



**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 Planning Manager, Michael Turisk at 520.432.9240. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations 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 DEPT.
HOURS OF OPERATION**
Monday through Friday
7:30 a.m. to 5:00 p.m.
Phone: 520.432.9240
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
June 11, 2014
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) – NOT A PUBLIC HEARING - Docket – S-08-02 (Red Hawk III Subdivision, Unit IV): – A request for an additional one-year time extension for the Red Hawk 3, Unit IV Subdivision Tentative Plat. The subdivision is

comprised of 99 lots on 310 acres located two miles south of Interstate 10 in Benson at the Pima County line. The Tentative Plat was approved by the Board of Supervisors on March 24, 2009. The Developer is Thunder Ranch Estates Unit IV, LLC, represented by Jim Vermilyea.

Item 2 – (Page 5) – PUBLIC HEARING - Docket SU-14-09 (Bojorquez): A request for a Special Use authorization to add a Recycling Center and Tire Repair Service to an existing Retail Store. The subject parcel is located at 14393 S. Highway 191, in Elfrida. The Applicant is Benjamin Bojorquez.

Item 3 – (Page 23) – PUBLIC HEARING - Docket Z-14-06 (Ryan): A request to rezone a 3.7-acre property from RU-4 (Rural; one dwelling per 4-acres) to RU-2 (Rural; one dwelling per 2-acres) to establish a dwelling on the non-conforming parcel regarding the minimum lot size required to establish a dwelling in the RU-4 zoning districts. The undeveloped subject parcel is located along E. Ramsey Rd. approximately 1.5-miles east of unincorporated Benson. The Applicant is Ken Ryan.

Item 4 – (Page 39) – PUBLIC HEARING - Docket SU-14-07 (Klumb): A request for a Special Use authorization to replace an existing conventional sign with a digital sign reflecting fuel prices. This proposal is considered a Special Use as the proposed sign exceeds the light output caps defined in the Cochise County Light Pollution Code. The subject parcel is located at 2521 W. Business I-10 in San Simon. The Applicant is Raymond Klumb on behalf of Petroleum Wholesale LP.

Item 5 – (Page 64) – PUBLIC HEARING - Docket SU-11-10A (Graybill): A request for a Special Use Modification authorization to include a Recreational Vehicle Park (to serve 3-4 RVs), an Animal Exhibit and Educational Services. A Special Use Permit was approved in 2011 for Outdoor Recreation. The subject parcel is located at 30 W. Ivey Rd at the corner of SR90 and north of Huachuca City in the Whetstone area. The Applicants are Donna and Wesley Graybill.

Item 6 – (Page 97) – PUBLIC HEARING - Docket R-14-04 (Cochise County Light Pollution Code and Zoning Regulations): A public hearing to consider and act upon proposed amendments to the County's Light Pollution Code and Zoning Regulations. Proposed revisions are to the 2014 version of the Cochise County Zoning Regulations and the 2005 version of the Light Pollution Code. The overall intent of the proposed revisions is to ensure current and future light and sign technologies are covered under the Light Pollution Code and Zoning Regulations.

6. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS**
7. **CALL TO COMMISSIONERS ON RECENT MATTERS**
8. **ADJOURNMENT**

**COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
May 14, 2014
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 Weissler at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Chair Weissler 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. She explained the time allotted to speakers when at the podium. She then explained the composition of the Commission, and indicated there were two Rezoning Dockets and one Special Use docket on the agenda. She explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Ms. Weissler noted the presence of a quorum and the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Tim Cervantes, Jim Lynch, Pat Edie, Nathan Watkins, Carmen Miller, Joe Garcia, and Liza Weissler) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Adam Ambrose, Chief Civil Deputy County Attorney, Michael Turisk, Planning Manager, and Peter Gardner, Planner I.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the April 9, 2014 meeting. **Action:** Approve. **Moved by:** Mr. Lynch **Seconded by:** Mr. Garcia

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

Yes: Mr. Lynch, Mr. Cervantes, Ms. Miller, Ms. Edie, And Mr. Garcia **No:** 0 **Abstain:** Mr. Watkins and Ms. Weissler

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

NEW BUSINESS

Items 1 & 2

PUBLIC HEARING

Docket Z-14-03 (Phillips): The Applicant requests to rezone two adjoining Parcels from RU-2 to RU-4 to facilitate construction under the County's Owner-Builder Opt-Out program. The property is located in the Desert Sky subdivision east of McNeal, on N. Tequila Sunrise Road. The Applicant is Leah Phillips.

Docket Z-14-04 (Dorofey): The Applicant requests to rezone a Parcel from RU-2 to RU-4 to facilitate construction under the County's Owner-Builder Opt-Out program. The property, an unaddressed Parcel in the Desert Sky subdivision east of McNeal, is along N. EE Ranch Road. The Applicant is Ian Dorofey.

Chair Weissler called for the Planning Director's report noting that the two dockets were being presented together at Staff's request. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the support and opposition from neighbors. Mr. Gardner also explained Staff's analysis of the requests. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler asked if the Applicant wished to make a statement.

Mr. George Wells spoke on behalf of the Applicant, explaining that the property owners desired to "become legal".

Mr. Dorofey declined to speak.

Ms. Weissler then opened the Public Hearing.

There being no speakers, and the Applicants not needing to rebut, Ms. Weissler closed the Public Hearing and invited discussion. Ms. Weissler expressed doubt that the Applicants were unaware that permits were required. There being no further discussion, Ms. Weissler asked for Staff's recommendation. Mr. Gardner recommended forwarding the dockets to the Board with a recommendation of Conditional Approval. Ms. Weissler called for a motion. Mr. Lynch made a motion for forwarding both dockets to the Board of Supervisors with a recommendation of Conditional Approval, with the Conditions recommended by Staff. Ms. Edie seconded the motion and Ms. Weissler asked for discussion. Mr. Lynch stated that while the Commission received many ex post facto requests, but he had no alternative to forcing Applicants to remove structures. Ms. Weissler stated she had no desire to remove structures, but expressed incredulity that anyone would not know that permits would be required to construct a home. Ms. Weissler then called for a vote. The motion passed 6-1, with Ms. Weissler opposed.

Motion: Motioned to forward both dockets to the Board of Supervisors with a recommendation of Conditional Approval, with the Conditions recommended by Staff. **Action:** Forward with recommendation of Conditional Approval **Moved by:** Mr. Lynch **Seconded by:** Ms. Edie
Vote: Motion passed (**Summary:** Yes = 6, No = 1, Abstain = 0)
Yes: Mr. Lynch, Mr. Cervantes, Mr. Watkins, Ms. Edie, Mr. Garcia, and Ms. Miller
No: Ms. Weissler
Abstain: 0

Item 3

PUBLIC HEARING

Docket SU-14-08 (Ransom): The Applicant requests a Special Use authorization for an Accessory Living Quarter (ALQ). The proposal is to remodel and expand an existing accessory structure into a Guest House of approximately 375-square feet. Pursuant to Section 1717 of the Cochise County Zoning Regulations, a notice was sent to all property owners within 300-feet of the subject property. As a written objection was received within 15-days, the request must proceed as a Special Use. The subject parcel is located at 10940 S. Dos Cahuamas Road, in Hereford. The Applicant is Sara Ransom.

Chari Weissler 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. He explained the support and opposition from neighbors. 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.

Ms. Weissler invited the Applicant to make a statement.

Ms. Sara Ransom, of Glendale, identified herself as the property owner and explained her intent for the property.

Ms. Weissler then opened the Public Hearing.

There being no one interested in speaking and no need for the Applicant to rebut, Ms. Weissler closed the Public Hearing. Ms. Weissler then asked for discussion from the Commission. There being none, Ms. Weissler then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions recommended by Staff. Ms. Weissler called for a motion. Mr. Lynch made a motion for Approval of the Special Use with Conditions given by Staff. Mr. Watkins seconded the motion and Ms. Weissler asked for discussion. Mr. Lynch noted the technical objections from the neighbor that had driven the Special Use hearing, and stated that he was comfortable with the Building Permit process addressing all such details. Ms. Weissler then called for a vote. The motion passed 7-0.

Motion: Motioned to grant the Special Use with the Conditions as recommended by Staff.

Action: Approve with Conditions **Moved by:** Mr. Lynch **Seconded by:** Mr. Watkins

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

Yes: Mr. Lynch, Mr. Cervantes, Mr. Garcia, Ms. Edie, Ms. Miller, Mr. Watkins and Ms. Weissler

No: 0

Abstain: 0

Item 3

PLANNING DIRECTOR'S REPORT:

Planning Director, Beverly Wilson offered the Director's Report, informing the Commission that there would be one Subdivision Tentative Plat Extension, one Rezoning, three Special Use

dockets, and a regulation docket regarding the Light Pollution Code for the June meeting. She also detailed the adoption of proposed changes to the Zoning Regulations by the Board as previously forwarded by the Commission.

CALL TO COMMISSIONERS ON RECENT MATTERS:

Mr. Lynch stated that he had, through Staff, provided technical information to the Commission to help understanding of the proposed Light Pollution Code. Ms. Weissler suggested making the information available as part of the packet.

ADJOURNMENT – Chair Weissler called for a motion to adjourn: Ms. Edie moved, Mr. Garcia seconded and the meeting was adjourned at 4:31 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

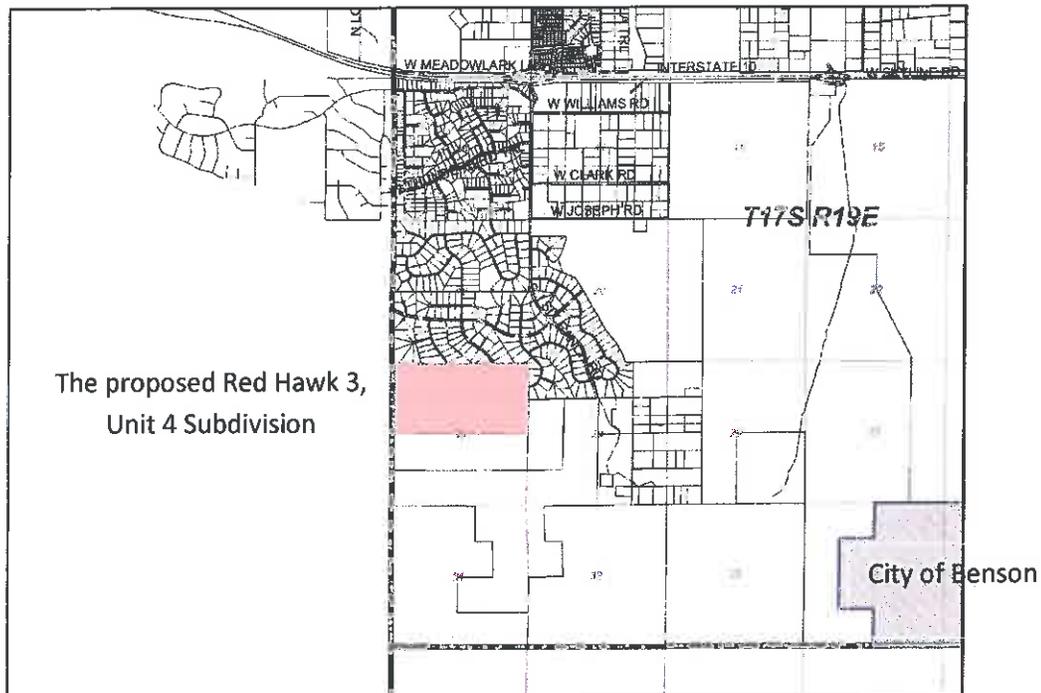
"Public Programs...Personal Service"

TO: Cochise County Planning and Zoning Commission
FROM: Beverly J Wilson, Planning Director *BW*
DATE: May 28, 2014 for the June 11, 2014 Meeting
SUBJECT: Tentative Plat Extension, Red Hawk 3, Unit 4 Subdivision (S-08-02)

I. NATURE OF REQUEST

This request is for approval of a one-year time extension for the Red Hawk 3, Unit 4 Subdivision Tentative Plat. The Tentative Plat was approved by the Board of Supervisors on March 24, 2009. The current Tentative Plat extension expired on March 24, 2012. A request to grant a retroactive extension to March 24, 2013, as well as an additional extension to March 24, 2014 was approved by the Commission in October of 2013. That extension has now expired, and the Developer has again requested an extension to March 24, 2015.

The Developer is Thunder Ranch Estates Unit IV, LLC, represented by Mr. Jim Vermilyea, and the Project Engineer is Mr. Arden Ranshaw representing Morrison Maierle, Inc.



The project is a 99-lot residential subdivision located on 309.58 acres, and zoned SR-2 (Single Household Residential; one dwelling unit per 2 acres). The lots range in size from 2.38 acres to 5.54 acres. The parcel (124-01-013F) is located two miles south of Interstate 10 in Benson, at the Pima County line.

II. BACKGROUND

Since the Board of Supervisors approved the Tentative Plat (TP) in 2009, the developer has received a one-year administrative extension, in 2011, as well as two extensions to March 24, 2014.

III. ANALYSIS

Tentative Plat approvals are effective for a two-year period, after which a one-year extension may be approved by staff (per Section 208 of the Subdivision Regulations). Subsequent requests for a one-year extension are decided by the Planning Commission. As stated above, the Developer has utilized his one-year administrative extension. Should the Commission grant the current request, staff would recommend that all previous Conditions of Approval carry forward.

IV. STAFF RECOMMENDATION

Staff recommends conditional approval of this one-year time extension for the Red Hawk 3, Unit 4 Tentative Plat, to expire on March 24, 2015; the Conditions to be the same as for the original Tentative Plat approval on March 24, 2009.

Suggested Motion: Mr. Chair, I move to conditionally approve a one-year time extension for the Red Hawk 3, Unit 4 Subdivision Tentative Plat, Docket S-08-02, with a new expiration date of March 24, 2015, and with the same Conditions as the March 24, 2009 approval of the Tentative Plat.

V. ATTACHMENTS

- A. Red Hawk 3, Unit 4 Tentative Plat Sheet 1
- B. Extension Request

RED HAWK @ J-6 RANCH

2850 E. SKYLINE DRIVE #100

TUCSON, ARIZONA 85718

(520) 490-1218

April 29, 2014

Beverly Wilson
C/o Cochise County Planning & Zoning
1415 Melody Lane
Bisbee, Arizona 85603

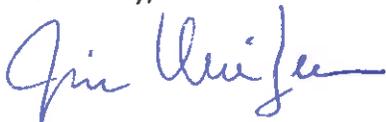
Dear Beverly,

Again we find it necessary to extend our tentative Plat Approval on Phase III of Red Hawk, or what we might call Unit IV. As you are well aware, the market is still basically at a stand-still and moving forward at this time would be unwarranted.

Please find enclosed a check for \$500.00 for the Extension fee.

Thank you for your attention on this matter.

Sincerely,



Jim Vermilyea
Project Manager

COCHISE COUNTY

MAY 1 2014

PLANNING



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *pm*
FOR: Beverly J. Wilson, Planning Director *bw*
SUBJECT: Docket SU-14-09 (Bojorquez)
DATE: May 28, 2014, for the June 11, 2014 Meeting

APPLICATION FOR A SPECIAL USE

Docket SU-14-09 (Bojorquez): The Applicant is requesting a Special Use authorization to add a Recycling Center and Tire Repair Service on the subject parcel in addition to the existing Retail Store and concrete batch plant. The proposed uses are considered Special Uses in the Rural Zoning Districts under sections 607.30 and 607.29 of the Zoning Regulations. The subject parcel (401-10-040A) is located at 14393 S. Highway 191, north of Elfrida, AZ. The Applicant is Benjamin Bojorquez.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.80-Acres
 Zoning: Rural (RU-4)
 Growth Area: Category D (Rural)
 Plan Designation: Rural
 Area Plan: None
 Existing Uses: Retail Store (Hardware and Building Supplies) and Concrete Batch Plant
 Proposed Uses: Same, with Recycling Center and Tire Repair

Zoning/Use of Surrounding Properties

| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|----------------------|---------------------------------|
| North | RU-4 | Automotive Center |
| South | RU-4 | Agricultural Land |
| East | State Highway / RU-4 | Highway 191 / Agricultural Land |
| West | RU-4 | Agricultural Land |

submitted complies with eight of the nine applicable Special Use factors. If the Modifications requested by the Applicant are applied, the project would comply with each of the nine applicable factors.



View to the yard with retail store (on left) and structure to be used as the tire shop to the right.

A. Compliance with Duly Adopted Plans: Complies

The Category D – (Rural) areas are characterized by open spaces and agricultural uses. Such areas are often considered appropriate for “industrial uses that cannot be accommodated in other growth areas”. The proposed uses fit well with the surrounding area, though they may not be appropriate in a more developed area.

B. Compliance with the Zoning District Purpose Statement: Complies

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

Section 601.07 “allow(s) consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site”. This project meets the criteria above by expanding an existing commercial/industrial site with a similar use. The site adjoins another similar site, as well as active agricultural sites.

C. Development Along Major Streets: Complies

The property takes access from S. Highway 191. In general, direct access from arterial roadways such as state highways is discouraged, but the sparse development in the area, coupled with the relatively low traffic generation of the site, mitigates the potential negative impacts from such access points in this case.

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Looking north along the apron from Highway 191.

D. Traffic Circulation Factors: Complies

The project site takes access from an existing commercial access point directly from Highway 191, which can safely accommodate any increased traffic load generated by the additional proposed uses.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property. The property is served by a private well and septic systems, and SSVEC provides electric power. The site is not covered by a fire department; however, the proposed uses are at a low risk for fire. The existing access point from Highway 191 will adequately serve the proposed use, however the apron will need repair or upgrade in the future.

