improved private communications on the ranch, that at this point do not exist due to no cell phone coverage and no current radio coverage on the ranch, thus allowing for us to improve on the safety of our employees when working on the ranch.

Thank you for your kind consideration of this application.

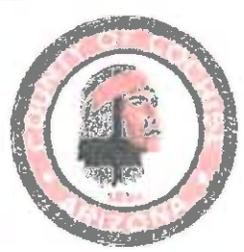
Regards,



Doug Oller



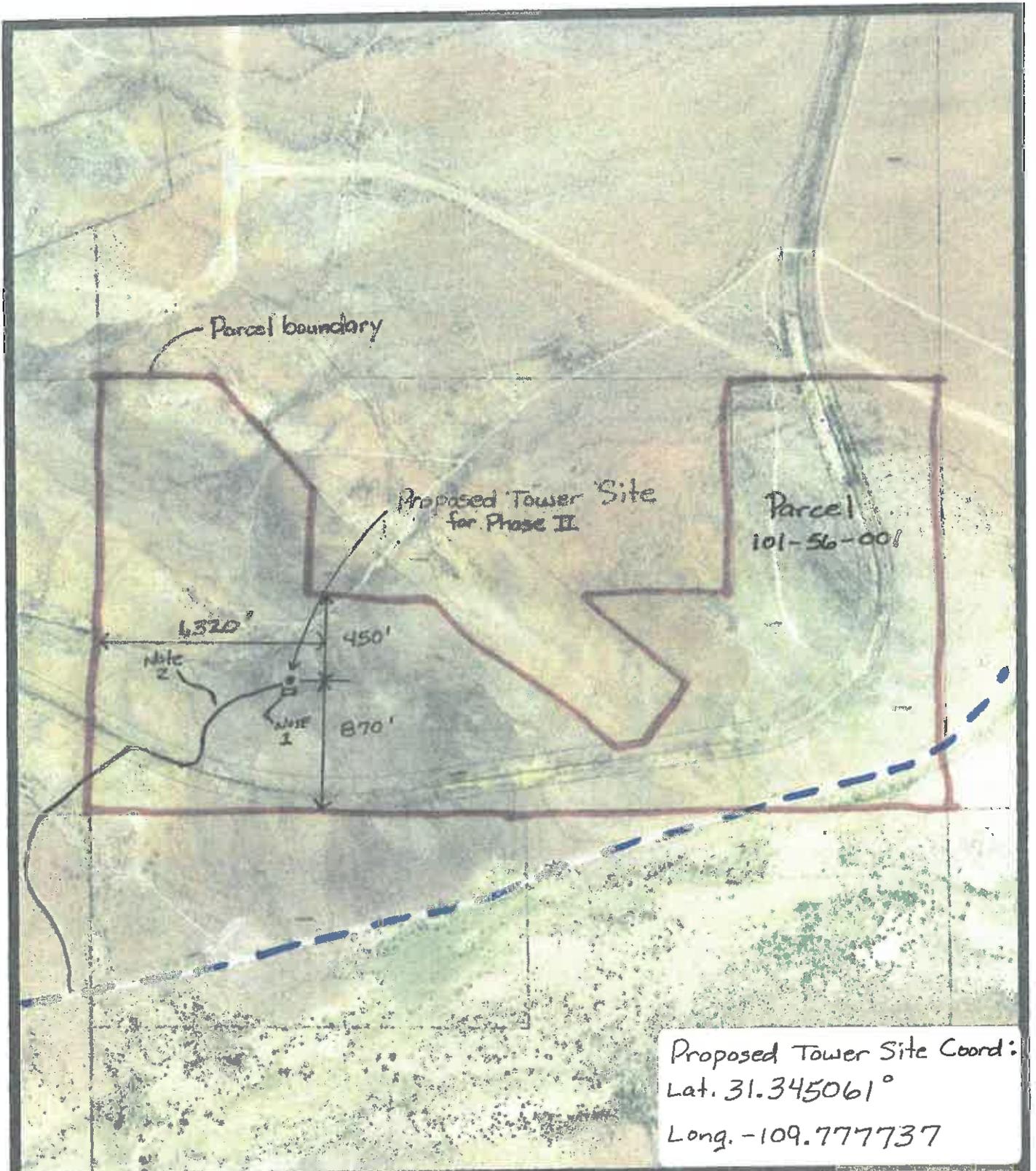
Proposed Tower Site Coord  
 Lat. 31.345061°  
 Long. -109.777737



Note 1 = 9'x19' Pkg spot  
 Note 2 = 12' - UNIMPROVED ROAD  
 TO tower site.  
 - - - = E. Border Road

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

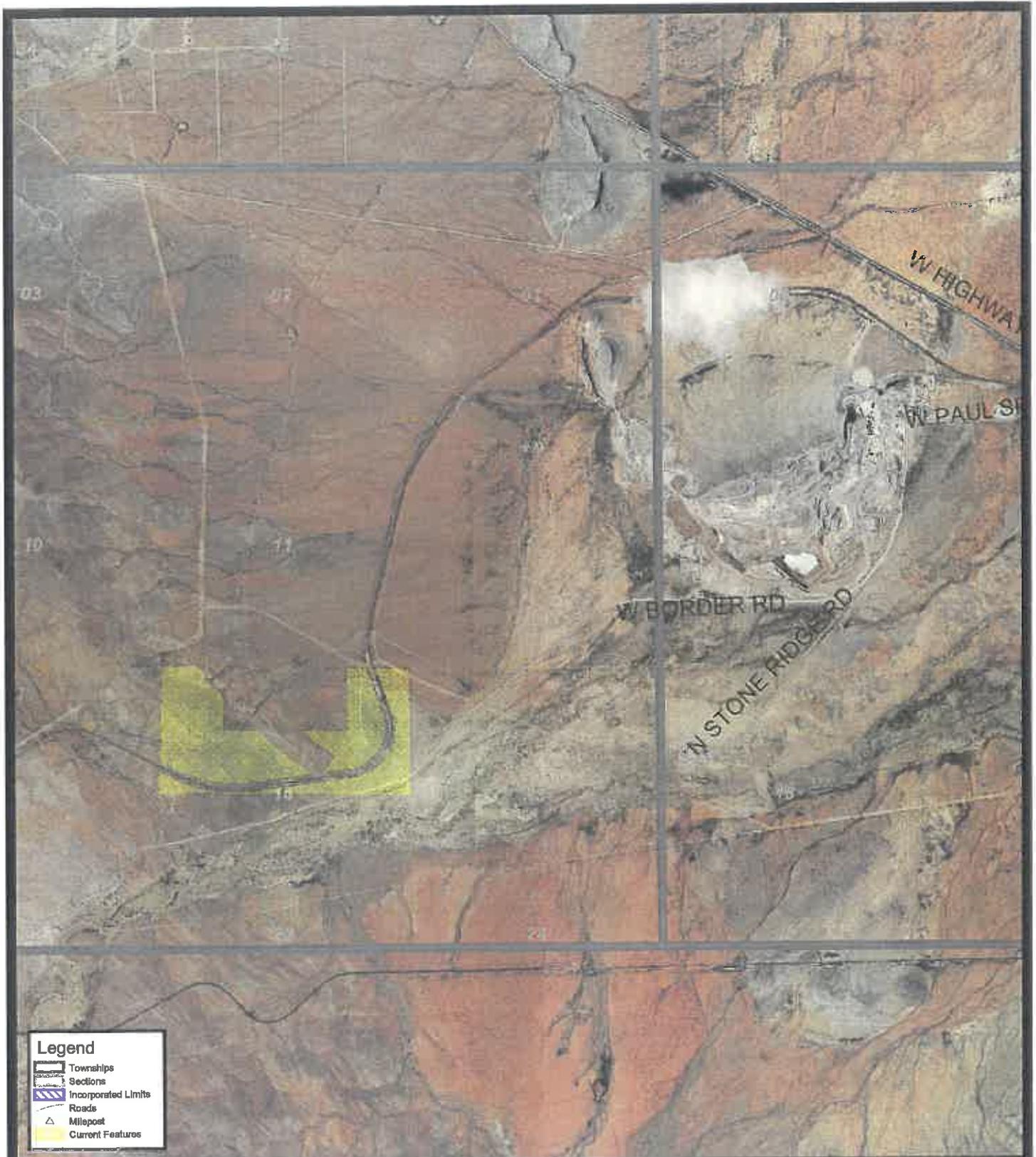




Note 1 = 9'x19' Pkg spot  
 Note 2 = 12' UNIMPROVED ROAD TO Tower site.  
 --- = E. Border Road

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





**Legend**

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



SU-15-05 (Iroquois)  
 101-56-001  
 3507 E. Border Road  
 Douglas AZ

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

B 51

March 24, 2015

## Iroquois LLC Communications Tower Site Evaluation

To Whom it may concern:

Iroquois LLC, from January 8, 2015 to Feb 8<sup>th</sup>, 2015 has conducted several radio tests to evaluate the ideal location of a proposed communications tower site on their ranch property near to the USA – Mexico border between Naco and Douglas, AZ in Cochise County. In doing this we had found two locations within our deeded property that have line of sight to communicate with our farm location in the Kansas Settlement area. The first sight found in this evaluation process turned out to be a piece of deeded property that the US Customs and Border Patrol had just recently taken from Iroquois LLC thru the “eminent domain” process for the purpose of putting up their own communications/surveillance tower for their use.