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

After review of the site plan and a site visit, a number of Modifications are requested. If all modifications are granted, the project complies as proposed. The Applicant is requesting to use the existing 18-foot wide gravel/native driveway and gravel/native parking area in lieu of a 24-foot wide paved driveway and two-inch thick gravel parking area. The Applicant is also requesting to use the existing pea gravel surface in lieu of a two-inch thick gravel surface for outdoor storage areas. The Applicant is also requesting to utilize the existing number of parking spaces, which total nine. The aggregate of the uses would require 12 spaces. Finally, a Modification of the north setback of 40-feet reduced to 20-feet for the recycling bins is requested.

Each standard for which Modification is requested could conceivably be met without Modification, though the requested Modifications are not out of character for the surrounding area. Staff supports these requests.



View to the retail store with a scale alongside, also showing driveway and parking surfacing.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received no responses. The subsequent County mailing resulted in one positive response.

H. Hazardous Materials: Not Applicable

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

I. Off-Site Impacts: Complies

The greatest potential for off-site impacts associated with the proposed business are traffic, noise, and dust. Based on the active agricultural activities surrounding the property on three sides, and the commercial/industrial use on the other side, Staff is confident that there will be no negative impacts to surrounding properties.

J. Water Conservation: Complies

Adding the proposed uses to the site will not substantially increase water usage.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on May 22, 2014, and published a legal notice in the *Bisbee Observer* on the same date. To date, the Department has received one response supporting the Special Use.

VI. REQUESTED MODIFICATIONS The Applicant has requested five site development standard Modifications as part of this Docket:

1. A Modification to the 24-foot two-way driveway standard for commercial uses; the Applicant requests to allow 18-foot wide internal driveways;
2. A Modification to the requirement that all driveway and parking surfaces be a two-inch thick gravel surface; the Applicant is requesting to allow the existing pea gravel and native surfacing;
3. A Modification to the requirement that all outdoor storage areas be covered with a dust free surface; the Applicant is requesting to use the existing pea gravel and native surfacing;
4. A Modification to the requirement for number of parking spaces; the Applicant is requesting to use the existing nine spaces in lieu of the twelve spaces that would be required from the aggregate of the existing and proposed uses; and
5. A request to reduce the setback on the north side of the property from 40-feet to 20-feet to accommodate the recycling bins.

Staff supports all requested waivers. The surfacing, driveway width, and parking space requests are not out of character for the surrounding area, and the existing conditions have served the existing uses for decades without incident or complaint. Staff is confident that the addition of the recycling yard and tire repair service will not alter this pattern. Staff likewise supports the setback request due to the site layout and conditions on the adjoining parcel. The reduction in setbacks increases the area for trucks to turn around, and the adjoining site is both a commercial/industrial site, and is shielded behind a dense vegetative screen.

VII. SUMMARY AND CONCLUSION

If approved, the Special Use will expand an existing commercial/industrial use on the site and in the area. It fits well with and supports the rural character of the area, and provides services for the local community.

Factors in Favor of Approving the Special Use

1. With the requested Modifications, the request complies with each of the nine applicable Special Use factors used by staff to analyze such requests;
2. Off-site impacts can be mitigated through existing regulations and permit requirements;
3. The Rural Zoning Districts are established for such land use proposals, per Sections 601.02 and 601.07 of the Zoning Regulations;
4. The proposed uses will support the local community; and
5. One neighboring property owner supports the request.

Factors Against Allowing the Special Use

1. Five modifications of site development standards are required for the project to comply as submitted.

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. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

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

Sample Motion: *Madame Chair, I move to approve Special Use Docket SU-14-09, with the Conditions and Modifications to development standards recommended by staff; the Factors in Favor of approval constituting the Findings of Fact.*

IX. ATTACHMENTS

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



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE

(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 401-10-040A

ZONING DISTRICT _____

APPLICANT: BENJAMIN BOJORGUEZ

MAILING ADDRESS: 6595 N. BROOKS RD. DOUGLAS, AZ 85607

CONTACT TELEPHONE NUMBER: (520) 904-2183

PROPERTY OWNER (IF OTHER THAN APPLICANT): LEO + PATRICIA HILL

ADDRESS: 14393 S. HWY 191

Elfrida, AZ 85610

DATE SUBMITTED: _____

Special Use Permit Public Hearing Fee (if applicable) \$ 300

Building/Use Permit Fee \$ -

Total paid \$ 300

14-1321

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 x 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.

A 12

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

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

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

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

PART TWO - QUESTIONNAIRE

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

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

1. What is the existing use of the property? A building supply store.

2. What is the improvement? to add a recycling center.

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?

Customers will drive onto scale to weigh-in their load, then they will off-load their metal next to recycling bins. Finally they will weigh out and be paid for their recyclables. I will then sort recyclables into necessary bins for shipping. I don't think that any of these activities will impact the neighboring properties.

A 13

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

N/A

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)

N/A

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.

N/A

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: M-F Hours (from 8 AM to 4 PM)

B. Number of employees: Initially: 1 Future: 2
Number per shift Seasonal changes N/A

C. Total average daily traffic generated:

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

10-15 PER DAY

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

2 18-WHEELERS PER WEEK

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

North or South on HWY 191

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

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

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

Estimated total gallons of water used: per day Minimal per year _____

E. Will you use a septic system? Yes No If yes, is the septic tank system existing? Yes No

Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes No

If no, what steps are you taking to obtain such access?

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

Does your parcel have access from a (check one): _____ private road or easement**

_____ County-maintained road

State Highway

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

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

Attached _____ NA

H. Identify how the following services will be provided:

| Service | Utility Company/Service Provider | Provisions to be made |
|-----------------|----------------------------------|-----------------------|
| Water | | |
| Sewer/Septic | | |
| Electricity | S.S.V.E.C. | |
| Natural Gas | N/A | |
| Telephone | N/A | |
| Fire Protection | | |

A 15

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

weighing, off-loading, loading, and sorting
metal recyclables.

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

Vegetation will act as a screen between
neighboring properties.

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

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

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

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

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. Wall sign 150 sq ft 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)

GRAVEL

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

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

SECTION C - Water Conservation and Land Clearing

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

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.)

SECTION D - Hazardous or Polluting Materials

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

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

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts.

The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

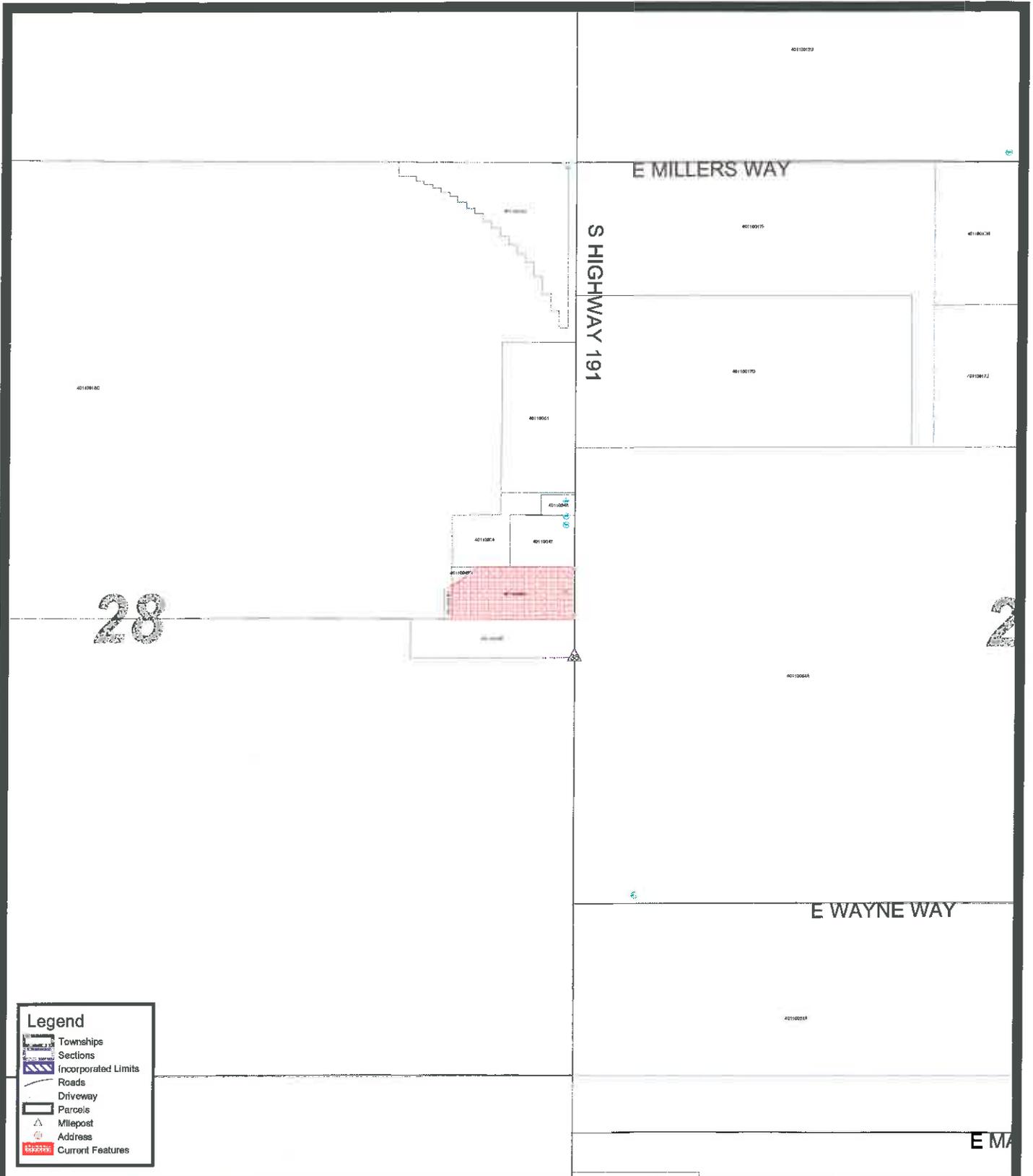
SECTION E - Applicant's Statement

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

Applicant's Signature 

Date signed April 22, 2014

A 18



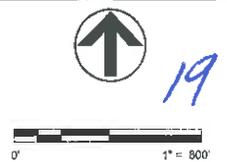
Legend

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



SUP-14-09 (Bojorquez) Location Map

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



B

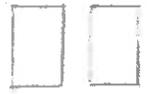


KEY

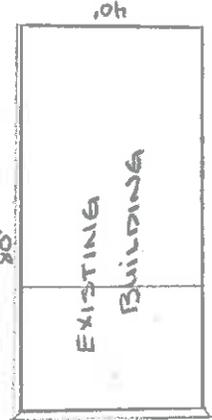
→→→ = PROPOSED DIRECTION OF TRAVEL

* = VEGETATION

EXISTING STORAGE SILOS



Well



Scale

Car Port

GRAVEL PARKING AREA

GRAVEL LOADING AREA

PROPOSED RECYCLING CENTER AREA

20'

RECYCLE BIN



20

C

April 16, 2014

Dear Property Owners,

My name is Benjamin Bojorquez and I am working with Cochise County Planning and Zoning to take over the business at the Chiricahua Building Supplies. I am writing this letter to inform you that I am interested in continuing business as a building supply store by increasing inventory and expanding the hardware supplies.

Also, I am interested in using some of that property to expand my metal recycling business. I plan to purchase metal recyclables from customers. If after some time it seems as though the community is interested, I may be able to extend my recycling to other materials such as glass, cardboard, and plastic.

I also have all of the equipment required for tire repair which may be available to customers if the public is interested in those services.

I am looking forward to expanding my services to the local community and I hope that you are as well. Please contact me with any comments or concerns.

Sincerely,

Benjamin Bojorquez
(520) 904-2183
6595 N Brooks Rd.
Douglas, AZ 85607

Mailed
Friday, April 18, 2014

D 21

Special Use: Docket SU-14-09 (Bojorquez)

MAY 14 2014

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

No need to support anybody who is willing to start a new business in this area.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): J Homer Doell

SIGNATURE(S): *J Homer Doell*

YOUR TAX PARCEL NUMBER: 40110064 A (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. Upon submission 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 by our Department no later than 4 PM on Wednesday, May 28, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

22
D



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Michael Turisk, Planning Manager 

For: Beverly J. Wilson, Planning Director

SUBJECT: Docket Z-14-06 (Ryan)

DATE: May 29, 2014, for the June 11, 2014 Meeting

APPLICATION FOR A REZONING

The Applicant has requested rezoning a 3.7-acre parcel from RU-4 (Rural; one dwelling per 4-acres to RU-2 (one dwelling per 2-acres) to legitimize a non-conforming lot as it pertains to minimum lot size. If the rezoning is approved, the Applicant would build a single-family residence and accessory workshop. The property (Parcel #120-02-001E) is currently vacant and unaddressed, but is located along the north side of East Ramsey Road, an ADOT-maintained frontage road east of incorporated Benson and just north of Interstate 10. The Applicant is Ken Ryan.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

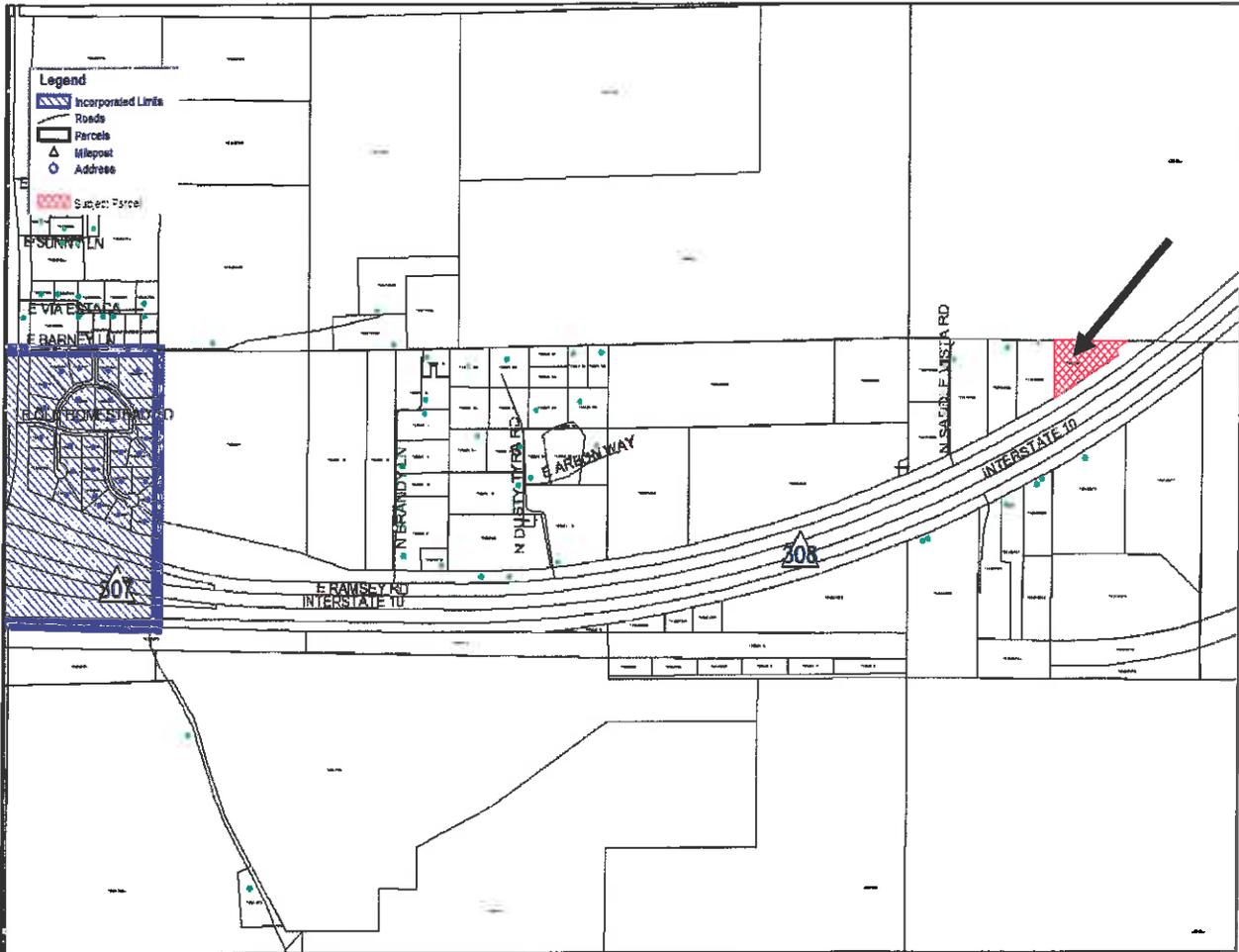
Size: 3.7-acres
 Current Zoning: RU-4 (Rural; 1 dwelling per 4-acres)
 Requested Zoning: RU-2 (Rural; 1 dwelling per 2-acres)
 Growth Area: Category D—Rural Area
 Area Plan: None
 Comprehensive Plan Designation: Rural
 Existing Uses: Undeveloped
 Proposed Uses: Addition of one single-family dwelling and accessory garage/workshop

Surrounding Zoning

| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|-----------------|-----------------------|
| North | RU-4 | undeveloped |
| South | RU-4 | I-10 |
| East | RU-4 | undeveloped |
| West | RU-4 | Scattered residential |

II. PARCEL HISTORY

There are no records of any permits or violations for the subject parcel.



Subject parcel crosshatched at right, located approximately 1.5-miles east of incorporated Benson.