Once we had learned of this we had a discussion with a US Customs Border Patrol supervisor (Mike Hyatt – head of Naco station) and enquired if they thought it would be possible if we were to utilize enough space on their tower for one small antenna to suffice our communications needs on the ranch.

Their reply was “no”.

The only other alternative but not ideal is an additional US Customs Border Patrol tower that is located near to our deeded property on BLM ground. Although it turned out that this tower is to be removed once their new tower is built on the deeded property they took from Iroquois LLC thru the eminent domain.

From this point we done several more days of radio testing all across our ranch only to find that the current proposed tower site is the only place on the ranch that would suffice for a communications tower, otherwise there are no other towers near to our property that would suffice our communications needs.

Thank you



Doug Oller

Iroquois LLC

**Drake, Jesse**

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**From:** Doug Oller [jdo@sequoiafarmfoundation.org]  
**Sent:** Tuesday, March 24, 2015 4:39 PM  
**To:** Drake, Jesse  
**Subject:** Special Use request SU-15-05 (Iroquois LLC)

Dear Jesse,

RE: Special Use request SU-15-05 (Iroquois Wireless)

Iroquois LLC respectfully requests a waiver of the requirement for a Private Maintenance Agreement for the access road to the tower site. The access roadway crosses parcels that are all owned by the property owner for Iroquois LLC, with the exception of the San Pedro Railroad crossing which the railroad, not the applicant, would be responsible for maintaining and, once construction is completed, there will be only a monthly visit to the site from the maintenance technician, and that low level of traffic is unlikely to create a negative impact on the transportation system in the area.

Thank you,

Doug Oller  
Iroquois LLC



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

**INTEROFFICE MEMO**

Date: March 10, 2015

To: Jesse Drake, Planner II

From: Pam Hudgins, Right-of-Way Agent II

Subject: **Special Use Permit for Iroquois LLC (SU-15-05)**

**Background:**

Iroquois LLC requested a Special Use Permit for Assessor Parcel Number 101-56-001 for the use of a Wireless Communications Tower on an RU-4, Rural zoned property. The proposed use is considered a Special Use in Ru-4 Rural Zoning Districts under Section 607.40 of the Zoning Regulations. The subject parcel is located at 3507 E Border Road, Douglas, AZ. Right-of-Way staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

**Analysis:**

- Access for the subject parcel is from Highway 80 at approximately mile post 356 to Paul Spur Road. South onto Paul Spur Road to E. Border Road, West to Iroquois private road.
- Border Road is a county maintained road (#1227) and was declared a county highway per ARS-28-7041.C and is classified as a rural minor access road with a traffic count of less than 400 ADT.
- Records indicate that the right-of-way width has not been perfected at this time.

**Recommendation:**

- It is recommended that the applicant perfect the right-of-way for Border Road. County Staff is able to prepare dedication documents for a 60' wide right-of-way across parcel APN 101-49-023. This parcel is owned by the applicant and per the application submitted by Iroquois LLC, access to the Wireless Communications Tower is across APN 101-49-023. Please inform the applicant to contact the Right-of-Way staff to complete this dedication.

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

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

**From:** Lamberton, Karen L  
**Sent:** Friday, March 13, 2015 10:51 PM  
**To:** Vincent, Jennifer M  
**Cc:** Flores, Dora V; Drake, Jesse  
**Subject:** Sequoia Farm Foundation CP 15-0211 and SU 15-05(IROQUOIS WIRELESS)

It may be premature to issue a commercial permit for this requested use given that there is a pending Special Use request yet to be heard on the increased construction height of the tower. Apparently, the applicant wishes to construct in two phases and I defer to the building official on the feasibility of doing so. Once constructed, there is anticipated to only be minimal maintenance activities that are unlikely to create an impact on the transportation system in that area.

#### **Permit Requirements**

- The applicant will be required to provide a Private Maintenance Agreement per Zoning Regulation 1807.02A for that portion of their driveway from the proposed town site to E. Border Rd.

It is suggested that the applicant consider requesting the Planning and Zoning Commission for a waiver from the above Zoning Regulation given that the access roadway crosses parcels all owned by the property owner for Iroquois LLC (with the exception of the San Pedro Railroad crossing which the railroad, not the applicant, would be responsible for maintaining). Alternatively, a decision could be made by the Planning Director or Zoning Administrator to treat this non-maintained roadway as a privately owned, very long driveway. We would have no objection to waiving the requirement to the Private Maintenance Agreement given the limited use of the site; however, if not requested or approved this would be a condition for this permit.

A full traffic and site analysis will not be conducted for this proposal given the limited nature of the potential traffic impact. This e-mail contains all my comments for both the requested Commercial Permit (CP-15-0211) and the Special Use request (SU 15-05). No formal memo will be submitted.

**Karen L. Lamberton, AICP**  
County Transportation Planner  
Community Development Department  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
520-432-9240 phone  
520-432-9278 fax

**Public Programs... Personal Service**  
[www.cochise.az.gov](http://www.cochise.az.gov)

**Drake, Jesse**

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**From:** Gordon, Eric K CIV USARMY IMCOM CENTRAL (US) [eric.k.gordon.civ@mail.mil]  
**Sent:** Thursday, March 19, 2015 3:44 PM  
**To:** Drake, Jesse  
**Cc:** Gordon, Eric K CIV USARMY IMCOM CENTRAL (US); Kosbab, Margo A CIV USARMY USAG (US)  
**Subject:** RE: Encroachment Board Review - SU-15-05 (Iroquois) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Ms. Jesse Drake,

The Fort Huachuca Encroachment Board members reviewed Iroquois LLC's application for an 80 ft. Self-Support Communications Tower located on an RU-4, Rural zoned property, in Douglas, AZ.

Review: No issues or concerns regarding the proposed project were provided.

Based on the information provided, this project will pose no threat to the electromagnetic environment on Fort Huachuca nor have any adverse impact to the installation's EPG or training missions.

Thank you,

v/r  
Eric Gordon  
USAG Fort Huachuca PAIO  
☎ Phone: 520-533-4980

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

From: Drake, Jesse [<mailto:JDrake@cochise.az.gov>]  
Sent: Wednesday, March 04, 2015 11:05 AM  
To: Lambertson, Karen L; Hudgins, Pamela A; Izzo, Michael D; Flores, Dora V; Hanson, Britt W; Capas, Carol; Gordon, Eric K CIV USARMY IMCOM CENTRAL (US); Megan Resor; Wilson, Beverly J; English, Ann S; Dist2a; Dist2b; Dist2c  
Subject: SU-15-05 (Iroquois)

Transmittal for your comment and review for a proposed Wireless Communications Tower on Border Road in Douglas. Plan drawings and FCC authorization documents to follow in a separate email.

Jesse Drake  
Planner II  
Cochise County Community Development  
Planning, Zoning and Building Safety Division  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
520-432-9300  
520-432-9278 fax

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[www.cochise.az.gov](http://www.cochise.az.gov) <<http://www.cochise.az.gov>>

CLASSIFICATION: UNCLASSIFIED



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division  
*Public Programs...Personal Service*  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Jesse Drake, Planner II *JD*  
**FOR:** Beverly J. Wilson, Planning Director *BW*  
**SUBJECT:** Docket SU-15-06 (Mormon Rd Med Mar)  
**DATE:** March 26, 2015 for the April 8, 2015 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant is requesting a Special Use authorization to approve a facility for the cultivation and dispensing of medical marijuana on a RU-4, Rural zoned property. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Sections 607.55 of the Zoning Regulations. The subject parcel, APN 403-04-005 is located at 10990 N. Mormon Road in Elfrida, AZ. The Applicant is Miguel Crisantes.

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

Parcel Size: 65-acres  
 Zoning: RU-4 Rural (one residence per four-acres)  
 Growth Area: Rural  
 Comprehensive Plan Designation: C-Developing  
 Area Plan: None  
 Existing Uses: Single Family Residential/Agricultural  
 Proposed Uses: Medical Marijuana Dispensary Cultivation Facility

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Low Density Residential & Agriculture
South	RU-4	Vacant
East	RU-4	Mormon Rd & Agriculture
West	RU-4	Vacant

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

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

**II. PARCEL HISTORY**

- 1953 – Single family house and septic tank
- 1988 – Mobile Home and septic tank permit
- 1994 – Hay Shed permit
- 2000 – Permit 540 sq. ft. replacement mobile home
- Agricultural exemption allowed construction of greenhouses without a permit

**III. NATURE OF REQUEST**

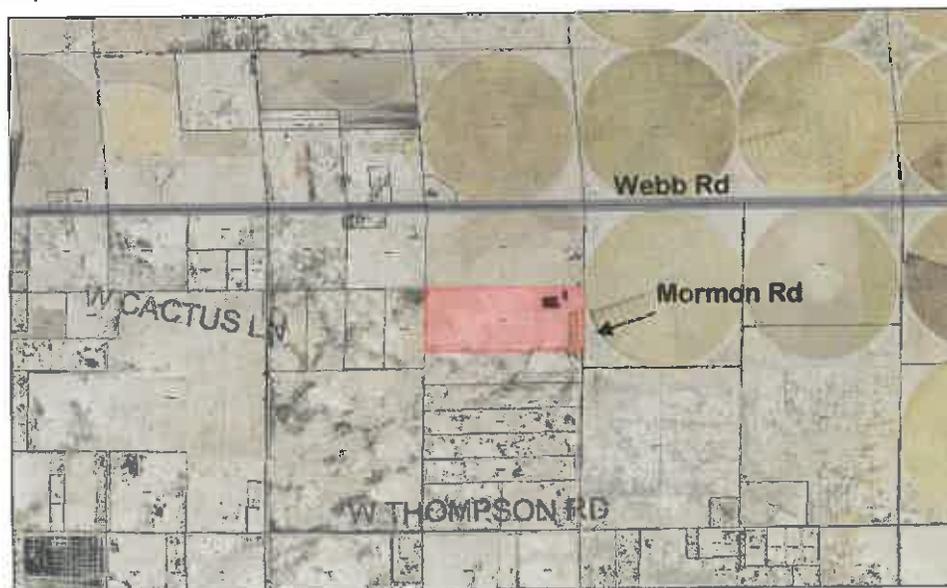
The Applicant is requesting a Special Use authorization to approve a facility for the cultivation and dispensing of medical marijuana on a 65-acre RU-4 parcel located at 10990 N. Mormon Road in Elfrida, Arizona. The site is located approximately one-half mile east of Highway 191 and three-quarters mile north of Thompson Road. The existing covered greenhouses currently being used for growing tomatoes, cucumbers and zucchinis will be used for the marijuana crop cultivation. The Applicant is considering a delivery service for the products produced, which will minimize customer traffic to the site.

The existing single family residential house will be converted to a dispensary and storage building. The building takes access from Mormon Road and has adequate area for employee and customer parking. Improvements to the site will consist of parking area improvements, handicap ramp access, a security wall and any other required County or State site development requirements.

The applicant is anticipating the dispensary to be open to customers one day a week from 10AM to 4PM. The remainder of the dispensary functions would be through deliveries, operating Monday through Saturday from 10AM to 6PM.

The applicant expects to begin operations with three employees, increasing that to as many as ten as the production increases. The applicant anticipates that the majority of the traffic would be generated by employees coming and going to work.

Article 1825 of the Cochise County Zoning Regulations requires a minimum 300-foot separation from any residence for a medical marijuana use. The closest residence, on the north, is approximately 597-feet from the existing residential structure and there is 580-feet between the adjacent residence and the closest covered greenhouse. There are no other facilities, libraries, schools, or day-care facilities within the mandatory 500-feet of the parcel boundary lines. The medical marijuana facility will not only be required to meet the security as mandated by the State of Arizona, it will also require final approval from the Arizona Department of Health Services (AZDHS).



Location Map



View to site from Mormon Road

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

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed.

Nine of the ten factors apply to this request. The project, as submitted, complies with all nine of those factors. The one remaining factor is not pertinent to this application.

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

The project site is within the boundaries of the Elfrida Area plan. The Elfrida Vision Statement states that the purpose of the Area Plan is to "Promote the economic well-being of Elfrida by encouraging business, industrial and residential growth compatible with the rural character of Elfrida and its environs." Because the proposed medical marijuana facility will be using the existing house and existing greenhouses, the project will not change the rural character of the area and the visual impact will be unchanged from the existing condition.

The currently adopted Cochise County Comprehensive Plan *Section 102.1.A Land Use Activity Policies* contains the following goal: "Free enterprise market dynamics shall be allowed to determine land use activity patterns to the maximum extent feasible within the public's legitimate interests of health, safety, welfare, convenience, and environmental compatibility." This continuing agricultural use is for a crop that was legalized by the State legislature in November 2010.

The Comprehensive Plan designation for the property is Category C-Developing. In the Zoning Ordinance, Section 403.03, Category C, designated properties are identified as Rural Community Areas having clustered settlements with adjacent farming and ranching adjacent, unimproved roads, and non-residential businesses serving the rural/agricultural community and visitors passing through, if those businesses are on a major arterial road. The existing property is in agricultural use and the proposed use continues the agricultural use.

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

Article 601.03 of the Zoning Regulations states that RU (Rural) Zoning Districts are established to preserve the agricultural character of those portions of the county capable of resource production; the proposed use preserves the agricultural/rural character of the property.

**C. Development Along Major Streets: Complies**

The property takes access from Mormon Road which connects with W. Webb Road on the north and W. Thompson Road on the south, all three roads are County-maintained roads. No new access points are being proposed.

**D. Traffic Circulation Factors: Complies**

The Comprehensive Plan policies state that development should take place in such a way as to preserve the function of those streets. In particular, non-residential uses should have access to major roadways where possible and non-residential traffic should not proceed along streets that primarily serve residential areas. In this case, the property takes access via Mormon, Thompson and Webb Roads, all County-maintained roads, with Thompson and Webb connecting to Highway 191. All employees and customers would use the County-maintained roads for access to the property.

The applicant has agreed to a public dedication to the County of the half-width of Mormon Road fronting his property; a 33-foot wide, approximately 1075-foot long strip of land that will provide the County with a permanent road right-of-way.

The applicant is proposing to provide a delivery service for his product to other dispensaries and to clients generating additional trips per day on Mormon Road. The applicant anticipates dispensary operations to be limited to mostly service deliveries out of the facility, with trips by customers to the facility estimated to be not more than ten visits per week. All of these trips will use County-maintained roads and the area is very low-density, agricultural and vacant land; any additional trip generation will have minimal impacts to surrounding property owners.

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

The project site is served by Sulphur Springs Valley Electric Cooperative, water is provided by an on-site private well; and a septic tank presently serves the residence. The parcel is served by the Elfrida Fire District.

**F. Significant Site Development Standards: Complies**

The proposed use will convert an existing agricultural/residential property into an agricultural/non-residential facility. All site development standards must be met to obtain a non-residential use permit, should this request be approved. The property has adequate parking area. No new structures or signs are proposed. Any future structures will be required to meet the zoning regulations as they pertain to set-backs, off-site parking, and loading areas, distance between buildings, screening, land clearing, water conservation, and Section 1825 of the Zoning Regulations pertaining to medical marijuana. In addition to County regulations, the applicant will be required to meet all regulations and requirements established by the State of Arizona for these types of facilities.

**G. Public Input: Complies**

The Applicant sent letters to all property owners within 1,500-feet of the tower parcel to notify them of his application and to address any neighbor concerns. This notification produced comments from eleven

residents on seven properties, all in opposition to the request. Five of these neighbors sent an identical letter in twice.

**H. Hazardous Materials: Not Applicable**

The applicant has indicated that no hazardous materials will be used on site.

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

The proposed facility is not anticipated to produce more off-site impacts from the crop cultivation in the enclosed greenhouses than is currently produced. Production would have the most impact for the one existing residential property to the north as the other surrounding parcels are in agricultural production or are vacant. While the State of Arizona requires lighting for medical marijuana facilities, the lights will be installed to meet the lighting requirements in the County Zoning Ordinance.

**J. Water Conservation: Complies**

The property is within the Douglas Irrigation Non-Expansion and will use the agricultural water allotment for the existing well, any additional water would be provided by alternative means.

**V. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property, and published a legal notice in the *Bisbee Observer* on March 19, 2015. In response to applicant and County mailings, the Planning Department received three letters opposing this request. All three letters received by staff were from residents who had previously sent in letters from the citizen notification letter sent by the applicant.

**VII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve a medical marijuana dispensary and cultivation facility located on a 65-acre parcel RU-4 Rural zoned property. All site development standards will be met during the Joint Use Permitting process, including the requirements from the State of Arizona. Eleven neighboring property owners oppose this use.

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

- 1. With the recommended Conditions of Approval, the proposed use would fully comply with the nine Special Use factors used by staff to analyze this request;
- 2. The Applicant is proposing a delivery service of his products which will lower the traffic to this site; and
- 3. The existing property is in agricultural use and the proposed use continues the agricultural use of the land.

**Factors Against Allowing the Special Use**

- 1. Eleven neighbors on seven properties have expressed opposition to this application.

**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. 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;

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-15-06, with the Conditions of Approval as recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

#### **IX. ATTACHMENTS**

- A. Special Use application with site plan
- B. Location map
- C. Letter to neighbors
- D. Agency comments
- E. Public Comment



**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 403-04-005

APPLICANT Crisantes Ranches, LLC.

ADDRESS 10990 Mormon Road, Elfrida, Arizona

CONTACT TELEPHONE NUMBER Miguel Crisantes (520) 281-2213

EMAIL ADDRESS: miguelcrisantes@mac.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) N/A

ADDRESS \_\_\_\_\_

DATE SUBMITTED February 23, 2015, revised March 10, 2015

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

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? \_\_\_\_\_

Agriculture cultivation, Primarily Tomato, Cucumbers and Zucchini

2. What is the proposed use or improvement? \_\_\_\_\_

Cultivate, dispense of medical marijuana as permitted by Sate of Arizona Statue

Dispensary activities will be within a confined and secured building currently on site; Cultivation shall be within existing greenhouse structures currently on site. Greenhouses may be modified from time-to-time for season.

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? \_\_\_\_\_

Cultivation and dispensary activities as defined by Cochise County and State of Arizona Ordinances.

Dispensary functions are would be limited in nature, there are only an estimated 60 patients in the area

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

The facility will be used to cultivate medical marijuana as defined by Article 6, 607.53 and Dispensary operations as defined by Article 6 607.55

All activities would be compliant with local and state set backs and sperations for dispensary and cultivation operations, ie. greenhouse set back 500 feet from property lines, and separation restrictions from schools, churches etc.

Portable buildings would not be used, and no drive through services would be provided.

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)

Existing structures would be used, including existing building, 1 solid structure brick dwelling, well-water system, and greenhouses. A security wall as required by state regulations would be added.