III. NATURE OF REQUEST

The Applicant purchased the vacant property in order to construct a single-family dwelling and accessory workshop with the understanding that the property conformed to minimum zoning requirements. When the Applicant realized the discrepancy, staff was consulted about how to proceed. Because the property is smaller than the minimum four-acres required for one dwelling (and too small to apply for an Administrative Lot Modification), a rezoning is required if the Applicant’s plans to build are to be realized. If the application is approved, a building permit may be submitted and construction of a new dwelling may begin shortly thereafter.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category D–Rural Area. Section 402 of the County Zoning Regulations allows owners of property lying within this Plan Designation to request a rezoning to RU-2.

24

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Ten of the criteria are applicable to this request, which, as submitted, complies with all 10 of the applicable factors.

1. Provides an Adequate Land Use/Concept Plan: Complies

The attached Concept Plan is adequate for the purpose of rezoning review. If approved, the Applicant would be required to submit a site plan that conforms to all residential permit submittal requirements, including a site plan that identifies setbacks and height of and distance between proposed structures, for example.

2. Compliance with the Applicable Site Development Standards: Not Applicable at this time.

The property is currently undeveloped. However, as noted in Section 1, above, at the time of residential permit submittal, compliance with all applicable site development standards would be required. For example, the minimum setback for permitted structures and uses in the RU-4 zoning districts is 20-feet. If rezoned to RU-2, the minimum required setback *would not* change, nor would any other minimum applicable site development standards.



View of undeveloped property from E. Ramsey Rd.

25

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 residential development with one small-scale, low-impact non-residential use (residential care facility) in the vicinity. A residential use would be in keeping with the pattern of existing development in this area.

6. Rezoning to More Intense Districts: Complies

The Zoning Regulations provide several criteria for compliance with this factor, including the extent to which the rezoning “provides a transition between an existing less intense district and a more intensive district.” Residential development at densities greater than one dwelling per two-acres occurs in the general area, particularly to the west closer to incorporated Benson. The properties surrounding the subject parcel are zoned RU-4, including properties immediately south of I-10. More intense R-36 zoning (Residential; one dwelling per 36,000 sq.-ft.) begins to appear just a quarter-mile west of the subject property. Section 2208.02 of the Zoning Regulations provides a scale of intensity for established Zoning Districts within the County. Based on this scale, an RU-2 zoning district would be considered a reasonable transition from lower density RU-4 zoning to higher density R-36 zoning to the west of the subject parcel.

7. Adequate Services and Infrastructure: Complies

The property is served by East Ramsey Road. Traffic along this portion of East Ramsey Road is comparatively light, and although this roadway is ADOT-maintained, the far eastern portion near to the subject property is located (near to where East Ramsey Road dead-ends) is not maintained to the degree or frequency as other roads in that agency’s system. Despite this, East Ramsey Road is adequate for the anticipated small increase in residential traffic to and from the property.

A private well and septic system would be installed at the time of construction. SSVEC would provide electric power and the Benson Fire Department provides emergency services to this area.

8. Traffic Circulation Criteria: Complies

An additional residential use in this area would not compromise traffic circulation in this area.

9. Development Along Major Streets: Not Applicable

The property does not border any major street.

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

The property is not within the Sierra Vista Sub-watershed, but would need to comply with any applicable County-wide water conservation measures, per Section 1820 of the Zoning Regulations.



Looking eastward from E. Ramsey Rd. near to the subject property

13. Public Input: Complies

The Applicant completed the required Citizen Review process and received one phone inquiry regarding the location of the subject parcel. Staff posted the property on May 21, 2014, and published a legal notice in the *Bisbee Observer* on May 22, 2014. 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: Not Applicable

The subject property does not lie within the bounds of an approved Area Plan.

V. SUMMARY

The request is to rezone a 3.7-acre parcel from RU-4 to RU-2 located approximately 1.5-miles east of incorporated Benson. The rezoning is necessary in order for the Applicant to proceed with the residential building permit process. Staff's recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval:

Factors in Favor of Approval

1. Allowing the rezoning and subsequent residential use would be in keeping with the overall character of development in the area; and
2. Rezoning to RU-2 for the purpose described would not change minimum site development standards requirements.

Factors Against Approval

None apparent.

VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Docket Z-14-06 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following standard 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: Madame Chair, I recommend forwarding Docket Z-14-06 to the Board of Supervisors with a recommendation of conditional approval, subject to the Conditions recommended by staff. (The Board of Supervisors will consider this Docket at their regular meeting of Tuesday, July 8, 2014).

VII. ATTACHMENTS

- A. Rezoning Application
- B. Concept Plan
- C. Staff/Agency Comments
- D. Citizen Review Letter and Report

ZB



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY

APR 16 2014

COCHISE COUNTY REZONING APPLICATION

PLANNING

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

1. Applicant's Name: Ken Ryan

2. Mailing Address: 970 E Sonora Verde Dr

Benson AZ 85602
City State Zip Code

3. Telephone Number of Applicant: 529 559-2262

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

5. Email Address: Kendellgonavy@yahoo.com

6. Assessor's Tax Parcel Number: 120-02-001E (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.

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

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

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

Ramsey 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? One

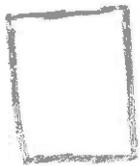
23. Identify how the following services will be provided:

| Service | Utility Company/Service Provider | Provisions to be made |
|-----------------|----------------------------------|-----------------------|
| Water | | X |
| Sewer/Septic | | X |
| Electricity | SS JEC | |
| Natural Gas | | |
| Telephone | Century Link | |
| Fire Protection | | |

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). The property is zoned

RU 4. The lot is 3.7 acres so we cannot
use the land. We request rezoning to RU 2
so we can place a home and shop on land.

Single family Dwelling



Shop

Ramsey

Rd.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

DATE: May 16, 2014

TO: Michael Turisk, Planning Manager

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

SUBJECT: **Rezoning Permit for Ken Ryan (Z-14-06)**

Background: Ken Ryan requested the rezoning the 3.7 acre site from RU-4 to RU-2 to facilitate a home on a non-conforming undersized parcel. This parcel does not qualify for Lot Development Administrative Modification. The Assessor's parcel number 120-02-001E is an unaddressed parcel located along E. Ramsey Road in unincorporated Benson. 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 Ramsey Road. Ramsey Road adjoins and serves as the Southerly boundary of the subject parcel.
- Adjoining the subject parcel, Ramsey Road is not a county maintained road.

Recommendation:

- No further right-of-way dedication is required at this time.

Turisk, Mike

From: Lamberton, Karen
Sent: Wednesday, May 21, 2014 6:59 PM
To: Turisk, Mike
Subject: Re-Zoning in Benson Z-14-06

I spoke with ADOT Safford District and Tucson Traffic Engineering. A response should have been sent to you on this application; if it has not shown up one should fairly soon. Yes, access is from an ADOT maintained facility. And yes, the applicants will need an ADOT ROW/Encroachment Permit to construct a driveway onto the ADOT facility at the time they decide to actually take access there. No, ADOT does not routinely maintain this roadway all the way down to this parcel, even though it is in their system it is not a connected or traveled roadway – the applicants cannot expect this to be an interstate or highway level of design or maintenance.

This would not be a condition of re-zoning but an advisory to the applicant of one of the implications of rezoning and constructing on this parcel.

E. Ramsey Rd. is really is a remnant of the old interstate construction and they would be very happy if the County took it over and moved it – preferably to align with the ASLD lands north of these residential parcels. Not happening in my career here but if we got rich and staffed up it's a project to undertake!

Karen L. Lamberton, AICP
County Transportation Planner
Community Development Department
1415 Melody Lane, Building E
Bisbee, Arizona 85603

520.432.9240 FAX 520.432.9278

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

Turisk, Mike

From: Susie Puzas [SPuzas@azdot.gov]
Sent: Monday, June 02, 2014 12:43 PM
To: Turisk, Mike; Dee Crumbacher
Cc: Lamberton, Karen; James Reindl
Subject: RE: Rezoning request near Benson

- 1) If the proposed access Mr. Ryan is seeking will connect directly from his property to E. Ramsey Road/aka N. Frontage Road into the paved section he will need to apply for an encroachment permit to construct a residential driveway from the ROW fence to the edge of the N. Frontage Road, including a Type 2 swinging metal gate if the access will serve only his residence and shop; if the access will serve additional properties or more than a single home/shop, a cattle guard will also be needed.
- 2) If the proposed access will connect to E. Ramsey Road in the dirt section then the access will be beyond ADOT ROW and he will not need a permit from ADOT.
- 3) If Mr. Ryan uses the N. Saddle Vista Road access he'll not need a permit from ADOT. This connection has an existing cattle guard and appears to be a chipped seal access.

Thank you,

Susie Puzas,
TR Engineering Permits Supervisor
Safford District Office
2082 E. Hwy. 70, Safford, AZ 85546
928-432-4916 – office
928-428-7523 – fax
SPuzas@azdot.gov
www.azdot.gov



From: Turisk, Mike [mailto:MTurisk@cochise.az.gov]
Sent: Monday, June 02, 2014 8:45 AM
To: Dee Crumbacher; Susie Puzas
Cc: Lamberton, Karen
Subject: RE: Rezoning request near Benson

No; the Applicant indicated that he would blade a drive from E. Ramsey Rd.

Michael Turisk, Planning Manager
Cochise County Community Development
1415 Melody Lane, Building E
Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278
email: mturisk@cochise.az.gov

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From: Dee Crumbacher [mailto:DCrumbacher@azdot.gov]
Sent: Monday, June 02, 2014 6:38 AM
To: Turisk, Mike; Susie Puzas

Cc: Lambertson, Karen
Subject: RE: Rezoning request near Benson

Good morning Mike.

When Susie and I reviewed the transmittal we assumed that the access to the property would be from the dirt road on the north side of the property and then utilizing Saddle View Road to get to the I-10 frontage road. This would follow the traffic pattern for the adjacent properties and would render a direct access to the Frontage Road unnecessary. Was this a correct assumption?

Dee Crumbacher
Transportation Engineering Specialist
Southern Regional Traffic Engineering
1221 S 2nd Ave. MD T120
Tucson, AZ 85713
520-388-4229

azdot.gov



From: Turisk, Mike [<mailto:MTurisk@cochise.az.gov>]
Sent: Sunday, June 01, 2014 1:37 PM
To: Susie Puzas
Cc: Lambertson, Karen; Dee Crumbacher; Wilson, Beverly
Subject: RE: Rezoning request near Benson

Thank you, Susie.

Michael Turisk, Planning Manager
Cochise County Community Development
1415 Melody Lane, Building E
Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278
email: mturisk@cochise.az.gov

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From: Susie Puzas [<mailto:SPuzas@azdot.gov>]
Sent: Friday, May 30, 2014 11:25 AM
To: Turisk, Mike
Cc: Lambertson, Karen; Dee Crumbacher
Subject: FW: Rezoning request near Benson

Mike,

Review of this location by Permits and Regional Traffic has been completed, we don't have any comments and will not require access or traffic mitigations. This location on E. Ramsey Rd, an extension of the frontage road on the north side of I-10 east of the Pomerene Rd TI, the access will not encroach into ADOT ROW.

Thank you for the opportunity review and comment.

Susie Puzas,
TR Engineering Permits Supervisor
Safford District Office

2082 E. Hwy. 70, Safford, AZ 85546

928-432-4916 – office

928-428-7523 – fax

SPuzas@azddot.gov

www.azdot.gov



From: Lambertson, Karen [<mailto:KLamberton@cochise.az.gov>]

Sent: Wednesday, May 14, 2014 6:54 PM

To: Turisk, Mike

Cc: Paul David; Susie Puzas; Tom Engel

Subject: RE: Rezoning request near Benson

Mike – my preliminary response to this proposed re-zoning is that a re-zoning, in and of itself, does not have any traffic implications. The proposal would not change the land use or purpose of the land and it would remain a single family residential unit with an estimated traffic generation of 9.57 vehicle trips per day, per the ITE Manual 8th edition. Given the location and the adjacent land holders (Az State Land on one side and ADOT on the other) it does not appear that the applicant has many options for the use of this undersized parcel in this zone.

The proposed access appears to be from a non-county maintained roadway resting within the ADOT ROW. I do not know who, if anyone, maintains this defacto frontage road. If the applicant decides to take access from that frontage road I believe they may need to obtain a ROW/encroachment permit from ADOT to do so. If so, you may wish to provide them with that advisory note.

I am included our ADOT partners in this e-mail: **Paul, Tom and/or Susie**...please take a look at this rezoning request and let Mike Turisk know your thoughts and if ADOT would have any concerns with an access point being taken off of E. Ramsey Rd. for this purpose. Esp. do you maintain this roadway etc.

This will be the entirety of my comments; please take a look at the access issues when you make your site visit and provide any appropriate comments to the applicant. A formal memo from me does not appear to be needed for this docket.

Karen L. Lambertson, AICP

County Transportation Planner

Community Development Department

1415 Melody Lane, Building E

Bisbee, Arizona 85603

520.432.9240 FAX 520.432.9278

Public Programs, Personal Service

www.cochise.az.gov

From: Turisk, Mike

Sent: Wednesday, May 14, 2014 3:50 PM

Subject: Rezoning request near Benson

March 8, 2014

You are invited to submit your comments on our request to change the use of our property.

We desire to put a single family residence and a shop on parcel #120-02-001 E 2 that is located on Ramsey Rd. in Benson Arizona.

It is currently zoned RU4 and is only 3.75 acres. We are asking Cochise County to have the property re-zoned to RU2. Access to the property will be on Ramsey Rd.

If you have any questions or comments, please send them to:

- Ken and Bernadette Ryan
970 E. Sonora Verde Dr.
Benson, AZ 85602
- 520-559-2262
- kendellgonavy@yahoo.com

Phone Log

3-27-14 Mark Kartchner called requesting location of property. We mailed him a map of property.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *PG*
FOR: Beverly J. Wilson, Planning Director *BW*
SUBJECT: Docket SU-14-07 (Klumb)
DATE: May 29, 2014, for the June 11, 2014 Meeting

APPLICATION FOR A SPECIAL USE

Docket SU-14-07 (Klumb): The Applicant is requesting a Special Use authorization to replace an existing conventional sign with a digital sign reflecting fuel prices on the subject parcel. This proposal is considered a Special Use as the proposed sign exceeds the light output caps defined in the Cochise County Light Pollution Code. The subject parcel (303-05-010F) is located at 2521 W. Business I-10 in San Simon. The Applicant is Raymond Klumb on behalf of Petroleum Wholesale LP.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 12.95-Acres
 Zoning: General Business (GB)
 Growth Area: Category C (Rural Community Area)
 Plan Designation: Developing
 Area Plan: None
 Existing Uses: Truck stop with fuel services, service station, restaurant, and signs
 Proposed Uses: Same, with one sign cabinet replaced

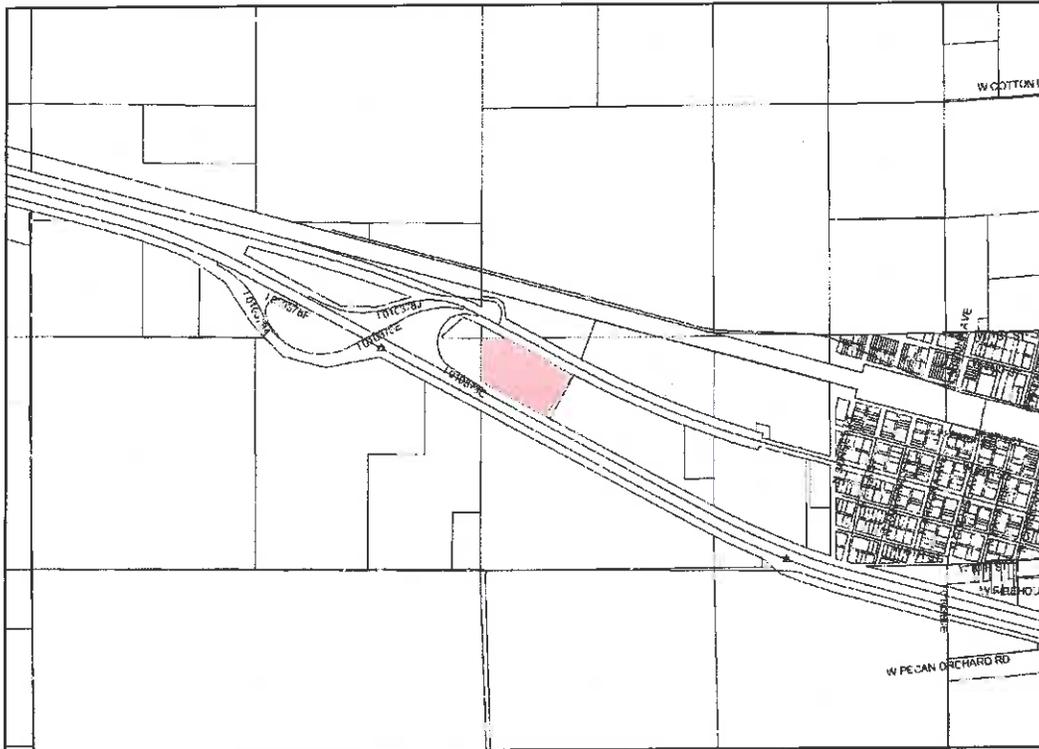
Zoning/Use of Surrounding Properties

| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|---------------------|----------------------------------|
| North | ADOT Road / GB | I-10 Business Loop / Vacant Land |
| South | ADOT Highway / R-36 | I-10 / Single Family Residence |
| East | GB | Vacant Land |
| West | ADOT Highway / RU-4 | I-10 / Vacant Land |

II. PARCEL HISTORY

1977 – Service Station and signs permitted
 1978 – Storage building permitted
 1987 – Variance granted for sign height, sign permitted

- 1990 – Truck stop, offices, fuel facilities, storage, paving permitted
- 1995 – Replacement fuel equipment permitted
- 2008 – Sign permitted
- 2010 – Truck hook-ups permitted
- 2013 – Remodel and expansion of the truck stop permitted



The project site is at mile marker 379 of Interstate 10, west of the San Simon town site.

III. NATURE OF REQUEST

The Applicant proposes to replace an existing pole-mounted, 70-foot high, 370-square foot conventional sign cabinet, as well as two smaller, and lower cabinets with a single, 266-square foot digital sign cabinet mounted 62-feet high on the same structural poles. All existing and proposed cabinets are double-faced. The proposed sign will consist of red and green Light Emitting Diodes (LEDs) on a black background, and will display fuel prices. Digital signs by their nature constitute unshielded lighting, and the proposed sign exceeds the lumen limits established in the Cochise County Light Pollution Code. The Code specifies that any Variance from the Code be reviewed as a Special Use Authorization.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Six of the 10 criteria apply to this request. The project as submitted complies

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with five of the six applicable Special Use factors. If the Modification requested by the Applicant is applied, the project would comply with each of the six applicable factors.



View of the existing sign.

A. Compliance with Duly Adopted Plans: Complies

The Category C –Rural Community Areas are characterized by a slow rate of growth and the desire to maintain the existing neighborhood or rural atmosphere. Non-residential uses in such areas often serve tourists, particularly uses such as this one, which is located along Interstate 10.

Areas designated as Developing are described as those with a mixture of uses and the potential for build out. This site is located in a General Business zoning district located along the Interstate, and is intended for such uses. Overall, the use is highly appropriate for the location, and the proposed sign compliments the use.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 1201.01 of the Zoning Regulations encourages “provide(ing) appropriate areas for office uses, retail stores, and service establishments in which the market area extends beyond the nearby neighborhoods.” The existing use is located along Interstate 10, and primarily serves travelers passing through the area, although the facilities are also utilized by the residents of San Simon.

Section 1201.03 “encourage(s) concentrated development of commercial activities for the convenience of the public”. This site meets the criteria above by locating commercial and industrial uses away from populated areas.

C. Development Along Major Streets: Not Applicable

The proposed change does not affect traffic patterns.



Looking up from the base of the sign, showing all three cabinets to be removed.

D. Traffic Circulation Factors: Not Applicable

The proposed change does not affect traffic patterns.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property. The only item above impacted by the proposed change is the electrical system for the sign. Per the Applicant, the existing electrical service will support the proposed sign. Given that LED technology generally uses substantially less power to generate an equivalent amount of light, and the amount of light is decreasing, the power draw should be less.

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

The Applicant’s request is to permit 6,130 unshielded lumens, which exceeds the 2,000 unshielded lumens permitted as-of-right under the Light Pollution Code. This discrepancy is the issue at hand. While Staff is generally not supportive of waivers from the Light Pollution Code, this proposal would represent a massive decrease relative to the lumen output of the existing sign.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received no responses. The subsequent County mailing also resulted in no response from neighbors, however several community organizations responded.



View of the truck stop from across I-10 Business Loop, with the sign in the background.

Robert Gent Lt Col, USAF, Ret, responded on behalf of the Huachuca Astronomy Club of Southeastern Arizona, the Cochise County Association of Astronomical Observatories, and the Director of the MMT Observatory (a joint Smithsonian Institution and University of Arizona research facility). Mr. Gent stated that while the astronomical community generally does not support LED signs, this sign is a substantial improvement over the existing sign, and therefore the community does not oppose the request.

Scenic Arizona opposes the request based on perceptions that the existing sign is non-compliant, and that the proposed sign will not comply with existing regulations. Mark Mayer states that the organization is concerned that the sign will flash and any brightness restrictions will be ignored based on other signs they have observed. They state that if a sign is necessary, a smaller, lower, dimmer sign will be similarly effective to the proposed sign.

H. Hazardous Materials: Not Applicable

The proposed change to the sign does not involve hazardous materials.

I. Off-Site Impacts: Complies

While the proposed sign exceeds both the maximum sign height and area in the Zoning Regulations and the maximum unshielded lumen count established by the Light Pollution Code, the proposal actually decreases each of these three items. The height is decreasing from 70-feet to 62-feet, an 11.4-percent decrease, and the area is decreasing from 370-square feet to 266-square feet, a 28.1-percent decrease. The lumen decrease is even more substantial. The current array of signs on these poles produces 191,372 lumens. The proposed sign, running at the factory standard 10-percent capacity produces 6,130 lumens, a decrease of 96.7-percent. If the proposed sign is increased to full capacity of 61,300 lumens, the decrease is still 68.0%. In addition, the proposed red on black and green on black is less obtrusive than the fluorescent white light produced by the current sign. On its own, if the sign was newly proposed, the impacts may be deemed unacceptable; however, as the proposed sign improves the existing permitted situation in every measureable way, Staff deems the impacts acceptable. See Attachment.

J. Water Conservation: Not Applicable

The sign change will not affect water usage.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on May 22, 2014, and published a legal notice in the *Bisbee Observer* on the same date. To date, the Department has received one response supporting the Special Use.

VI. REQUESTED MODIFICATION

The Applicant has requested one site development standard Modification as part of this Docket:

1. A Modification to the Light Pollution Code defined limit of 2,000 unshielded lumens; the Applicant requests to allow 6,130 unshielded lumens.

The new proposed sign is 62-feet high and 266-square feet, which exceed the maximums of 24-foot high and 80-square feet permitted by the Zoning Regulations but are covered by the previous Variance, BA3-87-11, which permitted a sign of up to 70-feet in height and 366-square feet in area. The sign height and size are therefore in compliance, with only the amount of light not in compliance. In light of the massive decrease in lumen output, coupled with the decrease in both height and surface area, Staff is supportive of the request.

VII. SUMMARY AND CONCLUSION

If approved, the Special Use will replace an existing sign, which while granted a Variance for height and area, is out of compliance with the Light Pollution Code with a sign that, while still not in compliance with the Light Pollution Code, represents a substantial improvement in all measureable areas.

Factors in Favor of Approving the Special Use

1. With the requested Modification, the request complies with each of the six applicable Special Use factors used by staff to analyze such requests;
2. Off-site impacts will be decreased in relation to the existing sign;

3. The General Business Zoning Districts are established for such land use proposals, per Sections 1201.01 and 1201.03 of the Zoning Regulations; and
4. The local astronomy community supports the request.

Factors Against Allowing the Special Use

1. The sign fails to comply with the requirements of the Cochise County Light Pollution Code; and
2. One Citizens' Group (Scenic Arizona) opposes the proposal.

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. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

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

Sample Motion: *Madame Chair, I move to approve Special Use Docket SU-14-07, with the Conditions and Modifications to development standards recommended by staff; the Factors in Favor of approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Concept Plan and Sign Graphics
- D. Citizen Review and 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 303-05-010F

APPLICANT RAYMOND KLUMB

ADDRESS PO BOX 126
571 N. FRONTAGE ROAD PEARCE, AZ 85625

CONTACT TELEPHONE NUMBER (520) 826-5352

EMAIL ADDRESS: rkarach@rtc.net

PROPERTY OWNER (IF OTHER THAN APPLICANT) PETROLEUM WHOLESALE, LP

ADDRESS 8550 TECHNOLOGY FOREST PLACE
THE WOODLANDS, TX 77381

DATE SUBMITTED 04/09/2014

| | |
|---|--------------------|
| Special Use Permit Public Hearing Fee (if applicable) | \$ <u>300.</u> |
| Building/Use Permit Fee | \$ <u> </u> |
| Total paid | \$ <u>300.</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.)

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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? TRUCK STOP

2. What is the proposed use or improvement? REPLACE SIGN

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? _____

EXISTING USE - NO IMPACT

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

N/A

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)

N/A

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.

7. Provide the following information (when applicable): N/A

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

B. Number of employees: Initially: _____ Future: _____
 Number per shift Seasonal changes _____ N/A

C. Total average daily traffic generated: N/A

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

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

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

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

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

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 _____ N/A _____ per year _____

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. N/A

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 | | |
| Sewer/Septic | | |
| Electricity | | N/A |
| Natural Gas | | |
| Telephone | | |
| Fire Protection | | |

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

N/A

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.

N/A

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?

N/A

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? _____

N/A

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

N/A

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? _____

N/A

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.

SEE ATTACHED

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). EXISTING SIGNS BEING REPLACED

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

N/A

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)

N/A

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

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.) _____

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*. N/A

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).

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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 Raymond Klumb.

Print Applicant's Name RAYMOND KLUMB

Date signed 03/07/2014

A 52



Legend

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

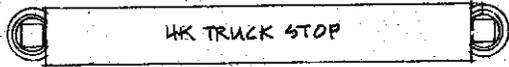


SU-14-07
Location Map

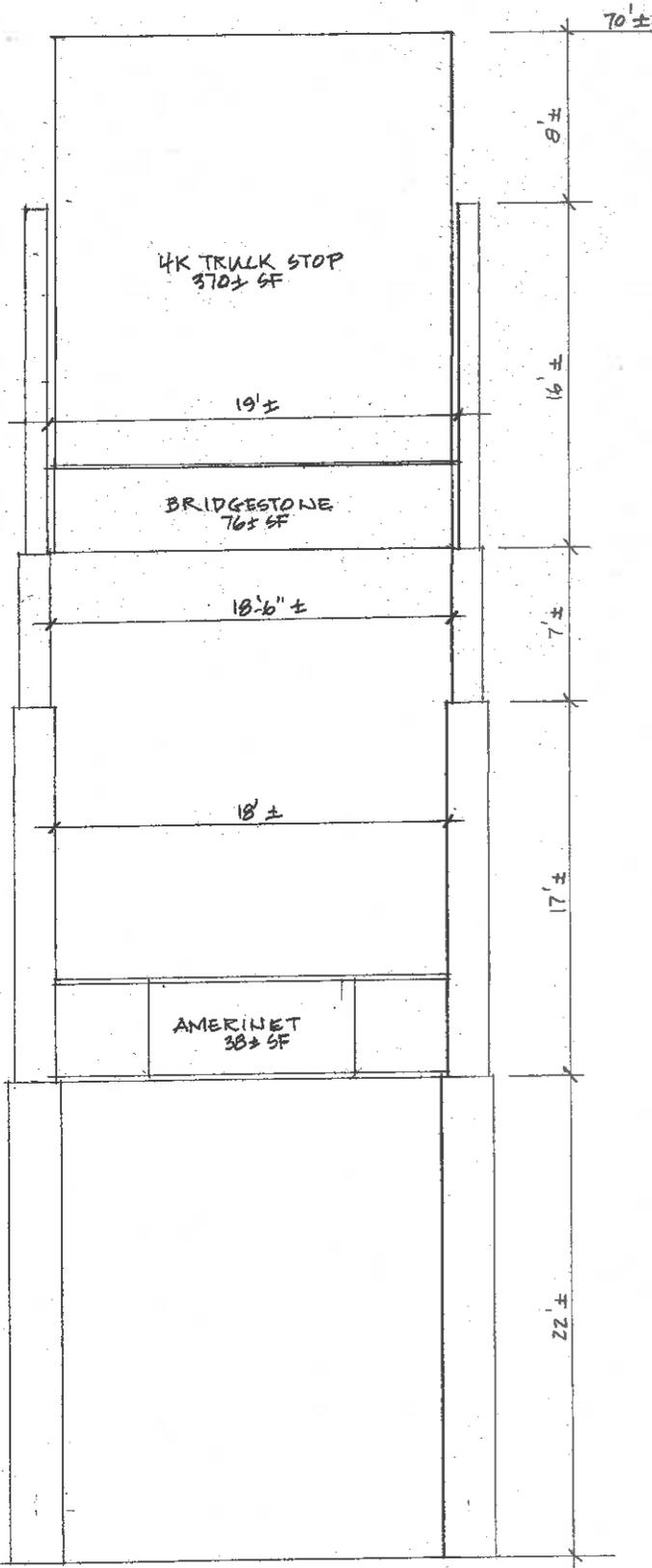
This map is a product of the
Cochise County GIS
Information Technology Dept.



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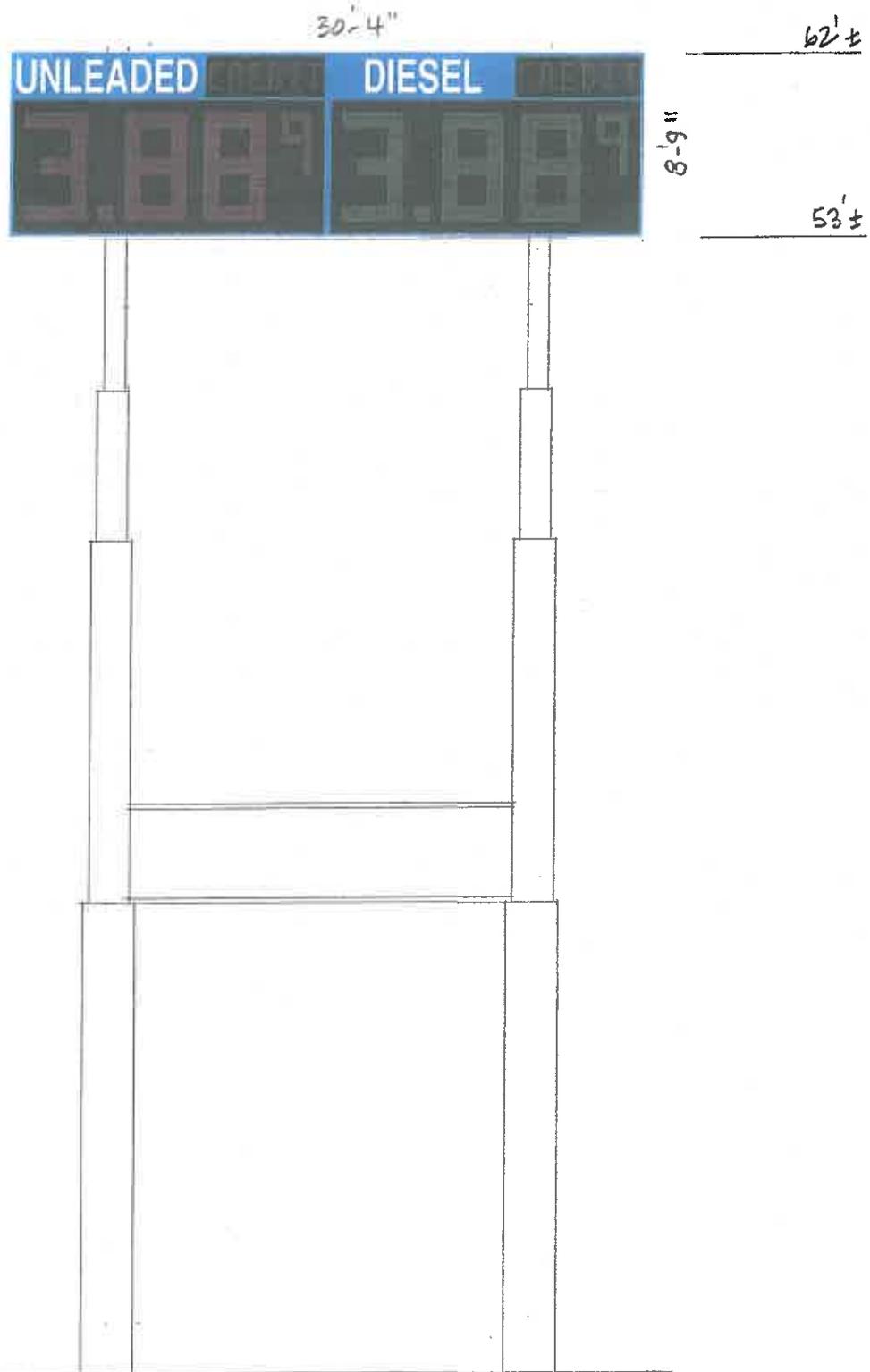


PLAN VIEW



SIGN A - ELEVATION (EXISTING)
3/16" = 1'-0"

C55



SIGN A - ELEVATION (PROPOSED)
 3/16" = 1'-0"

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 C

March 7, 2014

RE: 4K Truck Stop
2521 W. Business 10
Parcel No: 303-05-010F
San Simon, Cochise County, AZ

Dear Neighbor,

My name is Ray Klumb and I represent the owners of the 4K truck stop located at exit 362 off Interstate 10. The owners of the property are seeking a special use permit from Cochise County to replace the three existing pole-mounted signs with a double-sided fuel price sign with LED-type lighting.

The sign will not be animated, but will be changeable to reflect cash/credit prices and/or gasoline/diesel prices. The colors of the LED lamps will be red and green and the display will be dimmed to 10% of maximum brightness at night.

The owners of the truck stop are in the midst of a major renovation of the facility and the new sign is seen as an extension of that renovation and a way to advertise their location.

When compared to the total of the three signs being replaced, the new sign will be:

- 10% shorter
- 45% smaller
- 96% less bright in terms of lumen output

The existing signs are illuminated by 48 fluorescent lamps; the proposed sign has nighttime illumination equivalent to less than 3 fluorescent lamps.

Thank you for your consideration.

Submit written comments to: Raymond Klumb, Architect
PO Box 126
Pearce, AZ 85625

Email comments to: rkarch@vtc.net

Call me: (520) 826-5352

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April 9, 2014

To: Cochise County Planning & Zoning
Re: 4K truck Stop
2521 W. Business 10
Parcel No: 303-05-010F
San Simon, Cochise County, AZ

Citizen review letters were mailed on Friday March 28 to the addresses provided by the County. To date I have had no response.