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.

Site is projected to be operational within six months

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 24 Hours (from \_\_\_ AM to \_\_\_ PM) Cultivation

B. Number of employees: Initially: 3 Future: Between 4 and 10 For Cultivation  
Number per shift Seasonal changes no more than three

C. Total average daily traffic generated:

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

The Traffic for "Special Use" activity, would not change normal traffic pattern. On a daily basis the increase in either access route would be approximated to be about 5-10 vehicles per day depending on season and mostly related to employees

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

Limited truck activity related to "Special Use" estimated to be 1 truck a week equivalent to a cube van or 5 ton truck

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

Site Access is limited by current access would be via Route 191 by either W. Web Rd or Thompson Road

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

The traffic for "Special Use" would not change the normal traffic pattern, on a daily basis the increase in either access route would be approximated to be about 5 to 10 vehicles per day depending on season

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

The majority of traffic would be attributed to workers for the operations, and some public access. Majority of vehicle flow would be workers during shift changes and public traffic would be 2-4 vehicles through the day.

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

D. Estimated total gallons of water used: per day 100 per year 3,600

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.

G. 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. 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	Well	none
Sewer/Septic	Yes, present	none
Electricity	Yes, Sulphur Springs Valley	phone 520 642 3475/ No changes
Natural Gas	Yes Southwest Gas	None
Telephone	Yes	None
Fire Protection	Yes Rural Protection, and onsite	None

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

1. Describe any activities that will occur outdoors.

all activities will occur either in a green-house or within building structures. Green house activities include cultivation and harvest

\_\_\_\_\_

\_\_\_\_\_

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.

Outdoors storage of supplies and equipment is limited, in that no changes to existing operations and storage is required. All areas are adequately screened from neighbor properties. Or will be with security wall.

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?

The intended use falls into the same cultivation principles currently used for current operations

\_\_\_\_\_

\_\_\_\_\_

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? \_\_\_\_\_

No heavy equipment use or mechanisms that would cause vibrations

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. Not Planned if used adequate measures to protect spill over would be utilized

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)

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 X 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.

The Special Use will use the same infrastructure as the existing operations for tomatoes, no additional changes are required \_\_\_\_\_

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.) \_\_\_\_\_

**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*.

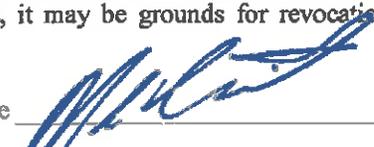
**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, 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 Miguel E. Crisantes \_\_\_\_\_

Date signed 3/11/15 \_\_\_\_\_



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

1. I am the Owner or authorized Agent of the Owner of the property being developed.
2. I am applying for the meetings/ review(s) indicated below.
3. I have read and understand the information provided in this Application Guide.
4. This application is complete and accurate to the best of my knowledge. Submission of false information may constitute fraud, and may be punishable by fine, imprisonment, or both pursuant to A.R.S. §13-2310.
5. I hereby request all inspections necessary to process this application, and if the permit is issued I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit.

By signing below, I acknowledge that:

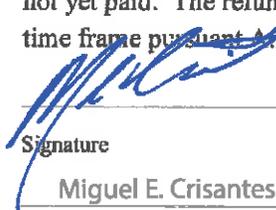
6. Incomplete or inaccurate submittals by the Owner, Applicant or any other representative may result in delays, return of submittals, or denial of this application.
7. The submittal is subject to an administrative review of 10-business days (5-business days initial review, 5-business days resubmittal review) at which time I will receive written or electronic notice if the application is complete or, in the case of an incomplete application, a list of deficiencies that need to be corrected. An application will not pass the review for administrative completeness until all deficiencies have been corrected.
8. If the County does not issue a written or electronic notice of administrative completeness within the 10-business days, the application will be deemed administratively complete and the substantive review process begins.
9. The overall review time is 130-business days.
10. The substantive review process is 120-business days.

By signing below, I acknowledge that:

11. A complete response to any correspondence will be submitted to Cochise County for any subsequent reviews.
12. The Applicant or Agent will be sent written or electronic notice of a license approval or denial within the substantive review period.
13. All required permits must be obtained prior to any construction and that failure to obtain permits may result in fines or other penalties.
14. The Applicant or Agent is responsible for all changes and additional time required to correct plans and/or development as a result of differences between the proposed use and what is permitted in the zoning district in which the property lies.
15. The project review process and timeframe is suspended when a project triggers the requirement for an application for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

By signing below, I acknowledge that:

16. An appeal protesting any denial of an application may be made to Cochise County Community Development Department, Planning Division Deputy Director, Beverly Wilson, 1415 Melody Lane, Bldg. E. Bisbee, Arizona 85603. The appeal shall set forth all relevant facts pertaining to the denial, and must be in writing. It must be filed within ten-days from the date of the denial letter.
17. If the County does not issue to the Applicant the written or electronic notice granting or denying a license within the overall time frame or within the mutually agreed upon time frame extension, the county SHALL refund the Applicant all fees charged for reviewing the applications and SHALL excuse any fees not yet paid. The refund SHALL be made within 30-working days after the expiration of the agreed upon time frame pursuant A.R.S. § 11-1605(J).

	3/11/15
Signature	Date
Miguel E. Crisantes	
Print Name/Firm	Owner <input checked="" type="checkbox"/> Agent <input type="checkbox"/>

## Special Use Project Guide

Effective January 1, 2013

### Submittal Review Timelines

Overall review time will be 130-business days.

<b>Administrative Review:</b>	<b>10-business days</b>	
1 <sup>st</sup> review	5-business days	Accepted or Notice of deficiencies
2 <sup>nd</sup> review	5-business days	Acceptance or Denial Letter
<b>Substantive Review:</b>	<b>120-business days</b>	
1 <sup>st</sup> review	110-business days	Approved or Correction Letter
2 <sup>nd</sup> review	10-business days	Approved or Denial Letter

(Business days are defined as complete 8-hour working days.)

**REMINDER:** The project review process and timeframe is suspended when a project triggers the requirement for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then the Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

## Addendum to Application

### Additional Items of Consideration for the Application:

The Application space did not permit space to elaborate on the following points, which are being provided here.

#### Specific to the Dispensary Operations

1. Where on the property?  
The site map shows a permanent brick structure, this structure is currently used as a residence. The entry area, i.e., entry areas would be converted to provide limited dispensary functions. The rest of the building would be used for storage, and housing for onsite tending of operations.
2. New construction?  
No new construction is anticipated, with the exception of minor changes to comply with local ordinance, such as handicap access ramps, gravel road, and parking spaces, and a security wall as required by Arizona statutes.
3. Delivery only or customers visit site  
Dispensary operations would be limited, as there are only 65 patients in the area. IN any given week, customer traffic is expected to be no more than 10 customers. Most of the customers would be serviced through delivery operations.
4. Hours of dispensary operations?  
Dispensary operations may be subject to change, currently it is anticipated they will be limited to one day a week Friday from 10 am to 4 pm. Delievery operation would be Monday – Saturday from 10 am to 6 pm
5. Number of employees for dispensary operations?  
The number of dispensary employees is anticipated to be no more than two, with activities split between driving, and staffing dispensary.
6. Shifts for employees?  
Each Dispensary shift, and or delivery shift is anticipated to be no more than 8 hours
7. ADA considerations being met?  
Medical marijuana is an important new treatment for patients will debilitating disease and or limited mobility as it has been shown to have benefit for neuropathic disease. This is why delivery service is important. However, the dispensary will have ADA compliant accesses.
8. Parking for on-site visitors?  
Current parking for cultivation is more than adequate for employees. The access road to property which is 50 feet, would be modified to add gravel surfacing to improve access and parking area for six cars would contiguously graveled form the access road.