Raymond Klumb, Architect
Agent for the Owner

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COCHISE COUNTY

Robert L. Gent, Lt Col, USAF, Ret.
4204 South Hohokam Drive
Sierra Vista AZ 85650

MAY 27 2014

PLANNING

520-378-2915
RLGent@cox.net

May 23, 2014

Peter Gardner
Cochise County Community Development Department
Planning, Zoning, and Building Safety Division
1415 Melody Lane, Building E
Bisbee, AZ 85603

Dear Mr. Gardner:

Thank you for inviting us to comment on the special use permit for the digital gas price sign at the San Simon truck stop. I am writing to you on behalf of the Huachuca Astronomy Club of Southeastern Arizona, the Cochise County Association of Astronomical Observatories, and the Director of the MMT Observatory (A joint Smithsonian Institution and University of Arizona research facility).

Since the height of the sign is being reduced from 70 feet to 62, the total lumen output is being reduced, the LED sign will be set at no more than 10 percent of maximum brightness at night, and the sign is composed of red on black and green on black, we would not oppose this sign.

We all know that LED signs can be adjusted such that their brightness is unacceptably high, so it would be best if the level could be regularly monitored. At night, we would also recommend a maximum brightness of 300 candela per meter squared as long as the sign is red or green on black.

Also, digital signs can have animation and rapidly changing messages. We hope animation will not be allowed, and the message interval timing will be limited. One change per hour should be considered. Otherwise, this could be a distraction to drivers and be adverse to traffic safety. Normally, we would not favor LED signs in general, but in this case it's actually an improvement over the existing sign (which is quite bad).

I would encourage you to seek comment from the nearby residents who might favor other restrictions on this proposed sign. This could be a good time to bring the sign into compliance with newer county codes such as height restrictions. In addition, tall signs like this do little to improve the scenic beauty of Arizona. Scenic Arizona may have additional comments on this sign.

Respectfully,

Robert L. Gent

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Scenic Arizona

May 28, 2014

Cochise County Planning Commission
c/o Peter Gardner, Planner I
Cochise County Community Development Department
Planning, Zoning, and Building Safety Division
1415 Melody Lane, Building E
Bisbee, AZ 85603

Via Email as Attachment

RE: Special Use Application to Allow Electronic Signage in San Simon (SU-14-07 Klumb)

Honorable Chair and Members of the Planning Commission:

Scenic Arizona is a statewide organization founded in 2001 and whose purpose is to protect and enhance Arizona's natural beauty for the benefit of the public. We are based in Pima County, where much of our activity occurs, but have members and affiliates throughout the state.

Having heard from members in Cochise County, we would like to express concern about the Special Use application that would provide for an extraordinarily large and tall electronic fuel price display that would be visible for great distances in each direction and degrade the visual landscape. We are particularly concerned because this location is the first populated area encountered by visitors entering Arizona from the east on I-10 and the proposed signage would send the wrong message about how Arizona treats its scenic resources. We are also concerned that the proposed signage would greatly exceed current height and size limitations and not comply with the prohibition on intermittent sign illumination.

Scenic Arizona generally opposes electronic signage on the basis that: a) virtually all Arizona installations to date are of such brightness as to unduly stand out from the surrounding visual landscape (including illuminated non-electronic signage); b) frequent copy changes and other forms of motion are distracting and mar the visual quality of the streetscape; c) electronic signs consume large amounts of energy for daytime illumination and therefore run afoul of the sustainability criteria that so many jurisdictions have embraced; d) the brightness levels and motion distract drivers from the task at hand, thereby raising traffic safety concerns; and e) the difficulty in maintaining code compliance where some limitations can be readily violated with no more than a few reprogramming keystrokes.

Scenic Arizona does, however, understand that in certain applications, particularly where manual changes of numeric displays are problematic, electronic signage may have a place. Such

3935 East Calle de Jardin Tucson, Arizona 85711

Scenic Arizona is an affiliate of Scenic America

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allowances, however, need to be subject to clear and distinct limitations. As such, Scenic Arizona urges that if you are so inclined to approve the special use that you only do so subject to the following conditions:

1. The electronic cash/credit display is deleted from the plan and the balance of the electronic display is limited to static numerals only (effectively fuel prices) with a maximum of one display change per 24-hour day.
2. The luminance of the gas price electronic display is limited to 150 nits (candela/square meter) from one-half hour before sunset until one-half hour after sunrise and 3000 nits at other times; and that such luminance levels be factory-set and password protected.
3. The overall sign height is limited to 40 feet above base grade.
4. The overall sign area (outer cabinet dimensions) is limited to 200 square feet, of which the electronic gas price display cabinet area is limited to 100 square feet.

Please find attached a more detailed analysis in regard to the application and each of the foregoing conditions.

Thank you in advance for consideration of our views and we hope you are able to act in a manner that helps to protect and promote the scenic resources of our wonderful state.

Sincerely,



Mark Mayer
Governmental Affairs & Outreach Coordinator
520.326.4522
mmayer1@mindspring.com

Attachment

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Scenic Arizona

May 28, 2014

Analysis of Special Use Application for Electronic Sign in San Simon (SU-14-07 Klumb)

Nonconforming Structure

As a threshold matter, the legal status of the existing sign should be determined. The applicant offers no permitting records, construction plans, or other documentation to meet its burden in this regard. If this burden cannot be met, the application should be treated wholly as one for a new sign with no justification that references the existing sign. It should be noted further that under the Cochise County Zoning Regulations (CCZR) that even if nonconformance is established (i.e., a lawful status), a nonconforming structure may not be altered unless such structural alteration complies with current zoning regulations (Sec. 2003.04).

Intermittent Illumination.

The application proposes to have alternating price signs that flash off and on between cash and credit. Based on installations observed in other jurisdictions, these changes would occur every few seconds or so. As such, this proposal does not comply with the CCZR prohibition on intermittent or flashing sign illumination (Sec. 1903.05). Scenic Arizona therefore urges that the electronic cash/credit component of the sign that would facilitate such flashing/intermittence therefore be deleted as a condition of any Special Use approval. As to the balance of the electronic display, there should also be express conditions limiting it to numeric display only and that the display not be changed more often than once per day.

Luminance

The lead concern Scenic Arizona has with electronic signage is the brightness of the displays and how they unduly stand out and distract the viewer relative to the surrounding visual environment. Indeed, the website of proposed displays' manufacturer touts their signs as being the "boldest" and "brightest" on the market and having "ultra-bright LED's". In contrast, Scenic Arizona's view is that any allowance for electronic signs should be on the condition that luminance, in both daytime and nighttime conditions, not exceeds that of ambient conditions.

Scenic Arizona has experience with LED fuel prices signs within the City of Tucson that have been permitted subject to a nighttime luminance limit of 200 nits (candela/meter squared). These displays still stand out to some degree, but far less so than counterparts installed without such limits. Based on this experience and the darker ambient light conditions in San Simon, Scenic Arizona urges that a limit of no greater than 150 nits be a condition of any special use approval for the period from one-half hour before sunset until one-half hour after sunrise. We further urge that a limit of 3000 nits be applied for the remaining time of the day and that both nit limits be factory set and password protected in a fashion to preclude end user adjustment.

It should be further noted that the application is greatly flawed in terms of its characterization of the brightness of the existing sign. It appears that the stated lumen counts are derived from manufacturer's literature for fluorescent lamps and not for any measure of light transmitted from the surface of the sign's display panels. Light output at the fluorescent lamp surface is greatly reduced by its transmittal through the display panels, as much as 80-90% for the darkest surface areas (e.g., the dominant red and black areas of Sign A2 (Bridgestone panel)). Such lumen degradation does not occur with the LED bulbs as the lamp itself is directly viewed. To any extent the condition of the existing sign is relied upon, the applicant should be required to clarify the methodology used to determine the lumen counts. The applicant should also be required to provide manufacturer's literature to substantiate the lumen counts provided for the propped LED's as well their maximum nit ratings.

Height

The proposed sign would have a height of 62 feet, more than twice the 24-foot limitation specified in the CCZR (Sec. 1907.02(A)). Even in an interstate highway application, a sign with a height equivalent to that of a six story building is grossly excessive. This is particularly so given that little or nothing in the nearby built or natural environment matches such a vertical dimension. In this light Scenic Arizona urges that the sign be limited to no more than 40 feet in height, which should be more than sufficient to provide necessary visibility to motorists at a reasonable distance (this is still five feet taller than the CCZR height limit for billboards).

To the extent that the existing sign structure bears on any consideration, it should be noted that renderings in the application only offer height approximations. An accurate height (measured from base grade) should be obtained either through a stamped survey provided by the applicant or measured by County staff if the capacity exists to do so. If this is not feasible, then the height limitation should also include a "whichever is less" reference to not exceed a certain distance below the top of the existing pylons.

Size

The proposed sign would have a size of 265.4 square feet, more than three times the limitation of 80 square feet specified in the CCZR (Sec. 1907.02(A)). The area of the electronic price display cabinet area alone would constitute about 245 square feet, an enormous size for this application in a virtually rural setting. In contrast, a recently installed electronic gas price display on a freeway sign on I-10 near downtown Tucson is a mere 34.6 square feet and plainly visible for substantial distances. Two such signs would therefore total 69.2 square feet and any size substantially larger than that for the San Simon sign would unduly dominate the visual character of the area. Scenic Arizona urges that the electronic display cabinet area be limited to no more than 100 square feet in area, which could accommodate the manufacturer's nominal 48" tall numerals, the next size down from that proposed (nominal 60"). We would further urge that the overall sign not exceed 200 square feet in area, which would still allow for a (non-electronic) identification band, if the applicant so chose to add one, in addition to the non-electronic fuel type band.

FIN.

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COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Michael Turisk, Planning Manager *(Signature)*
FOR: Beverly J. Wilson, Planning Director *(Signature)*
SUBJECT: Docket SU-11-10A (Graybill)
DATE: May 27 2014, for the June 11, 2014 Meeting

APPLICATION FOR A SPECIAL USE MODIFICATION

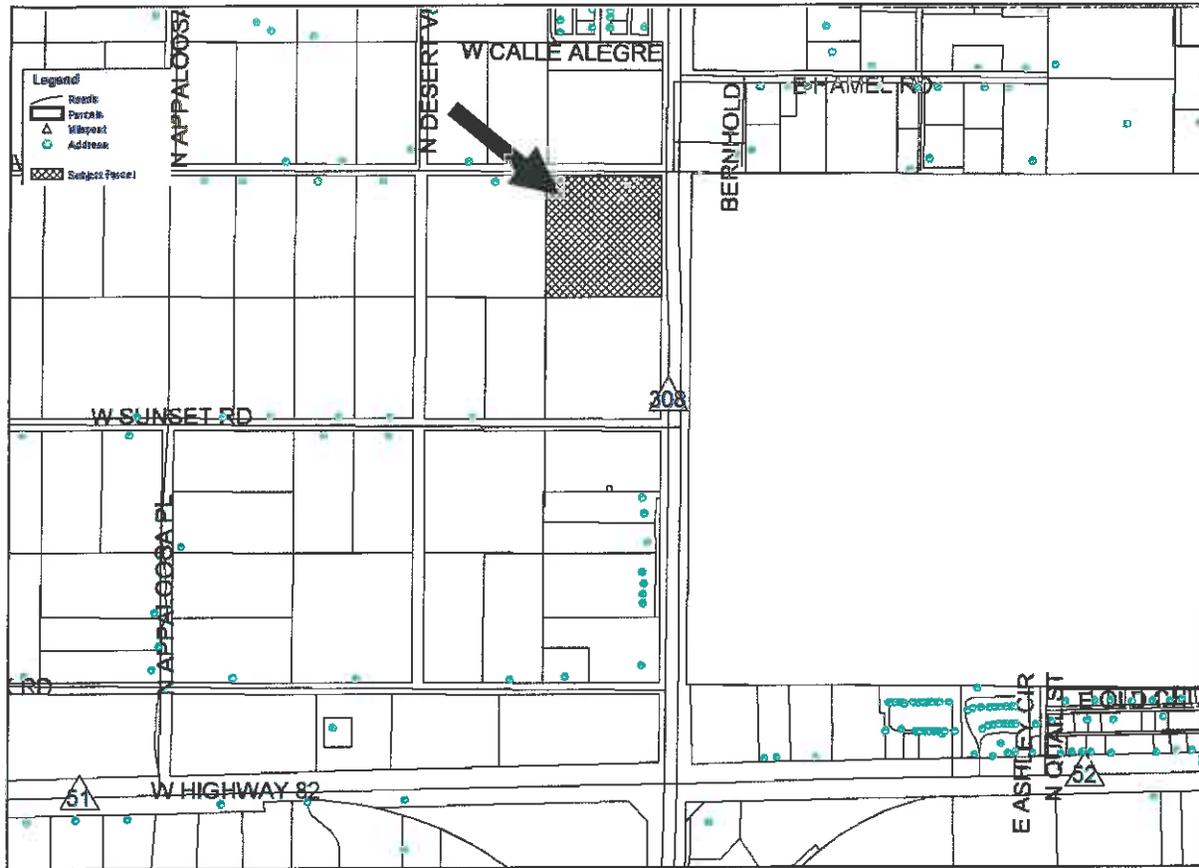
The Applicants, Donna and Wesley Graybill, have requested a Special Use Modification authorization to include a Recreational Vehicle Park (to serve 4 RVs), an Animal Exhibit and Educational Services land uses, per Sections 607.02, 607.05 and 607.25, respectively. A Special Use Permit was granted in 2011 to the previous property owner for Outdoor Recreation to permit agricultural-related public recreational uses, including hay rides, barrel train rides and a petting zoo. The subject parcel (106-05-001) is located at 30 West Ivey Road at the corner of SR90 in the Whetstone area.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 8.69-Acres
 Zoning: Rural (RU-4)
 Growth Area: Category B
 Plan Designation: Developing
 Area Plan: Sierra Vista Sub-watershed
 Existing Uses: Agricultural uses (vegetable garden, seasonal pumpkin patch, orchard, farm animals); single-family residence; accessory structures such as animal/fowl enclosures and a garage/office

Zoning/Use of Surrounding Properties

| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|-----------------|-------------------------------|
| North | RU-4 | W. Ivey Rd.; undeveloped land |
| South | RU-4 | undeveloped land |
| East | RU-4 | SR90; undeveloped land |
| West | RU-4 | single-family residences |



Location of subject parcel shown in crosshatch.

II. PARCEL HISTORY

2005 – A Land Clearing permit was issued for 8.5-acres; a building permit was issued for a 1,352-square foot garage; a right of way permit was issued; and a sanitary septic system permit was issued.

2010 – A building permit was issued to remodel the garage and to add a 120-square foot porch to create a single-family residence; a 720-square foot well house was included. A permit was issued for construction of a 5,000-gallon concrete water tank.

2011 – Special Use Authorization approved for Outdoor Recreation.

III. NATURE OF REQUEST

The Applicants have requested a Modification of a Special Use authorized for the previous property owner in 2011 for Outdoor Recreation. The approval authorized the establishment of an agricultural-related public recreation in the form of a petting zoo, barrel train rides, and a hay bale maze. The Applicants, who live on site, would like to expand the agricultural theme of the “Little Family Farm” and enhance the visitor experience by also offering tours, and farming and gardening-related workshops. Educational services would be tailored for children, church groups, and nursing home residents. Special events would include antique tractor shows and harvest festivals. The Applicants intend to offer a variation on the petting zoo approved in 2011 by establishing an “animal exhibit” as part of the educational component of the project.

As suggested, the property continues to accommodate various agricultural uses including a vegetable garden, orchard, various barnyard animals and fowl, but also has a single-family residence, garage, office and several additional accessory structures. A year-round farmers market would offer produce and eggs grown on site. A single advertising sign exists along the west SR90 frontage, and one “Welcome” sign is posted near the entrance as seen in the photo below. No new signs or lighting are proposed at this time, and no new construction is anticipated, and large vehicle traffic would include buses to transport schoolchildren and elderly and disabled visitors. Occasional FedEx and UPS deliveries would also occur.

The hours of operation would be seven days per week at peak season (April-October) from 9a.m. to 9p.m., and Friday, Saturday, and Sunday or by appointment during the off-season. Anticipated peak season traffic count is 40-50 vehicles per day. The Applicants would operate and maintain the facility.



View westward from entrance to the “Little Family Farm.” W. Ivey Rd. at right

The Applicants are also seeking authorization to allow for up to four recreational vehicles (RVs) in order to accommodate seasonal employees and interns. Per the Zoning Regulations, the presence of four or more RVs constitutes an RV Park, hence the need for a formal request.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10 factors which are used to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use, as well as to determine what Conditions and/or Modifications may be needed. Of the nine factors that apply to this request, all nine comply (three with Conditions and one with Modifications).

A. Compliance with Duly Adopted Plans: Complies

Per the Comprehensive Plan, *Category B Growth Areas* exhibit a logical transition between urban growth and rural areas and typically have a distinctive community identity. The property and surrounding areas exhibit transitional characteristics between the more developed areas to the south and the decidedly more rural character to the north by having scattered non-residential uses and more prevalent larger residential sites. As a development within a Category B Growth Area, the project would conform to these criteria.

In addition, the property carries a *Developing (DEV)* Comprehensive Plan designation, areas identified as being developed with scattered, mixed residential, business and/or industrial and agriculture-related uses. Developing (DEV) areas are anticipated to accommodate future growth as more populated areas nearby reach build-out.

B. Compliance with the Zoning District Purpose Statement: Complies

Rural zoning districts are established to preserve rural character and to provide recreational support services that are compatible with rural lifestyles. The activities approved in 2011 and the proposed Modification under consideration harmonizes with the purpose of the Rural zoning districts by providing distinct and uniquely rural or agricultural-type activities.