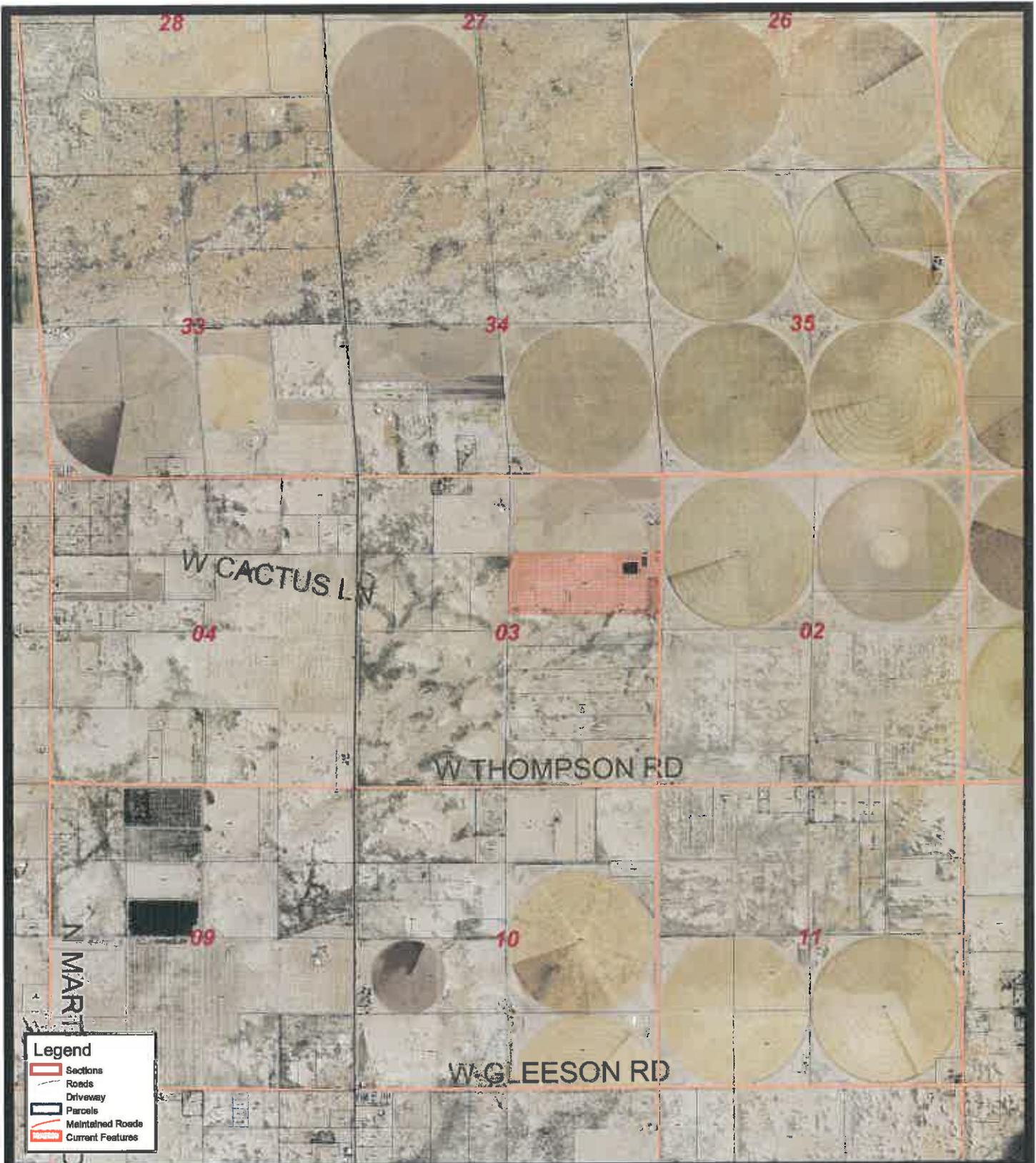
- I. **Overhead of Property for Special Use:**
  - a. The property is bordered by
    - i. North – Web Road
    - ii. South – Thomson Road
    - iii. West – Route 191
    - iv. East – Mormon Road
    - v. The highlighted section notes the area where the “Special Use” Permit activities would be conducted



## II. Site Map Current



III.



**Legend**

- Sections
- Roads
- Driveway
- Parcels
- Maintained Roads
- Current Features



3U-15-06 (Mormon Rd Med Mar)  
10990 Mormon Rd, Elfrida, AZ

APN 403-04-005

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



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February 23, 2015

<< Letter to Neighbors >>

Re: Request For Special Use Of Land – Agriculture  
10990 N. Mormon Road

Dear Neighbor

In November 2010, voters passed the Arizona Medical Marijuana Act. The citizen initiative (Proposition 203) called on the Arizona Department of Health Services to create a medical marijuana program within 120 days from the official election results. As of January 2015, there are various patients that are about 64,000 patients being treated by physicians with medical marijuana.

These are actual patients under the care of a physician, for very severe diseases such as Cancer, Hepatitis C, Cachexia, Seizures, Glaucoma, Sclerosis, Alzheimer's, Muscle Spasms, HIV/AIDS, Crohn's Disease, Nausea , Post-traumatic Disorder and Chronic Pain. The use, sale and cultivation of medical marijuana is closely monitored by the State of Arizona's department of Health Services.

We have been asked to partner with an established medical marijuana dispensary that is fully licensed in Tucson, Arizona, to help them cultivate medical marijuana on our property. The owners of the dispensary are well known in Arizona, one is a 3<sup>rd</sup> generation pharmacist and the other is one of our own family members.

We already have a well-established organic vegetable cultivation farm located within the boundaries of Webb Road, Route 191, Thomson Road and Mormon Road. The medical marijuana cultivation, processing and dispensary would be conducted within our current foot print using the same organic farming principles, within two of our green houses.

However, in spite of our rural nature and agricultural history, these activities requires a Special Use-Zoning permit, and as part of the process of obtaining this permit we are required to notify our neighbors of our intent. The activities will not create additional traffic, will not change our operations or foot print, nor will it require additional water or other natural resources.

We look forward to your support; if you have any questions please let us know, by contacting Jason Gross.

With Best Regards

2075 E Benson Highway  
Tucson, Arizona 85714

Phone: (520) 999-0964  
Email: [jgrossaluna@gmail.com](mailto:jgrossaluna@gmail.com)

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**Cochise County**  
**Community Development**  
**Highway and Floodplain Division**  
*Public Programs...Personal Service*  
[www.cochise.az.gov](http://www.cochise.az.gov)

**MEMORANDUM**

**Date:** March 26, 2015  
**To:** Jesse Drake, Senior Planner  
**From:** Karen L. Lamberton, County Transportation Planner  
**Subject:** Crisantes Ranches LLC/SU 15-06/Parcel #403-04-005

The proposed use is for a facility to cultivate and dispense medical marijuana as an additional agricultural and distribution to an existing agricultural greenhouse operation. Access is taken from Morman Road, a county-maintained rural minor access roadway with an average of 167 vehicles per day (2013 counts).

**Special Use Authorization Conditions**

The applicant will be required to obtain a ROW/Encroachment Permit concurrently with their Commercial Permit application and work with the Highway Dept. to reconstruct their access apron to Morman Rd. to a commercial driveway standard as per the County's Roadway Design Standards or as approved by the Highway Dept. County Engineer.

**Traffic Analysis**

This type of use is a hybrid between an agricultural use and a pharmaceutical, light manufacturing use and average trip generation rates have not been developed on either a national or state-level at this time. Although research on the topic finds numerous references to traffic congestion impacts these observations have been in the context of moratoriums on this type of use and not on vetted traffic engineering studies. This particular application had also proposed a single practitioner clinic; however, this adds a medical clinic element to what would otherwise be solely a growing operation. Taking an average of related uses, based on proposed number of employees and square foot of commercial space (estimated at 500 square feet) it would be likely that this use would have a range of 14 to 38 average daily trips based on the ITE Manual, 8<sup>th</sup> edition. The applicant estimates 3 to 10 employees, depending on agricultural season.

As a growing operation only the requested use is not likely to change the type of use that has historically been on this site nor the type and volume of traffic associated with an agricultural greenhouse operation. The traffic pattern is unlikely to change and is unlikely to adversely impact Morman Rd. The traffic impact for this use, as proposed, would be compatible with the

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

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

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area with access via maintained roadways to state highway 191. At the proposed scale of operation it is not anticipated that off-site mitigation would be needed. However, should the scope or scale of operation change during the process of review by the State and Federal agencies the applicant is advised that conditions related to off-site impacts may change.

**Advisory Note for the Applicant**

The conceptual plan is adequate for this Special Use application but will not be adequate at the Commercial Permitting stage. At this time no record of a Right-of-Way/Encroachment permit for the existing driveway exists (either because it predates requirements for such a permit and/or is exempt under our agricultural zoning regulations). With this new proposed commercial use a commercial apron would be required, along with a right of way permit for taking access from the county-maintained roadway. At the commercial permit stage these details, including dimensions and a sight distance triangle, per Zoning Regulation 1807.06 and Roadways Design Standards D-300, will be needed on the site plan or as a separate illustration.

The Right-of-Way/Encroachment Permit information is available from the Highway Dept. and can be obtained by contacting the Highway Dept. at 520-432-9300 and speaking with Francis Marinez. The fee for this Highway Permit is \$100.00 and should be obtained concurrently with, or in advance of, the Commercial Permit application for this use.



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

**Date:** March 18, 2015

**To:** Jesse Drake, Planner II

**From:** Pam Hudgins, Right-of-Way Agent II

**Subject:** Special Use Permit for Earth's Healing (SU-15-06)

**Background:**

Earth's Healing is requesting a Special Use Permit for Assessor Parcel Number 403-04-005 for the use to operate a facility for the cultivation and dispensing of medical marijuana at an RU-4 Rural zoned property. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Section 607.55 of the Zoning Regulations. Right-of-Way staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

**Analysis:**

- Access for the subject parcel is from Highway 191 north to approximately Milepost 26.5 to Thompson Road, East on Thompson Road to Mormon Road, north on Mormon Road to 10990. Mormon Road adjoins and serves as the Easterly boundary of the subject parcel.
- Adjoining the subject parcel, Mormon Road is a county maintained road (#649).
- Mormon Road is established as a County Highway at a width of 66' wide per Board of Supervisors action per minute book #20 date May 14, 1954. The designation change to a Primitive Road classification per Resolution 03-82 date December 1, 2003.
- Mormon Road is classified as a rural minor access road with a traffic count of less than 400 ADT. Fig D-103 of the Cochise County Road Construction Standards indicates a minimum width of 50' for right-of-way. Records indicate that the half width of 25' has not been perfected at this time.

**Recommendation:**

- It is recommended that the applicant perfect the right-of-way for Mormon Road. County Staff is able to prepare dedication documents for a 33' wide right-of-way across the subject parcel.