C. Development Along Major Streets: Not Applicable

This factor considers if the project would limit the number of access points on major thoroughfares, arterials, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods. West Ivey Road is a County-maintained rural minor access road. Per the County’s Highways Department, a right-of-way permit for the proposed uses would not be required.

D. Traffic Circulation Factors: Complies with Condition

Traffic would be generated via SR90, a State-maintained highway, then onto County-maintained West Ivey Road, but not through a residential area. This location is appropriate for the proposed uses as proposed, and conceptually, the request is in keeping with other permitted uses on this site. Per the County’s Transportation Planner, the mix of uses proposed and the number of estimated employees produces a generic traffic estimate averaging 88 vehicle trips per day.

A challenge, however, is that the residential use driveway, currently proposed for access, is within 100-feet of the SR90 intersection. Because the gateway entry is located farther west on West Ivey Road, visitors occasionally miss or disregard the residential driveway in seeking access. As a result, having then bypassed the access driveway, some visitors appear to be turning around farther west on West Ivey Road and in some cases, have been observed turning around on private property.

If the proposed Modification is granted, clarifying the access and gateway feature would help visitors correctly and safely make the necessary left turn onto the property, thus minimizing trespass onto private property.

Another concern is spillover parking onto West Ivey Road, particularly during the peak autumn season. Proposed additional language in standard Condition 3 speaks to the need for the Applicants to identify on-site areas on the submitted site plan at the time of non-residential permit application that would accommodate potential overflow parking.

The escalating changes of use on this site and the scale and variety of uses now proposed may make previous waivers for limited apron radii and the use of the residential driveway granted by the Highway Dept. and County Engineer no longer appropriate. A commercial apron would continue to be required; however, it appears that full radii, will likely be needed given the anticipated increase in large vehicle traffic. At the time of commercial permitting the commercial apron connection to West Ivey Road would need to be reviewed. There is also concern about the location of the commercial apron for access but this can be discussed and resolved with the Applicants during the post-approval, commercial permitting phase (*see memo dated 29 May from County Transportation Planner, attached*).

E. Adequate Services and Infrastructure: Complies

The site is served by an on-site well and septic system. SSVEC provides electricity, and the Whetstone Fire Department provides fire protection. The project takes access from a road that is adequate for the use. During the seasonal uses proposed, portable toilets would be provided, as the existing septic was not designed for commercial uses.



Single-family residence as viewed from the west.

F. Significant Site Development Standards: Complies with Modifications

Site development standards would be met with the exception of the screening requirement for non-residential uses in Category B Growth Areas; the Applicants have requested allowing the existing garden and orchard vegetation to qualify as an approved screening method. Modifying this site development standard would preserve the rural character of the site. Because the proposed uses would enhance what is considered a use typically found in agricultural or rural areas, Staff supports the request.

As noted in Section III on p.3, the Applicants have requested authorization to have up to four RVs on site to allow “teach and/or work for space” opportunities. Per the Zoning Regulations, the presence of four or more RVs constitutes an “RV Park” and as such triggers dedicated or specific site development standards. The Applicants have not designated a dedicated RV parking area, but rather, would like to allow RVs to be scattered throughout. Because this arrangement is not a typical RV Park in terms of the number of RVs proposed and the type of RV parking provided, it is difficult at this more conceptual phase to determine whether RVs would be parked in a manner that would comply with minimum dedicated site development standards. Therefore, Staff recommends modifying the site development standards applicable to RV Parks to allow the Applicant more flexibility in RV placement, but at the same time allow Staff opportunity to review for adequate internal circulation at the time of non-residential permit review. This proposed Modification language is folded into standard Condition 3 described at the end of this memorandum.

The availability of adequate parking has been questioned, as overflow can occur onto West Ivey Road during peak season. Staff counted approximately 20 designated on-site spaces, including an improved disabled space. To mitigate this parking adequacy concern, the Applicants have indicated that during these peak periods volunteers would be used to direct traffic to designated on-site parking areas to avoid visitor confusion regarding the availability of on-site parking that can result in overflow onto the West Ivey Road right-of-way.

All driveways, parking and surface areas in Category B Growth Areas must be improved with DBST. The Applicants have indicated that these areas would be improved to this standard.

G. Public Input: Complies

The Applicants completed the requisite Citizen Review by mailing letters to property owners within 1,000-feet of the subject property, per the requirements set forth in the Zoning Regulations. The Applicants also submitted petitions of support with 60 signatures at the time of submittal, although it should be noted that a number of signatories listed addresses that are outside of the immediate subject area.

Several nearby property owners sent various questions to the Applicants, and at least one property owner requested a meeting. The Applicants obliged by hosting a public meeting in order to introduce themselves, the proposed project, and to address questions and concerns. Twenty-five participants, including Dr. Maria Church, a local professional leadership coach, published author and facilitator, attended.

Concerns have been raised by neighbors about roaming cats and the potential for the property to be used as a de facto animal rescue facility; this concern is based in part on Mrs. Graybill’s affiliation with the Cochise County Humane Society. Mrs. Graybill has assured neighbors as well as Staff that the site would not be used for such purposes.

However, a proposed Condition of approval would ensure that such a use would not be permitted without the benefit of a public hearing.



Vegetable garden and orchard

H. Hazardous Materials: Complies with Condition

The submitted application indicates that no hazardous or polluting materials would be stored on site, but considering the agricultural nature of the use it is suggested that herbicides and pesticides would be stored. If approved, the Applicants must submit Material Safety Data Sheets (MSDS) for materials considered potentially hazardous.

I. Off-Site Impacts: Complies with Conditions

Aside from ingress and egress, the expanded uses would have minimal off-site impacts. During the peak season in autumn, noise generated would include the sounds of children enjoying the gardens, animals, and other activities. The submitted application indicates that all parking areas and driveways would be improved with DBST, so transient dust would be reduced from what currently occurs.

Vectors would be controlled via “fly bags”, and the current native surface of the horse enclosure/corral would be converted to a sand base to discourage vector breeding. Note that per statute, all animal concentrations (e.g., corrals; runs) and manure piles must be a minimum of 50-feet from all property boundaries. Manure from farm animals would be routinely removed and added to any excess plant material for composting.

Staff recommends a Condition of approval that would require the Applicants to submit a written vector and odor control protocol prior to permit issuance.

J. Water Conservation: Complies

As a non-residential development larger than one acre, the project is considered a "major development" with regard to the Comprehensive Plan Water Conservation Policies (per Section 102.E). The gardens and orchard require regular irrigation, which is provided by a timed drip irrigation system, a method of irrigation considerate of water conservation, and manual watering of the animals. The property lies within the bounds of the Sierra Vista Sub-watershed, and thus must comply with the water conservation policies contained therein.

V. PUBLIC COMMENT

The Department completed the required legal advertising, mailed property owner notices to those property owners within 300-feet of the subject property, per the notification requirements for Special Use requests in Category B Growth Areas, and posted a legal notice at the site. To date, the Department has received one form letter of support and one letter requesting that the application be denied.



Garage and office

VII. SUMMARY AND CONCLUSION

The Applicants have requested a Modification of a Special Use approved for a previous property owner in 2011 for outdoor recreational activities.

The Special Use authorized a petting zoo, barrel train rides, and a hay bale maze on the site that has a pumpkin patch, vegetable garden, and orchard. The Applicants would like to expand the theme of their “*Little Family Farm*” by providing agricultural tours and on-site agricultural and farming educational services and workshops to interested members of the public, particularly local schoolchildren, day care centers, churches, and nursing homes. The proposed activities are in keeping with the purpose of the Rural zoning district, the largely agricultural use of the property and are considered reasonable extensions of the existing agricultural-related uses and the Special Use authorized in 2011. As noted in previous Sections, several neighboring property owners have raised various concerns regarding this request to expand the suite of activities. However, any off-site impacts generated by the uses may be adequately mitigated through the proposed Conditions of approval listed below.

Factors in Favor of Approving the Special Use

1. The proposed activities are in keeping with the purpose of the Rural Zoning district;
2. The project would serve and support the community, by providing opportunity for children and families to experience the fall/harvest season and to foster an interest in and understanding of agriculture and locally-grown foods;
3. The Applicants would be enhancing a unique, family-oriented agricultural-themed recreational opportunity in the southwestern portion of the County relatively close to populated Sierra Vista. Typically these types of agricultural-related activities occur in the more rural northern and eastern thirds of Cochise County;
4. The proposed activities would be largely seasonal in nature by generating the most visitors during the autumn harvest season;
5. The proposed activities would complement the existing approved agricultural and agricultural-related activities. Also, the request for an animal exhibit is considered only a slight variation on the previously approved petting zoo;
6. With the granting of the requested site development standard Modifications, the project would conform to all applicable of the Special Use Factors;
7. The subject property lies along SR90, an improved and State-maintained highway. As such, the site is considered an appropriate location for many non-residential activities, including those proposed by the Applicants; and
8. One property owner has submitted written support for the project, and the Applicants submitted a petition in support with 60 signatures.

Factors Against Allowing the Special Use

1. The nature and location of the non-residential activities suggests a potential for off-site dust and traffic/parking impacts upon area residences unless mitigated; and
2. One property owner has communicated written opposition, citing concerns about hours of operation, the presence of RVs, noise, parking and vectors. Some residents are also concerned about the potential for the site to be used as a de facto animal rescue facility.

VIII. RECOMMENDATION

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

1. The Applicants shall be limited to four (4) personal and/or employee-related recreational vehicles at the site at any given time;
2. The Applicants shall not use the site as an animal rescue facility;
3. Prior to permit issuance a written vector and odor control program shall be submitted to the Department;
4. Prior to permit issuance, the Applicants shall submit Material Safety Data Sheets (MSDS) for any materials considered potentially hazardous;
5. Prior to permit issuance, a revised written request for Variances and/or Waivers and their justification(s) shall be submitted to the County Engineer for review and approval regarding minimum commercial driveway standards;
6. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall submit and obtain a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan indicating the location(s) of overflow parking areas and driveway dimensions, for example, and shall be in conformance with all other applicable site development standards (except as modified/waived, including those site development standards dedicated to RV Parks) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, 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;
7. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
8. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

Staff also recommends that the following Modifications discussed above be applied to the land uses as part of such approval:

1. To allow the existing garden and orchard vegetation to qualify as an approved screening method; and
2. Because the RV Park is considered atypical, to modify the site development standards applicable to RV Parks to allow flexibility in RV placement, and allow Staff the opportunity to review for adequate internal circulation at the time of non-residential permit review.

Sample Motion: Madame Chair, I move to approve Special Use Docket SU-11-10A, with the Conditions and Modifications of development standards recommended by Staff; the Factors in Favor of approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Special Use Application
- B. Concept Plan
- C. County Department Comments
- D. Sierra Vista Herald article dated 22 March 2014
- E. Citizen Review, Public Comments, Petition of Support



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE

(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 106-05-001

ZONING DISTRICT _____

APPLICANT: Wesley J + Donna D Graybill Little Family Farm

MAILING ADDRESS: 30 W Ivey Road, Huachuca City, AZ 85650

CONTACT TELEPHONE NUMBER: 520 378-2109

PROPERTY OWNER (IF OTHER THAN APPLICANT): _____

ADDRESS: _____

DATE SUBMITTED: 4-25-14

| | |
|---|----------------------|
| Special Use Permit Public Hearing Fee (if applicable) | \$ _____ |
| Building/Use Permit Fee | \$ _____ |
| Total paid | \$ <u>150</u> |

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 x 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.

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

Estimated total gallons of water used: per day ~50 per year ~18,250 (per Clark, 4.29.14)

E. 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.

F. Does your parcel have permanent legal access**? Yes X No ___

If no, what steps are you taking to obtain such access?

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

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

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

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

Attached _____ NA _____

H. Identify how the following services will be provided:

| Service | Utility Company/Service Provider | Provisions to be made |
|-----------------|----------------------------------|-----------------------|
| Water | <u>Well</u> | |
| Sewer/Septic | <u>Septic</u> | |
| Electricity | <u>SSUSC</u> | |
| Natural Gas | <u>N/A</u> | |
| Telephone | <u>Cell phones</u> | |
| Fire Protection | <u>Wetstone Fire</u> | |

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

fruits, vegetables, eggs

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 will be utilized.

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.

7. Provide the following information (when applicable):

- A. Days and hours of operation: Days: _____ Hours (from _____ AM to _____ PM) Hours will vary based on planting/harvesting and seasonal activities.
- B. Number of employees: Initially: 0 Future: _____ Will utilize Ag Interns to teach land uses and work campers in RVs est.
Number per shift Seasonal changes 3-4 RV work campers depending on season.
- C. Total average daily traffic generated:

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

Week ends will be the busiest in fall est. 40-50 vehicles/day

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

Minimal trucks ups, fed ex deliveries

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

Jury Rd. East Hwy 92

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

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

Week ends in fall.

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

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

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

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

PART TWO - QUESTIONNAIRE

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

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

1. What is the existing use of the property? Agriculture

2. What is the improvement? Outdoor recreation, educational venue barnyard of animals for community.

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?

Tours for schools, daycares, churches, nursing homes, senior centers, community outreach with educational activities. Farmers markets and expos for agricultural resources.

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SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Farmers markets, educational tours and classes

Birthday parties, picnics, reunions, gardening and barnyard seminars.

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

garden tractors and general ag use equipment

wheelbarrows, wagons etc.

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?

Occasional noise from garden tractors

and use of microphone during educational events

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?

Farm animals waste will be cleaned ^{as needed} ~~daily~~ to be used
for fertilizer in the garden (1 mgt horse - 1 miniature horse
6 goats, 5 bunnies and approx 400-500 chickens & ducks.

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?

Because of having animals flies will be prevalent.

Fly control will consist of bags and horse area

will be turned into sand base.

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.

Nothing beyond existing farm lighting.

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. Entrance Sign 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). Not at this time

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)

DBST

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

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

SECTION C - Water Conservation and Land Clearing

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

N/A

2. How many acres will be cleared? 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.)

SECTION D - Hazardous or Polluting Materials

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

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

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts.

The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

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

Applicant's Signature Donna Gaybill

Date signed 4-25-14



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

Date: May 29, 2014
To: Mike Turisk, Planning Manager
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Greybill Animal Exhibit/Educational Services: SU 11-10A/Parcel #106-05-001

In 2011, an application was made for a seasonal activity related to an on-site pumpkin patch: this use was treated as an exempt agricultural use. Later that year the same applicant proposed expanding this existing pumpkin patch use on their property to include seasonal hay rides, barrel train rides and a small petting zoo. The applicants stated at that time an intention for the use to be seasonal and accessory to their agricultural uses. Multiple waivers from design standards were requested and granted. Among them was a request to be allowed to use an existing residential driveway access (Right of Way permit #2010 0303 obtained on March 4, 2010). The applicant was advised that at the Commercial Permitting phase a commercial apron would be required unless a written request to the County Engineer for the requested waiver was approved. In addition, waivers were granted by the Planning and Zoning Commission allowing the use of native surfaced driveways and parking areas.

The applicants then sold the property to a new owner and, earlier this year, the new owners (and applicants for this SUP modification) came to the County to find out why the Commercial Permit for the land use on their parcel was not completed.

Site Access

The site is located in the Whetstone area off of Highway 90 to Ivey Rd., a county maintained rural minor access road with a 20 foot cross-section. The roadway is not striped at this time. 60 feet of dedicated right-of-way was conveyed per Map and Platt Book 3, Page 159. A residential concrete driveway is in place within the parcel – located about 100 feet from the Highway 90 Right-of-Way Line. Commercial driveways, under the County's Roadways Design Standards have a minimum setback from intersecting major roadways of 150 feet. The new owners were advised of the requirement to either construct a Commercial apron to standards or to request a waiver from the design standards from the County Engineer. The new owners then subsequently applied for a permit with a request to modify the required turning radii of 35 ft to a 4 ft radii and to be allowed to add an extension on to their existing, and permitted, residential driveway.

A Commercial Permit (14-0068) was issued on Feb. 11, 2014 by the County's Highway Dept. with an approved waiver to allow expansion of the existing residential driveway to 40 ft with a 4 ft turning radii using a concrete (rather than asphalt) surface. This waiver was granted based on the proposed uses at that time and an assertion by the applicants that "large vehicles (bus) traffic is not frequent".

JB

The applicants were given one year (to Feb. 2015) to construct the new commercial apron; as of this date the expansion of the residential apron has not yet been constructed.

Modification Request

The new owners have now had time to develop a plan for their project on this site, now called The Little Family Farm. They propose revising the original special use proposal to include other uses of a more educational nature, including tours, increase their agricultural outreach to offer services such as Farmer's Markets and the retail sales of eggs and other agricultural products along with the seasonal activities originally proposed. In addition, the applicants anticipate a higher number of seasonal workers and request up to 4 RV's to be on-site for temporary housing.

Traffic Analysis

There is no specific traffic analysis in the ITE Manual, 8th edition for the variety of uses proposed by this applicant. Combining residential uses, animal attraction/small scaled zoo, agricultural activities and specialty/nursery retail sales on a site of this size and number of employees produces a very generic traffic estimate averaging 88.14 vehicle trips per day (about 44 vehicles over a 24 hour timeframe). More likely, on off-season and during most work days, vehicle trips would be less than that reflecting primarily agricultural and residential uses and during holiday and seasonal weekend events vehicle trips would be higher than that reflecting primarily the proposed educational and retail activities.