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

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

D

80

**Whitewater Farms**  
**White Bros. Grain Co.**  
3631 W. Webb Rd., Elfrida, AZ 85610  
(520) 642-3631 - WhiteBrosGrain@yahoo.com

COCHISE COUNTY

MAR 09 2015

PLANNING

March 4, 2015

Beverly Wilson,

I received a letter February 26, 2015 from a neighboring property owner with an intent of obtaining a "Request For Special Use of Land - Agriculture" for property 10990 N. Mormon Rd, Elfrida, AZ 85610. The letter was notifying me that they will cultivate medical marijuana if Cochise County issues this permit.

I am contacting you as the Director of Planning and Zoning to voice my concern and state that I am AGAINST this "Request For Special Use of Land - Agriculture."

Cultivation of marijuana is not the big issue, but it is what will result from it being grown in Cochise County.

- Property 10990 N. Mormon Rd will become a known target of grown marijuana.
- This will attract anyone wanting marijuana to break into the facility and steal.
- Crime will increase in our area.

A Sheriff in California warned Colorado about the danger of the legalization of marijuana. I think we can apply his advice to the potential issues that will stem out of letting medical marijuana be grown at 10990 N. Mormon Rd.

Sheriff Tom Allman of Mendocino County was interviewed by CBS Denver. He said the growers of marijuana have ruined the county's charm. Marijuana has caused a spike in violent crimes, where the marijuana growers are not the only victims. He says,

*"Thugs put on masks, they come to your house, they kick in your door. They point guns at you and say, 'Give me your marijuana, give me your money.'"*

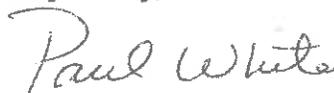
Sheriff Allman goes on to say,

*"Without taking any quantum leaps we've said, 'If you grow marijuana, you're going to have large amounts of money, greed, and violence.'"*

This is NOT what we want to happen to our community! This is NOT what we want to happen to the property owners on 10990 N. Mormon Rd. We want our community to grow economically, but not at the cost of our community, children, and neighbor's safety and well-being.

Please highly consider NOT releasing this "Special Use Permit." Thank you for your considerations,

Respectfully,



Paul White, President  
Whitewater Farms and White Brothers Grain Co.

<http://denver.cbslocal.com/2013/02/11/sheriff-in-california-says-coloradans-will-regret-legalizing-marijuana/>

March 4, 2015

I am contacting you as by Noble to voice my concern and state that I am AGAINST this "Request For Special Use of Land - Agriculture."

Cultivation of marijuana is not the big issue, but it is what will result from it being grown in Cochise County.

- Property 10990 N. Mormon Rd will become a known target of grown marijuana.
- This will attract anyone wanting marijuana to break into the facility and steal.
- Crime will increase in our area.

A Sheriff in California warned Colorado about the danger of the legalization of marijuana. I think we can apply his advice to the potential issues that will stem out of letting medical marijuana be grown at 10990 N. Mormon Rd.

Sheriff Tom Allman of Mendocino County was interviewed by CBS Denver. He said the growers of marijuana have ruined the county's charm. Marijuana has caused a spike in violent crimes, where the marijuana growers are not the only victims. He says,

*"Thugs put on masks, they come to your house, they kick in your door. They point guns at you an say, 'Give me your marijuana, give me your money.'"*

Sheriff Allman goes on to say,

*"Without taking any quantum leaps we've said, 'If you grow marijuana, you're going to have large amounts of money, greed, and violence.'"*

This is NOT what we want to happen to our community! This is NOT what we want to happen to the property owners on 10990 N. Mormon Rd. We want our community to grow economically, but not at the cost of our community, children, and neighbor's safety and well-being.

Please highly consider NOT releasing this "Special Use Permit." Thank your for your considerations,

Respectfully,

*Jerry A. Noble*

COCHISE COUNTY

MAR 17 2015

PLANNING

<http://denver.cbslocal.com/2013/02/11/sheriff-in-california-says-coloradans-will-regret-legalizing-marijuana/>

E 82

March 4, 2015

I am contacting you as Brad Noble to voice my concern and state that I am AGAINST this "Request For Special Use of Land - Agriculture."

Cultivation of marijuana is not the big issue, but it is what will result from it being grown in Cochise County.

- Property 10990 N. Mormon Rd will become a known target of grown marijuana.
- This will attract anyone wanting marijuana to break into the facility and steal.
- Crime will increase in our area.

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Sheriff Tom Allman of Mendocino County was interviewed by CBS Denver. He said the growers of marijuana have ruined the county's charm. Marijuana has caused a spike in violent crimes, where the marijuana growers are not the only victims. He says,

*"Thugs put on masks, they come to your house, they kick in your door. They point guns at you and say, 'Give me your marijuana, give me your money.'"*

Sheriff Allman goes on to say,

*"Without taking any quantum leaps we've said, 'If you grow marijuana, you're going to have large amounts of money, greed, and violence.'"*

This is NOT what we want to happen to our community! This is NOT what we want to happen to the property owners on 10990 N. Mormon Rd. We want our community to grow economically, but not at the cost of our community, children, and neighbor's safety and well-being.

Please highly consider NOT releasing this "Special Use Permit." Thank you for your considerations,

Respectfully,



COCHISE COUNTY  
MAR 17 2015  
PLANNING

**Drake, Jesse**

---

**From:** English, Ann S  
**Sent:** Thursday, March 05, 2015 3:36 PM  
**To:** Drake, Jesse  
**Subject:** Fwd: Special Permit request for 10990 N. Mormon Road

Sent from my iPhone

Begin forwarded message:

**From:** Laura Zuck <[nlzuck6@gmail.com](mailto:nlzuck6@gmail.com)>  
**Date:** March 5, 2015 at 11:55:44 AM MST  
**To:** <[pcall@cochise.az.gov](mailto:pcall@cochise.az.gov)>, <[aenglish@cochise.az.gov](mailto:aenglish@cochise.az.gov)>, <[rsearle@cochise.az.gov](mailto:rsearle@cochise.az.gov)>  
**Subject:** Special Permit request for 10990 N. Mormon Road

Dear County Supervisors,

I am writing in regards to the recent request for a special use permit to cultivate medicinal marijuana. I am quite concerned about this request and as a resident of Elfrida and living just down the road from the address for the special permit, I am wanting to voice my concern and state that I am AGAINST this "Request for Special Use of Land - Agriculture" permit.

Our town is already inundated with drug addiction and trafficking. We have already had issues of people coming onto our property intoxicated and "high", driving through our corn fields and causing destruction. To have a "farm" just up the road actually growing the drug, I feel, would encourage theft and vandalism.

We want to see our town grow economically and be successful, but not at the cost of our children, family, and community's safety. Please seriously consider NOT granting this special permit use. Thank you for your time and attention to this matter.

Respectfully,

Nathan and Laura Zuck  
10646 N. Mormon Road  
Elfrida, AZ 85610

COCHISE COUNTY

MAR 09 2015

CLERK

March 6, 2015

To Whom It May Concern,

I am contacting you as a property owner in Elfrida, AZ to voice my public concern. I am not in favor of Cochise County issuing a permit for medical marijuana to be grown in our county, but specifically at Property 10990 N. Mormon Rd.

Please carefully consider the impact this will have on our community.

Sincerely,

*Ernest L. White Jr.*

E 85

COCHISE COUNTY  
MAR 20 2015  
PLANNING

Cochise County Planning and Zoning  
Att: Beverly Wilson - Director  
1415 Melody Lane  
Bisbee, AZ. 85603

March 16, 2015

Beverly Wilson,

I am contacting you to voice my concerns about the "Request For Special Use of Land-Agriculture" for property 10990 N. Mormon Road in Elfrida, AZ. 85610.

I received a copy of an unsigned letter stating that this property will be used for the cultivation, processing, and dispensing of medical marijuana. It also states that this will not create additional traffic, nor will it require additional water usage, or change the footprint of their operation.

It is difficult to understand how a cultivation, processing, and "dispensary" facility, as mentioned in the letter, will not create additional traffic. This raises concerns for the families living on these roads, since they will be traveled by the customers, who consume marijuana on a regular basis.

Will this Special Use of Land permit limit future growth, or once granted, will the permit allow unrestricted growth, requiring additional water usage, and changes to the footprint of their existing operation?

Nothing has been stated as to the security of this facility, or the need for increased patrolling, possibly overloading the county's resources to enforce safety, and the security of this facility, and the surrounding community. How will this additional cost be paid? If these costs are not covered by the tax payers of Cochise County, will this operation become the target of thieves, drug users, and crime in general? How will this facility affect all our land values, not only for tax purposes, but also in the event that a land owner would want to sell their property?

Their letter is so vague and contradictory. It tells us that they are partnering with an established medical marijuana dispensary. However, when searched, the address given shows the Earth's Healing Dispensary in Tucson. Are they partnering with this dispensary or Are They "The Dispensary" Themselves? The letter also states that they have been asked to cultivate medical marijuana, however, in the next paragraph it references to a "dispensary" at the location, 10990 N. Mormon Road in Elfrida. Which is it? Can our community trust that these owner's intensions are as they stated, or not stated, given the uncertainty of the information given to the neighbors receiving the notification?

What assurances do we have as a community, that if this facility is eventually sold, that future owners will abide by commitments made by the current operators?

How many more facilities will locate in Cochise County to supply the demand for the Tucson and Phoenix market?

I can not state strongly enough my opposition to this Special Land Use Permit. Please consider not releasing this permit.

Thank you for your time and consideration.