For this parcel's RU-4 zoning, the high end of the range for residential uses only, would be approximately 43 vehicle trips per day. This proposed use would likely double the potential vehicle trips from this site; however, those trips would primarily be off-peak, with seasonal variations. Traffic would be moving directly from a state highway to the site, via a county-maintained roadway, and not through a residential area or local roadways.

One challenge for this site is that the residential use driveway, currently proposed for access to The Little Farm, is within 100 feet of the highway intersection. The gateway entry is located further down Ivey Rd. and it appears that visitors miss or disregard the residential driveway seeking access to the Farm itself. Having then bypassed the access driveway, drivers appear to be turning around further down on Ivey Rd. at the property's east boundary and, in some cases, appear to be turning around on private property. Obviously, not all this off-road activity can be attributed to this use but it appears that if the proposed uses in this modification are granted making the access and gateway feature to this site very clear will help visitors correctly and safely make the necessary left turn into the Farm.

Recommendation

Conceptually, this modification request is in keeping with other permitted uses on this site. The location (at the intersection of a Highway and a County maintained roadway) is appropriate for a public attraction and agricultural sales as proposed.

However, the escalating changes of use on this site and the scale and variety of uses now proposed by the applicant may make previous waivers for use of the residential driveway and limited apron radii granted by the Highway Dept. and County Engineer no longer appropriate. A commercial apron will continue to be needed (as previously required) and it appears that full 35 radii, rather than modified radii, may be needed given the increase in larger vehicles (RV's and School Buses) proposed to be routine, rather than occasionally accessing the site.

At the time of commercial permitting for this proposed Special Use the commercial apron connection to Ivey Rd. will need to be reviewed. The preferable location for a commercial driveway to serve the proposed use would be approximately 425 feet from the ADOT Right-of-Way line accessing directly into the commercial portion of the site, not the residential portion of the site. We are aware that landscaping is all ready in place; however, should this use grow at all beyond a seasonal, temporary use moving the commercial apron access for this site would become a requirement, not a recommendation. Alternatively, the commercial apron would need moved as far to the east as possible from the residential driveway and provide a hard surface to the gated driveway. However, in this case we are aware that existing septic in this area may make this option difficult to implement. In any case, we do have a concern about the location of the commercial apron for access by visitors to this site but believe that this can be discussed and resolved with the applicant during the commercial permitting phase of this project.

Therefore, the previously granted Right-of-Way Permit 14-0068 and waiver will be placed on a temporary hold pending the decision of the Planning and Zoning Commission on this modification request. We have no objection to issuing the requested Special Use authorization with the following guidance to the applicant:

Applicant Guidance for Commercial Permit Phase

- Prior to submitting a Commercial Permit for this use the applicant should contact the Highway Dept. to discuss, and potentially modify, the Commercial Driveway Permit on file. A new written request for a waiver will need to be submitted to the County Engineer justifying any variances in the commercial driveway standard and location less than 150 feet from the Highway 92 Right-of-Way line. We are not conditioning this Special Use Modification to a specific location but will be conditioning the Commercial Use Permit to be in compliance with the final Right-of-Way Permit and County Engineer approvals on file with the Highway Dept.
- The site plan is adequate to illustrate the concept for this Special Use authorization request. It will not be adequate at the Commercial Permit phase. The applicant is advised that a revised site plan that clearly shows site and driveway dimensions as well as sight triangles (Roadway Design Standards D-300 & Zoning Regulation 1807.06) will be needed at the Commercial Permit stage. Property lines, right-of-way lines, set-backs, existing features should all be clearly identified and dimensions indicated.
- It is recommended that the applicant identify overflow parking areas for peak seasonal use of the site. Parking along the street is not desired and should this use result in frequent use of the roadway the applicants would be responsible for repairing the damage to the roadway and developing additional parking areas within their site.
- It is recommended that the applicant develop a pedestrian circulation plan and identify an area specifically for buses to pull up and drop off and pick up students/passengers so that they are not mingling with any other vehicle traffic on the site at that time.
- For this type of use, within an agricultural setting, the applicant may wish to apply for a waiver from the driveway and parking space requirements for paving in order to maintain the outdoor farmyard appearance. We would support such a waiver and would request that the applicant include dust control as part of their operation if the waiver is granted.
- The applicants are advised that changes to sign placement, size, lighting or other sign features may require a sign permit from the County as well as review by ADOT for compliance with the state advertising regulations.

cc: Docket SU-11-10A, County Engineer, Highway Dept.





Cochise County Health Department

Mary Gomez, Director

"Building A Healthier Future"

MEMORANDUM

To: Mike Turisk, Planning Manager
Cochise County Planning Department

From: Dan DeBee, R.S.
Cochise County Environmental Health Division

Date: May 14, 2014

Permit#: SU-11-10A Special Use

Parcel#: 106-05-001

We have no concerns or requirements regarding this permit. However, should the plans change to include food service the operator will need to submit plans and maintain a permit with our department.

If you have any questions or concerns contact Dan DeBee at 520-803-3930.

Thank you,
Jonathan "Dan" DeBee

Your County Questions Answered: www.cochisecounty.com

Email: health@co.cochise.az.us

Main: 1415 Melody Lane, Bldg. A, Bisbee, AZ 85603
Benson: 126 W. 5th Street, Benson, AZ 85602
Douglas: 515 7th Street, Douglas, AZ 85607
Sierra Vista: 4115 E. Foothills Drive, Sierra Vista, AZ 85635
Willcox: 450 S. Haskell Avenue, Willcox, AZ 85643

Phone: 520-432-9400
Phone: 520-586-8200
Phone: 520-364-5600
Phone: 520-803-3900
Phone: 520-384-7100

Fax: 520-432-9480
Fax: 520-586-2051
Fax: 520-364-5453
Fax: 520-459-8195
Fax: 520-384-0309



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

DATE: May 15, 2014

TO: Michael Turisk, Planning Manager

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

SUBJECT: Special Use Modification for Wesley and Donna Graybill (SU-11-10A)

Background: Wesley and Donna Graybill requested a Special Use Modification for Assessor Parcel Number 106-05-001. This request is for an Animal Exhibit and for Educational Services, per Sections 607.05 and 607.25. The original Special Use Permit was approved in 2011 for Outdoor Rec. Agricultural uses were previously designated Ag-exempt. 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:

- The subject property (APN 106-05-001) adjoins and derives access from W. Ivy Road, a County Maintained Road (MID #469) and State Route 90, a non County maintained road.
- W. Ivy Road is functionally classified as a Rural Minor Access, and based upon our road construction standard D-103 the minimum wide required is 50 feet.
- W. Ivy Road is established as a County Highway in July 2000 per Board of Supervisors Resolution 00-40.
- W. Ivy Road is dedicated to the public in September 1957 per Maps & Plats Book 3 page 159 at a width of 60 feet.

Recommendation:

- Regarding existing right-of-way needs for County Maintained Roads, no further dedication is required at this time for W. Ivy Road.
- Regarding future right-of-way needs for County Maintained Corridors, please contact Karen Lamberton, Transportation Planner.

Roaming cats worry Family Farm neighbors

Residents voice concerns about Whetstone property

BY DANA COLE
dana.cole@svherald.com

WHETSTONE — When Wes and Donna Graybill purchased the "Little Family Farm" last November, they were drawn to the idea of living on a farm while hosting educational activities for kids.

But not long after they purchased the Whetstone-based property, there were concerns the new owners had plans of starting an animal rescue operation on the property, with ties to the Cochise County Humane Society. It's a perception the new owners say is incorrect.

Located on 30 West Ivey Road in Whetstone, the farm is immediately west of State Route 90. Since purchasing the property, the Graybills have made some changes to it, with plans of adding year round educational programs to include tours for children and adults. They are now in the process of applying for modifications to the property's special use permit, which includes a reference about fostering animals.

Donna Graybill's role as a Cochise County Humane Society board member, along with her history of rescuing abandoned cats, raised an immediate red flag for some in the community when the animal rescue reference appeared on the special use permit. But fostering animals is something Graybill says she will be doing on a very limited basis, mostly providing a foster home for cats when there are no other volunteers to take them.

"I foster cats when needed, but we are



Wes and Donna Graybill, owners of the Little Family Farm in Whetstone, hosted a community meeting Sunday to dispel concerns about an animal rescue operation that some members of the community thought would be coming to the property.

concerns about a possible animal rescue operation. Wes and Donna Graybill held a community meeting to answer questions in an effort to dispel "misperceptions that have been circulating." Designed as an information exchange where residents were invited to ask questions and tour the property, about 18 people attended the meeting, with the issue of released cats as a primary focus. In addition to the cats, there were questions about how the Graybills propose to handle traffic on and off the property during high volume times when the farm is hosting activities.

Mary Alinen, whose property borders the farm to the west, expressed frustration with an influx of stray cats she has been experiencing on her property in recent months. Alinen said she has been feeding and taking care of the animals, but wanted to know how many cats had been released by Graybill and what can be done, if anything, about keeping them off

out here; it's not fair to them; it's a death sentence. What are your intentions as far as fostering these animals? What is your plan here?" she asked.

Graybill responded by saying she has released nine cats on the property, one for every acre of land. "Cats are vital to every farm because of rodent control," she said. Graybill informed the group that she is the humane society's last resort when it comes to fostering cats, as she takes "only the ones that no one else wants."

Another property owner, Diana Barton, said the practice of releasing cats is an unfair imposition on the neighbors. "I want you to understand where neighbors are coming from with this kind of program in our neighborhood," said Barton. "You have put a burden on your neighbor by allowing your released cats to roam on her property. She feels responsible for them, when these cats are really your responsibility."

At one point in the meeting, Graybill said

but I will try to come up with a solution to work this out."

Equine Veterinarian Lucinda Earven also attended the meeting. After stating that she liked the idea of having a farm in the neighborhood, Earven said, "My personal concern though, and I hear it from others in the group, is that a farm is fine. A de facto arm of the Cochise County Humane Society is not fine," she said.

On the issue of traffic concerns on and off the property, Karen Reid, a former employee of Goad's who now works for the Graybills, said when there are events and activities scheduled, there will be a large pool of volunteers to help with traffic control and parking. "I know there were issues in the past, but we're going to be doing things differently so it's smoother," she promised.

At the meeting's conclusion, facilitator Maria Church said she was pleased with the dialogue exchange. "We have shared a lot of really good, sometimes emotionally-

88

Letter was sent out to neighbors within parameters set by the County.

Second letter was sent to correct the email address.

Received a call from Eileen Swiers who requested a meeting for herself and Ann Aust. Meeting was arranged. They brought a list of questions.

Public meeting was held – 25 people (including the facilitator) were in attendance. 17 were in favor of the farm, 3 expressed concerns, 4 had no opinion at the time and the facilitator felt it was good for the community.

Majority of the discussion revolved around 2 individuals. The biggest topic of discussion was the cats that would be on the property. This was followed by the concerns of traffic, did we have the proper documents filed with all agencies and how were we going to fund the farm and would we be using chemicals.

An article was written by a neighbor (SV Reporter) and published in the Sierra Vista Herald.

We received no other inquires.

MS 89

CORRECTION TO EMAIL ADDRESS: as of 3/18/2014

After mailing I realized the email address was incorrect please see below for the correct email address

You are invited to submit comments on our request to modify the use of our property

Project Location: Corner of Hwy 90 and W. Ivey Road

Project Description: GBs Little Family Farm & Educational Venue

We want to add an education venue to the farm to include tours to teach children & adults about farming (growing crops) and animals (respecting and responsibility); farmers markets (to promote others products and offer them to the community); and different events throughout the year for learning, enjoyment, respect for nature/land and others property.

Traffic will exit and enter along Highway 90 onto W. Ivey Road and turn into the farm. To conform to AZ Dept. of Transportation for a right of way easement and preserve the roadway a concrete apron will be installed. This will be an extension to the existing residential driveway.

Due to one of the owners (Donna) current affiliation with the Cochise County Humane Society from time to time kittens/cats that come from area Shelters and other sources are fostered by us to observe and place up for adoption mainly through the PetsMart Adoption Program. On our own we also foster dogs (mostly small breed elderly or special needs) on a limited basis. Our fosters come from when an owner has passed or is forced in some other way to have to give up ownership of their beloved pet or when people just want to dispose of their pet because they no longer want them due to a medical or other issues. We care for them until we can find a rescue, another foster or a forever home.

Your input is important to us. We look forward to hearing from you.

To ensure your questions are answered and you receive the correct information on our intended use for the property. A public meeting will be held at the farm Sunday, March 16, 2014 at 1:00pm. We are happy to meet with you so if you can't make that meeting please let us know if you would like for us to arrange a meeting for you other than that.

Submit written comments to: Wes & Donna Graybill
GBs Little Family Farm
30 W. Ivey Road
Huachuca City, AZ 85616

Email comments to: graybillslittlefamilyfarm@gmail.com

To talk to us directly call: (520) 378-2109

Cade DeBois

Thank you for this. I've worked with feral colonies and one of my current cats was born at one of those colonies (she was removed and socialized as a kitten and is now a very happy, content indoor cat).

I wanted to add a few things here to help people better understand TNR programs:

1. Domesticated cats are social animals and even if not socialized by humans, they will still seek the company of other cats as well as safety and food. This natural behavior gives rise to feral cat "colonies". As the article mentions, simply removing these colonies usually means other cats simply move in to a newly-vacant area that provides these things.
2. TNR helps an established colony transition from an unstable breeding colony to a stable, non-breeding, vaccinated adult colony. Stability plus spaying/neutering & vaccinating an all-adult population greatly reduces conflict within the colony, reducing the risk of disease and injury as well.
3. TNR is not "abandoning" cats. It identifies established colonies and seeks to stabilize them, reduce unwanted kittens and keep them healthy and safe.
4. TNR is about our social responsibility toward a human-made problem involving a domesticated species of animal. We created this problem by our own short-sightedness. Simply euthanizing feral cats has never worked to reduce feral cat numbers nor is it cost- or resource-effective. We must do something about the burden of unwanted cats filling our shelters and pounds. TNR has proven the most effective, most humane way to do this.
5. TNR programs work in tandem with efforts to educate people about their own responsibility as pet owners to prevent more feral cats. Those who manage feral cat colonies do not want to see more free-roaming cats or more unwanted kittens. We want to see more responsible pet ownership.
6. In my experience, removing a feral colony can produce false expectations from humans that the cat problem has been "taken care of" and that produces hostility and frustration when a new crop of feral cats move in. This greatly increases the chance of human abuse and violence directed at feral cats (and even pet cats that are allowed to roam). TNR programs seek to educate people on why feral colonies in their human communities need to be stabilized, managed and allowed to exist in peace.
7. Well-managed TNR feral colonies do not pose a very big threat to birds and other wildlife. Regular, human-provided food helps curb most adult cats' desire to hunt, and without breeding females who need to feed litter after litter, those that still hunt usually make far less kills. And even with some hunting, TNR feral colonies do not pose anywhere as big a threat to wildlife as climate change, pollution or habitat loss.
8. Whatever misgiving you may feel about feral cats, remember they are only here because we humans domesticated the cat. We chose to bring this animal into our human world. We have an obligation to care for them and to treat them humanely.

To whom it may concern,

Being the direct neighbor to the Little Family Farm located at 30 W. Ivey Rd in Whetstone, we would at this time request that the commission deny the commercial/special use permit that has been requested by the owners, Mr. and Mrs. Graybill.

First off, we are not against a small family u pic it farm, we have no issues with that venue if they are able to contain it to their own property. We do have issues with the property being used as a commercial operation, such as parties, reunions, festivals, markets, rescue/foster kennels, large poultry production, etc.

We as property owners directly to the west have had numerous issues in the past with the prior owners activities (festivals, markets, etc.). We have had their customers park on our property, a private driveway. At times there have been so many vehicles parking along both shoulders of Ivey Rd that it was unsafe to turn off of HWY 90 onto Ivey Rd to go to our home. People have used our driveway as a turn around, breaking down the pavement in front of the driveway. We have suffered from dust and blowing dirt from the property created by traffic and horse drawn wagons causing us to have to keep our windows and doors closed, making the use of our clothes line impossible.

We have concerns about the times indicated that they will be open to the public, at times up until 9 pm at night 7 days a week, with their new planned venues there will be noise. On the application they state that no new lighting is planned, not sure how that will work if they have late hours.

Parking on the shoulder of the road should also be considered an issue not only by us but by the county road department, this is going to break down the existing pavement, could hinder emergency vehicles also. 2 way traffic is unsafe on Ivey with vehicles parked on both sides of the road. It should be noted that there is not enough parking space on their property to accommodate the anticipated 40-50 vehicles a day that is listed on the permit application.

As a resident of this area, we are also concerned about the intent to utilize 3-4 RV Work Campers. There are no RV hook ups on the property, permit states no use of septic, what are the plans for these RVs? There is currently an RV being utilized on the property with external ground holding tanks. Another area of concern is that this is a residential area, these campers have no ties to our community and move from place to place trading labor for an RV spot. We have no idea what background these people may have, this could be a major concern for all the residents in the area.

What we believe is the result of the large amount of fowl being maintained on the property, we now are experiencing an increase of rodent issues even with all the feral cats that the Graybills have turned loose upon our neighborhood. Having resided here since 1994, this is the first year we have had damage to our vehicles by rodents. We have also noted an increase in the fly problem, having large animals we expect flies, but it has increased in volume. There are times when the wind blows from the west we can smell the ammonia from the chicken manure. It should be noted that the fowl pens are located on the west side of their property which borders our place. 400-500 fowl in a residential setting is a bit overwhelming.

Allowing this permit would result in a negative impact on our peaceful enjoyment and value of our property. Your consideration in this matter is greatly appreciated.