Sincerely,



Belinda Ditton

## Drake, Jesse

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**From:** Lee, Deborah S  
**Sent:** Thursday, March 12, 2015 7:48 AM  
**To:** Wilson, Beverly J; Gardner, Peter B; Drake, Jesse  
**Subject:** FW: Concern regarding Cochise County issuing permit for medical marijuana

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

**From:** Betsy Estelle [<mailto:stevenbets@vtc.net>]  
**Sent:** Wednesday, March 11, 2015 6:56 PM  
**To:** Planning and Zoning  
**Subject:** Re: Concern regarding Cochise County issuing permit for medical marijuana

> March 11, 2015

>

>

> Dear Ms Wilson,

>

> We are writing to you to let you know how concerned we are regarding the request for a Special Use-Zoning permit to grow medical marijuana on Mormon Road in the Elfrida area. We live just off Mormon Road (on a private drive) and we definitely do not wish to live in the same area where marijuana is being grown, even if it is within legal operations.

>

> Please carefully consider our concerns and the fact that as nearby neighbors, we are totally against issuing the Special Use-Zoning permit and the impact this would have on us personally, and on our community as a whole.

>

> Sincerely,

>

> Stephen and Elizabeth Estelle

> 3994 W. Trails End

> Elfrida, AZ 85610

JERRY & SUSAN GAKIN  
P.O. Box 1320, 4075 W. Webb Rd.  
Elfrida, AZ 85610

RECEIVED  
COCHISE COUNTY  
BOARD OF SUPERVISORS  
2015 MAR 18 P 1:27

March 16, 2015

Ann English

RE: 10990 N. Mormon Rd., Elfrida, AZ Special Use-Zoning Permit

We received a letter from a neighboring property owner with notice of their intent to obtain the above mentioned permit. They stated they will cultivate medical marijuana if Cochise County issues this permit.

We are contacting you to voice our concern and state that we are **AGAINST** this "Request For Special Use of Land - Agriculture."

Contrary to their statement, we do believe this use of land **will increase road traffic**. The roads are primitive and already not maintained frequently. This will increase wear and tear on the road along with more dust, etc.

Cultivation of marijuana is not the big issue, but it is what will result from it being grown in Cochise County.

- Property 10990 N. Mormon Rd will become a known target of grown marijuana.
- This will attract anyone wanting marijuana to break into the facility and steal.
- Crime will increase in our area.

A Sheriff in California warned Colorado about the danger of the legalization of marijuana. I think we can apply his advice to the potential issues that will stem out of letting medical marijuana be grown at 10990 N. Mormon Rd.

Sheriff Tom Allman of Mendocino County was interviewed by CBS Denver. He said the growers of marijuana have ruined the county's charm. Marijuana has caused a spike in violent crimes, where the marijuana growers are not the only victims. He says,

*"Thugs put on masks, they come to your house, they kick in your door. They point guns at you and say, 'Give me your marijuana, give me your money.'"*

Sheriff Allman goes on to say,

*"Without taking any quantum leaps we've said, 'If you grow marijuana, you're going to have large amounts of money, greed, and violence.'"*

This is **NOT** what we want to happen to our community! This is **NOT** what we want to happen to the property owners on 10990 N. Mormon Rd. We want our community to grow economically, but not at the cost of our community, children, and neighbor's safety and well-being.

Please highly consider **NOT** releasing this "Special Use Permit." Thank you for your considerations,

Respectfully,

  
JERRY GAKIN

  
SUSAN GAKIN

COCHISE COUNTY

MAR 19 2015

PLANNING 89

E

## Special Use Docket SU-15-06 (Mormon Rd Med Mar)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Please see attached paper. Thank You!

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(Attach additional sheets, if necessary)

PRINT NAME(S): Paul White

SIGNATURE(S): Paul White

YOUR TAX PARCEL NUMBER: 403 030 04B (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Wednesday, March 25, 2015 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline for the staff report you may still mail or send email comments to Jesse Drake at [jdrake@cochise.az.gov](mailto:jdrake@cochise.az.gov) that must be received by April 7, 2015 to have your support or non-support noted verbally noted at the meeting. You may also personally make a statement at the public hearing on April 8, 2015. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Jesse Drake, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

COCHISE COUNTY  
MAR 23 2015  
PLANNING

March 17, 2015

Dear Director of Planning and Zoning and Cochise County Officials,

We are writing to you to let you know how concerned we are regarding the request for a Special Use-Zoning permit to grow medical marijuana on Mormon Road in the Elfrida area. We live just off Mormon Road (on a private drive) and we definitely do not wish to live in the same area where marijuana is being grown, even if it is within legal operations.

In Charles Stimson's article "Legalizing Marijuana: Why Citizens Should Just Say No" the author shares his own thoughts along with some comments from a Memorandum by Lori J. Barker, City Attorney to Chico City Council, Oct. 6, 2009. We realize that the permit to grow marijuana on Mormon Road is not a matter of legalities, but our concern regarding increased crime and powerful odor and its affect on the value of homes and property is a legitimate concern. Following is a quote from Charles Stimson's article that reflects our concerns:

"Legalization of marijuana would also inflict a series of negative consequences on neighborhoods and communities. The nuisance caused by the powerful odor of mature marijuana plants is already striking California municipalities. The City Council of Chico, California, has released a report detailing the situation and describing how citizens living near marijuana cultivators are disturbed by the incredible stink emanating from the plants.[28]

Perhaps worse than the smell, crime near growers is increasing, associated with "the theft of marijuana from yards where it is being grown." [29] As a result, housing prices near growers are sinking."

Please carefully consider our concerns and the fact that as nearby neighbors, we are against issuing the Special Use-Zoning permit. The growing of marijuana on Mormon Road in Elfrida could impact neighborhood safety, the value of our home, and the desirability of property in our community.

Sincerely,



Stephen and Elizabeth Estelle  
3994 W. Trails End  
Elfrida, AZ 85610

E 91

**Whitewater Farms**  
**White Bros. Grain Co.**  
3631 W. Webb Rd., Elfrida, AZ 85610  
(520) 642-3631 - WhiteBrosGrain@yahoo.com

March 24, 2015

Jesse Drake,

I am contacting you as Cochise County's Planning Department to voice my concern and state that I am AGAINST this "Request For Special Use of Land - Agriculture" for Docket SU-15-06.

Cultivation of marijuana is not the big issue, but it is what will result from it being grown in Cochise County.

- Property 10990 N. Mormon Rd will become a known target of grown marijuana.
- This will attract anyone wanting marijuana to break into the facility and steal.
- Crime will increase in our area.

A Sheriff in California warned Colorado about the danger of the legalization of marijuana. I think we can apply his advice to the potential issues that will stem out of letting medical marijuana be grown at 10990 N. Mormon Rd.

Sheriff Tom Allman of Mendocino County was interviewed by CBS Denver. He said the growers of marijuana have ruined the county's charm. Marijuana has caused a spike in violent crimes, where the marijuana growers are not the only victims. He says,

*"Thugs put on masks, they come to your house, they kick in your door. They point guns at you and say, 'Give me your marijuana, give me your money.'"*

Sheriff Allman goes on to say,

*"Without taking any quantum leaps we've said, 'If you grow marijuana, you're going to have large amounts of money, greed, and violence."*

This is NOT what we want to happen to our community! This is NOT what we want to happen to the property owners on 10990 N. Mormon Rd. We want our community to grow economically, but not at the cost of our community, children, and neighbor's safety and well-being.

The first letter I received from the applicant, only stated they would grow medical marijuana. Now the letter from the county says they also want to become a dispensary. This lack of information appears to have intentionally been left out of public view! A dispensary would amplify the potential problems!

Please highly consider NOT releasing this "Special Use Permit." Thank your for your considerations,

Respectfully,



Paul White, President

Whitewater Farms and White Brothers Grain Co.

<http://denver.cbslocal.com/2013/02/11/sheriff-in-california-says-coloradans-will-regret-legalizing-marijuana/>



# Cochise County Community Development

Highway and Floodplain Division

Public Programs...Personal Service  
www.cochise.az.gov

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner I *TRD*  
**FOR:** Beverly J. Wilson, Planning Director *lowr*  
**SUBJECT:** Docket Z-15-03 (Griffith)  
**DATE:** March 26, 2015 for the April 8, 2015 Meeting

## APPLICATION FOR A REZONING

The Applicant has requested a rezoning from SR-43 (Single-Household Residential, one dwelling per 43,560-square feet) to SR-174 (Single-Household Residential, one dwelling per 4-acres). The subject parcel totals approximately 5.60-acres in size. The rezoning is to facilitate the use of the Owner-Builder Opt-Out Amendment for residential permits. The subject parcel, 117-05-191A is located along S. Cochise Stronghold Road in Pearce, AZ. The Applicant is Michelle Griffith.

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

Parcel Size: 5.60-Acres  
Zoning: SR-43 (Single Family Residential, one dwelling per acre)  
Growth Area: Rural  
Comprehensive Plan Designation: D-Medium Density Residential  
Area Plan: Mid Sulphur Springs Valley Area Plan  
Existing Uses: None  
Proposed Uses: Same

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Single Family Home
South	SR-43	Vacant
East	SR-43	Vacant
West	RU-4	National Forest

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

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



## **Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides a list of fifteen factors with which to evaluate Rezoning applications. Staff uses these factors to help determine the suitability of a given request, whether to recommend approval for a rezoning, as well as to determine what Conditions and/or Modifications may be needed.

Ten of the fifteen factors apply to this request. The project complies with nine of the ten factors. The five remaining factors are not applicable to this application.

### **1. Provides an Adequate Land Use/Concept Plan: Not applicable**

The request is not connected to any new construction.

### **2. Compliance with the Applicable Site Development Standards: Complies**

The property meets all site development standards in the SR-174 zoning district. Other than minimum site area, there are no changes to site development standards from SR-43 to SR-174.

### **3. Adjacent Districts Remain Capable of Development: Complies**

The proposed rezoning would not affect the development prospects of any neighboring property.

### **4. Limitation on Creation of Nonconforming Uses: Complies**

The proposal would not create any non-conforming land uses.

### **5. Compatibility with Existing Development: Complies**

The area is characterized by scattered Rural development. All homes are located on parcels larger than one-acre.

### **6. Rezoning to More Intense Districts: Not Applicable**

This is a downzoning from one dwelling per acre to one dwelling per four-acres.

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

The site is currently developed and served by all necessary infrastructure. No changes are being proposed to the site.

### **8. Traffic Circulation Criteria: Complies**

No new construction is proposed.

**9. Development Along Major Streets: Not Applicable**

The site takes access from minor, non county-maintained roads.

**10. Infill: Not Applicable**

This Factor applies only for rezoning requests to GB, LI or HI.

**11. Unique Topographic Features: Complies**

There are no exceptional topographic features warranting consideration on or near the site.

**12. Water Conservation: Complies**

There is no construction proposed. In addition, this downzone would limit potential development of the site to one homes from the five currently allowed.

**13. Public Input: Complies**

The Applicant was not required to complete the Citizen Review process, as the request is a decrease in intensity. Staff posted the property on March 24, 2015, and published a legal notice in the Bisbee Observer on March 19, 2015. The Department also mailed notices to property owners within 1,500-feet of the site. To date, staff has not received any statements for or against the request.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed as part of the future residential development plan.

**15. Compliance with Area Plan: Does not comply**

The subject property lies within the Mid-Sulphur Springs Valley Plan. In the Area Plan, this parcel is designated as Medium Density Residential, which the plan defines as lot sizes of 12,000-square feet to two-acres. While the proposed zoning does not match this designation, it does match the actual pattern of development in the area, where all existing homes sit on four or more acres. In addition, the subject site directly abuts the National Forest.



*Above: Subject property.*

## **V. MODIFICATIONS TO DEVELOPMENT STANDARDS**

None required or requested.

## **VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on March 24, 2015, and published a legal notice in the Bisbee Observer on March 19, 2015. In response to applicant and County mailings, the Planning Department received no letters supporting or opposing this request.

## **VII. SUMMARY AND CONCLUSION**

This request is for a rezoning to lower the maximum density of the site from one home per acre to one home per four acres. While the request does not comply to the letter of the Mid-Sulphur Springs Valley Plan, Staff feels that the request complies with the ultimate intent of the Plan, as well as with the conditions on the ground.

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

1. The request complies with nine of the ten applicable Rezoning factors used by staff to analyze this request;
2. Cochise County encourages downzoning of Rural properties with high permitted densities to protect Rural Character; and
3. No letters in opposition have been received.

## **Factor Against Allowing the Special Use**

1. The request does not comply with one of the ten applicable Rezoning factors used by Staff to analyze this request.

## **VIII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the docket to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. 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.

Sample Motion: *Mr. Chairman, I move to forward Docket Z-15-03 to the Board of Supervisors with a recommendation of Approval, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

## **IX. ATTACHMENTS**

- A. Application
- B. Location map



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## COCHISE COUNTY REZONING APPLICATION

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

1. Applicant's Name: Micky K. Griffith (AKA Michelle Griffith)

2. Mailing Address: 1010 N. Justin Ct.

Pearce AZ 85625

City State Zip Code

3. Telephone Number of Applicant: (520) 507-0043

4. Telephone Number of Contact Person if Different: ( )

5. Email Address: wildcat@vtc.net

6. Assessor's Tax Parcel Number: 117-05-191A (Can be obtained from your County property tax statement)

7. Applicant is (check one):
- Sole owner:
  - Joint Owner: \_\_\_\_\_ (See number 8)
  - Designated Agent of Owner: \_\_\_\_\_
  - If not one of the above, explain interest in rezoning: \_\_\_\_\_

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:  
▪ List attached (if applicable): \_\_\_\_\_

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
- If corporation, corporate resolution designating applicant to act as agent: \_\_\_\_\_
  - If partnership, written authorization from partner: \_\_\_\_\_
  - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

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

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

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

- Yes \_\_\_\_\_ No

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

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

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

13. Indicate existing Zoning District for Property: SR-43

14. Indicate proposed Zoning District for Property: SR-174

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

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

16. Comprehensive Plan Designation or Community Plan: MDR (A County planner can provide this information.)  
*Medium Density Residential*

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

17. Describe all structures already existing on the property: Septic System  
Permit # 2014-0069, finalized 1/31/14

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

Residence on 5-acre parcel in Rural Area

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

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

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

South Cochise Stronghold Rd.

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

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

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Haul via owned trailer	Cistern to be installed
Sewer/Septic	Permitted septic on site	
Electricity	to be decided SSVEC or Solar System	
Natural Gas / LP	Delivery	tank is on site
Telephone	Cellular Svc.	
Fire Protection	3 PFD	

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

I consider the rezoning to be appropriate because it locks-in a reduced density in a rural area in conformance with the Mid-Sulphur Springs Valley Area Plan, adopted 9/7/99.

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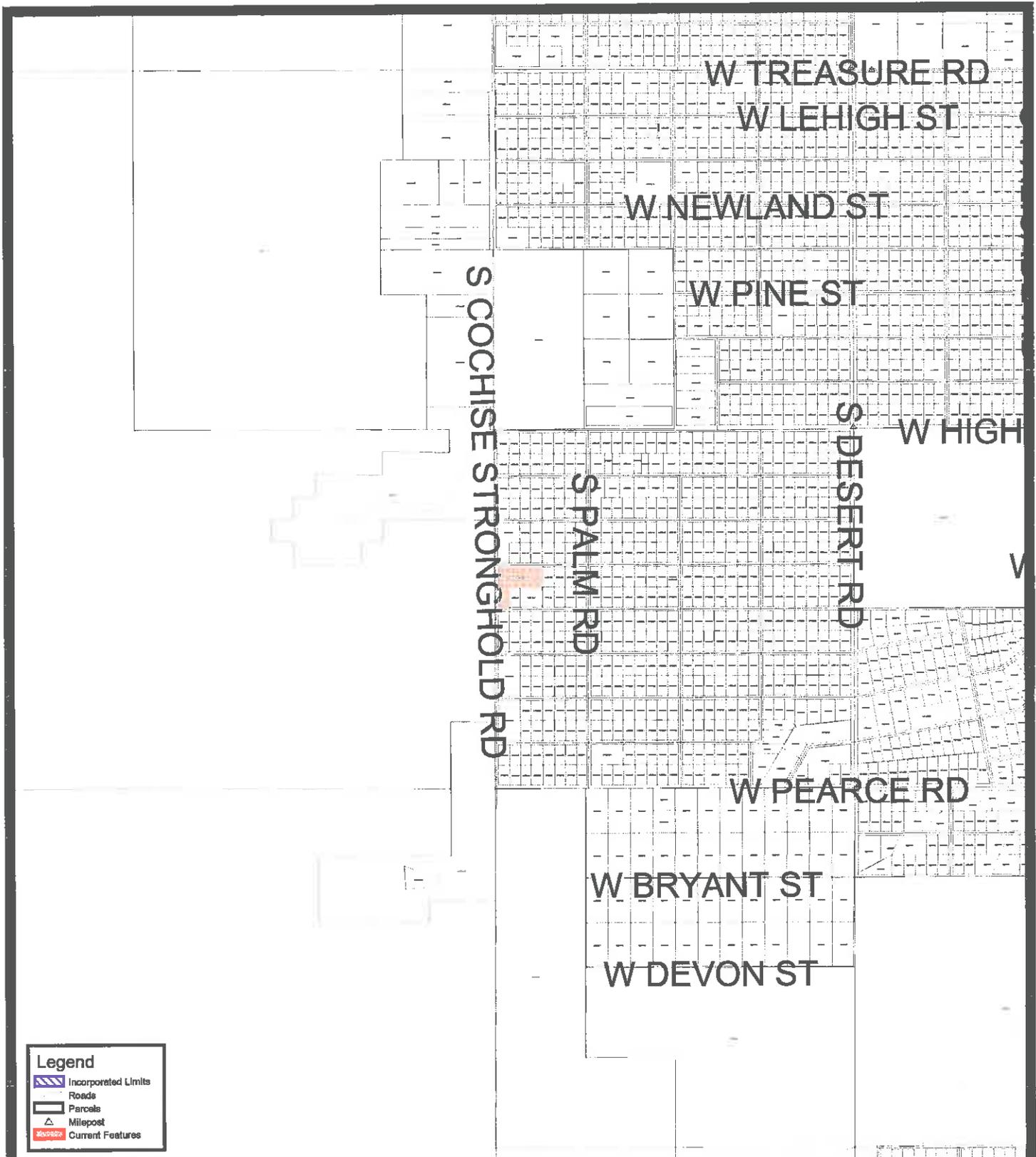
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25. AFFIDAVIT

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

Applicant's Signature: Michell K. Gifford

Date: 02/22/15



**Legend**

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



Z-15-03 (Griffith)  
Location Map

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

B 103

0' 1" = 2000'