Thank you,

Mary and Tom Alinen
112 W. Ivey Rd

16/11/16

DONNA

Eileen Swiers
Ann Aust

Questions for Donna

Agricultural activities:

1. Plans for planting vegetables *Yes will vary*
2. Pumpkins *Yes*
3. Chickens, if yes, how many? Egg production? *Approx 400 Yes*
4. Hired help?? *Farm Labor, Volunteers, Work Campers / Interns*
5. Farming equipment: tractors, implements, etc. *Garden Tractors*
6. Organic/pesticides/herbicides; if yes, how do you protect visitors from exposure to pesticides and herbicides? *NO*
7. Farmers' Market; if yes, will you have food and crafts vendors, as well. *Yes*
8. Water usage?? Rain water collection off buildings? *Looking into water collection*

Petting Zoo *No Petting Zoo - Educational Barnyard*

1. Humane treatment of animals in the zoo: worming, hoof trimming, reproduction, etc.
2. What Vet do you use? *Dr. Brambeck, Dr. Berger, Dr. Eason, Dr. Price*
3. How do you protect animals from coyotes, mountain lions, bob cats, javalena? *Guardian Livestock Dogs - Fencing*
4. How do you protect children/parents from being injured by the animals in the zoo? *Education Limited contact*
5. How will you protect children/parents from exposure to pathogenic bacteria while and after handling the animals? *According to set standards*

Horse care

1. Feed and grooming, farrier (Jolean)
2. Shelter from wind and rain *IS Set to be built*

Educational activities

1. Where are the exhibits for that purpose
 2. When will you start
 3. What types of activities are planned
- When approval is granted.*

Parking??

1. Did you ever come to one of Jim's functions to see what was going on? *No*
2. Are you aware of the serious parking problems that develop during these functions? *Yes*
3. How do you plan to resolve those problems? *Using volunteers to direct traffic flow. Separating tours from public use.*

4. How will you accommodate school buses to keep the children safe and prevent traffic problems on Ivey *BUS will be parked in lot.*

Animal Fostering

1. What is the average time that you normally foster an animal? *
2. How many do you typically foster at one time, cats/dogs? *
3. Because you foster, have you ever had individuals drop off animals anonymously for you to take care of? *No*
4. Do you foster more cats than dogs? *
5. Our neighborhood has a number of residents who shoot cats on sight that enter their property. ?
6. What about the disease that can be transmitted by releasing feral cats in the neighborhood? Specifically rabies? 9 times more cats get rabies than dogs. There is endemic rabies in Sonoita and Elgin. Five years ago horses and cattle were getting rabies. Lots of skunks in that area were found to have rabies this year. A sick bat was captured on Diana Barton's property in August, 2013 (her animals were quarantined for a month) on Sunset and lab analysis determined that the bat had rabies. *All cats are vaccinated - dogs*

Rabies Outbreak

Fostering depends on many variables there are overlaps of incoming & outgoing. There are seasonal time frames more kittens in Spring more dogs after Christmas Holiday.

muted colors

- 2 light orange*
- 1 dark orange*
- 2 blk/wht kittens*
- 1 tortie*
- 1 Tabby*
- 1 calico*
- 1 Blk/wht acc. by*



Donna Graybill <ddbg5780@gmail.com>

Re: Cats

1 message

Donna <ddbg5780@gmail.com>
To: Mealinen@aol.com

Mon, Apr 21, 2014 at 9:45 PM

I was just going through my mail boxes doing some cleaning up and found this in my Drafts and couldn't see where I sent it. So I apologize either way if I did send it for re-sending and if I didn't send it back then for not.

HAPPY SPRING -

On Mon, Mar 31, 2014 at 11:32 AM, <Mealinen@aol.com> wrote:

Glad to have received your note see below -

I received your letter, as for putting mothballs along the fence line, please rethink that. It will serve no purpose as it does not work. You will only be possibly putting wildlife and even children in danger of poison. Out of the 7 cats, there are only a couple left. They are fine where they are, being fed and taken care of, they have shelters with a cat door so they can get away from the coyotes. Whew glad I don't have to resort to the mothball/citrus being buried in the ground. I have heard it has worked in other areas that people have had problems. I have never personally used it but was willing to try it in hopes of elevating the cats crossing. I want our cats to stay here with us. It sounds as if the cats have picked their spot and thank you for taking care for them.

What I would ask of you is please do not release any more feral cats out here. If you get cats that are used to people you have better chance of them adjusting to your place and they will have a tendency to stay around. Feral cats need to be placed back in the area they came from, it is difficult for them to adjust in new areas. I will be honest I do not fully agree with the TNR program, but if it is to be so then they need to go back to their colony. Appreciate your honesty in sharing your views on the TNR program. Over the last 3 or so years the TNR program has been very effective in the county with the shelters seeing a reduced turn in and it has been noted that fewer kittens are being born in colonies. As for us here at the farm we are good on cats and they are doing their job keeping the rodent population down.

Also I know you are associated with the Friends of the Huachuca City Shelter, their posting about the on your mind comment this morning was a bit far flung, warning of possible poisoning of animals in Whetstone due to our issue and would hope that was not directed in my direction. Some of your associates are not assisting you in your cause to be welcomed neighbor, that was well demonstrated during your meeting. I am associated with the Cochise County Humane Society not to be confused with the Friends of the HC Shelter I am not involved with that group other than knowing some of the people. I am not aware of the posting you are speaking of. Could you please fill me in where you saw it. There are many passionate animal people in Cochise County and with everything sometimes opinions are voiced on speculation not fact. I tend to ignore articles like the one in on your mind in fact that is why I do not read the paper and listen to very little news. I prefer to focus on living happily.

As for dates on when the cats either were killed or disappeared, sorry can not give you that info, did not keep track of it. Do know that I have a silver tabby, 1 blk/white and 1 orange tabby left. The young blk and white is not ear notched so I am hoping you can advise if it has been fixed? This one is fairly tame and I am working with it during feeding time, it is my hope to make it an indoor cat. Don't know of a silver tabby. We have a dark orange tabby and a more dreamsicle orange. I haven't seen the

darker orange lately. I had two black and white kittens (brothers) that lived in the loft barn for many weeks they came over the xmas Holiday. Tippy has a white tip on his tail and Moo was blk and white. I see them at night but too dark to tell who's who. These boys were in several fosters and adopted out through Petsmart (hence no ear tip) but came back to CCHS as too wild so during the Holidays when no other fosters were available I kept them here as they were so bonded and they stayed in the loft during the day and played in the night we couldn't get close to them but they would sit and watch us. Because they were in the CCHS system since being kittens they have been neutered and had their upper respiratory and rabies vacs. How wonderful if you can make him an indoor cat he wouldn't come around for anyone else. They say cats pick their people. I am missing a cat that was willed to me by a friend that got out. She is an older heavy weight calico. Patches is her name please if you see her would you let me know.

I look forward to open communication as we go forward and am sorry that we got off to a bad start. It appears we both love animals. I'll be anxious to see if you are able to tame the boy. Oh what are the names of your mules/donkeys? I'm not certain what each of them are but they are adorable and I love talking to them when they are at the fence. (Of course they and our horse Holly Berry prefer to talk to each other).

Donna

Mary Alinen

Donna

Mary -

I liked meeting you on Sunday. It's nice to put a face with a name.

Please contact me to further discuss the cats you have seen on your property. I am very interested in knowing when, how many and a description of cats you said you have found deceased on your property. Also, what cats you are currently seeing. I'd be more than happy to assist in removing the cats from your property. Would you be OK with me putting mothballs and citrus along the property ^{line} to deter any of our barn cats from wandering?

In the coming months I look forward to getting to know you better and establishing an open line of communication with you. The best means to reach me is by texting or my personal email dabg5780@gmail.com.

Look forward to hearing from you soon.

Your neighbor,
Donna

Special Use Modification: Docket SU-11-10A (Graybill)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Our family spent 12 yrs in 4-H and we made life long friends & our kids learned so much about working with animals & the responsibility that comes with that. Everyone come to our home because we had animals & lived on a "farm" - kids loved the outdoors and the animals. We think this is a great idea for the community. We support it 100%!!

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Tom + Debbie CANNON

SIGNATURE(S): Tom Cannon
Debbie Cannon

YOUR TAX PARCEL NUMBER: 106-04-150B6 (the eight-digit identification number found on the tax statement from the Assessor's Office) 106-05-017-9

Your comments will be made available to the Board of Supervisors. Upon submission 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 by our Department no later than 4 PM on Friday, May 30, 2014 if you wish the Commission to consider them before the June 11 meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above.**

RETURN TO: Michael Turisk
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

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Please Sign

The gb Little Family Farm is requesting a modification to the special use permit to be able to operate year round versus just in the fall for pumpkin time the concept would be to have an educational venue during the different seasons of planting and harvesting of crops. Farmers markets throughout the year and events such as antique tractor shows, festivals and educational tours with a Barnyard of animals to teach about what each animal is and the responsibility of owning an animal. The special use permit would allow a unique personal farm to be open to the public year round for special events; operate as a rescue for animals and become a community learning center. By signing below I support what the Graybill's are planning to do for the community.

| Name | Phone # | Address | Signature |
|-------------------|--------------|---|-------------------|
| Mary Holmes | 985-259-9191 | 3065 Nichols Dr SVAZ 85650 | Mary Holmes |
| Jim Jones | 520-678-0397 | 4078 S Hohokam Dr | Jim Jones |
| Amanda Root | 520-249-7581 | 539 Cleveland S.V. | Amanda Root |
| Kathy Jones | 520-308-9800 | 2051 N Holly Ln Henderson NV 89015 | Kathy Jones |
| Abby Lee | 520-306-8777 | 2051 N Holly Place Henderson NV 89015 | Abby Lee |
| Eva Pennell | 520-456-1575 | 2852 N Aurthur Ranch Rd | Eva Pennell |
| Kerry Hayes | 520-226-8160 | 5029 Calle Cumbre SV 85635 | Kerry Hayes |
| Denise Lott | 520-458-9052 | 5029 Calle Cumbre SV 85635 | Denise Lott |
| Ferris Smith | 520-456-0100 | 7330 Sande Ranch Rd. HC-AZ 85636 | Ferris Smith |
| Christy Sibert | 520-226-1715 | 1274 Ovestact 85635 | Christy Sibert |
| Karen Reid | 520-255-0905 | P.O. Box 6314 H.C. AZ 85616 | Karen Reid |
| Sarah Montoya | 520-227-6049 | P.O. Box 1082 S.V. AZ 85636 | Sarah Montoya |
| Patty Frantzakia | 520-732-6677 | P.O. Box 1082 S.V. AZ 85636 | Patty Frantzakia |
| Chris Jones | 520-678-0561 | 6930 S. GARDEN VALLEY HEREFORD AZ 85615 | Chris Jones |
| MARIE HUNNELL | 520-678-0501 | 6930 S. GARDEN VALLEY HEREFORD AZ 85615 | Marie Hunnell |
| Cabrina Carretero | 520-227-6049 | | Cabrina Carretero |
| Noell Castro | 520-249-6861 | P.O. Box 1593, Hereford, AZ 85615 | Noell E. Castro |
| Kirsten Burgay | 918-222-7119 | 5690 S. Mesquit Lane Safford AZ 85546 | Kirsten Burgay |
| Margann Havelson | 520-456-9226 | 445 W. Black Rd Whetstone | Margann Havelson |

30 W Ivey Road, Huachuca City, AZ 85616

The Gb Little Family Farm is requesting a modification to the special use permit to be able to operate year round versus just in the fall for pumpkin time the concept would be to have an educational venue during the different seasons of planting and harvesting of crops. Farmers markets throughout the year and events such as antique tractor shows, festivals and educational tours with a Barnyard of animals to teach about what each animal is and the responsibility of owning an animal. The special use permit would allow a unique personal farm to be open to the public year round for special events; operate as a rescue for animals and become a community learning center. By signing below I support what the Citybill's are planning to do for the community.

| Name | Phone # | Address | Signature |
|------------------|--------------|--|------------------|
| CLAIRE ST CLAIR | 378-0111 | 7334 E CANADA DR | Cy St Clair |
| Chauncey Brian | 456-9572 | 885 W. El Rancho Blvd | Chauncey Brian |
| Betty Baines | 456-9572 | 895 W. El Rancho Blvd | Betty Baines |
| Jean St. Clair | 378-0111 | 7334 E. Canada Dr. | Jean St. Clair |
| Joan Gopshire | 515-9919 | 1147 Quail Hollow Dr. | Joan Gopshire |
| SANDRA WOODRIDGE | 378-2918 | 4724 S. Shoshoni Ave. | Sandra Woodridge |
| Sharon Harkins | 803-0113 | 5616 MARGUERITE ^{Meretford} ₁₅₇₄ | Sharon Harkins |
| Edward Durgin | 895-8200 | 800 N. Lenzer Ave #15C ^{APZ} | Edward Durgin |
| Benjamin Led | 508-8048 | 4923 E Camino Principal #6 | Benjamin Led |
| Henry Dreyer | 266-4657 | 62 W James ^{1-5 S. Swick} | Henry Dreyer |
| Ernesto Sanchez | 895-9200 | 4241 NACO AZ st | Ernesto Sanchez |
| Larry Weatherman | 678-0974 | 4265 South Arabian Drive ^{SV} | Larry Weatherman |
| Lucia Weatherman | 678-0975 | 4265 S. Arabian Dr. ^{SV} 85650 | Lucia Weatherman |
| Miriam Larchand | 803-9408 | 5430 Ranch Rd SU 85650 | Miriam Larchand |
| David Jones | 602-708-3748 | 4577 S. Paradise Lane SU 85650 | David Jones |
| Jessica Jones | 520-227-4531 | 4577 S. Paradise Ln 85650 | Jessica Jones |
| Elaine Carpenter | 520-378-4898 | 8173 E. Canada Dr. ^{SV} 85650 | Elaine Carpenter |
| Gordon Carpenter | 520-266-0677 | 8173 E Canada Dr. ^{SV} 85650 | Gordon Carpenter |
| Margaret Nick | 520-378-9436 | 4120 S. Arabian ^{SV} 85650 | Margaret Nick |
| Vanessa Hutton | 520-456-1427 | 90 E Camino Amelisa #6 85616 | Vanessa Hutton |

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The gb Little Family Farm is requesting a modification to the special use permit to be able to operate year round versus just in the fall for pumpkin time the concept would be to have an educational venue during the different seasons of planting and harvesting of crops. Farmers markets throughout the year and events such as antique tractor shows, festivals and educational tours with a Barnyard of animals to teach about what each animal is and the responsibility of owning an animal. The special use permit would allow a unique personal farm to be open to the public year round for special events; operate as a rescue for animals and become a community learning center. By signing below I support what the Graybill's are planning to do for the community.

| Name | Phone # | Address | Signature |
|------------------------|--------------|--|----------------------------|
| 1 GERRARD D. BACH | 520-378-3753 | 3388 Camino Ramona S.V. Az 85658 | <i>Gerrard Bach</i> |
| 2 LEO J. PIMPLE | 520-457-0103 | 4864 BARRANCA ARBOLEDA SV AZ 85635 | <i>Leo J. Pimple</i> |
| 3 CIARA M. BILLOCK | 520-457-0103 | 4864 BARRANCA ARBOLEDA SV AZ 85635 | <i>Ciara M. Billock</i> |
| 4 K. HERRIN | 520-457-6274 | 6060 S. Whitetail Dr, Hereford 85615 | <i>K. Herrin</i> |
| 5 Martha Alvarez | 520-803-7138 | 3401 E Pine | <i>Martha Alvarez</i> |
| 6 Margaret Knight | 520-366-6204 | 5125 PASEO ANZA S.V. 85635 | <i>Margaret Knight</i> |
| 7 Sarah Paul | 520-366-6204 | 10162 Delverance Way Sierra Vista AZ 85635 | <i>Sarah Paul</i> |
| 8 TOM ERZLIK | 631-786-6339 | 7390 E. GARDEN CREEK TR. AZ 85650 | <i>Tom Erzlik</i> |
| 9 Elizabeth Leming | 520-458-1502 | 416 Giulia Cesare Ave S.V. 85635 | <i>Elizabeth Leming</i> |
| 10 Amanda White | 520-366-6204 | 1336 Paso Robles Sierra Vista 85635 | <i>Amanda White</i> |
| 11 Robin Hodgson | 520-456-6852 | 7586 S. Circle S Drive | <i>Robin Hodgson</i> |
| 12 Amy Roark | 520-366-0558 | 8992 S. Keystone Hereford 85615 | <i>Amy Roark</i> |
| 13 Sara Meeber | 520-366-6204 | 10303 Blue Sky Vista Hereford 85615 | <i>Sara Meeber</i> |
| 14 Janet Evans | 520-366-6204 | 6454 Mason Road Hereford AZ 85615 | <i>Janet Evans</i> |
| 15 Butz Wulturn | 520-395-6314 | 1894 Exeter Dr Sierra Vista AZ 85635 | <i>Butz Wulturn</i> |
| 16 Barbara Ranieri | 520-366-5253 | 8687 E Lane Ranch Rd Hereford | <i>Barbara Ranieri</i> |
| 17 Renee Klotz | 520-378-7081 | 7063 S. Calle De La Manga Hereford | <i>Renee Klotz</i> |
| 18 Hope Geminde | 520-366-0767 | 10310 E. Clumburst Hereford | <i>Hope Geminde</i> |
| 19 Tim Kearney | 520-366-5871 | 10505 E. Kunning Court Tr. Hereford | <i>Tim Kearney</i> |
| 20 Rose Maria Martinez | 520-456-6505 | 4989 E. Miller Canyon Rd. Hereford | <i>Rose Maria Martinez</i> |

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COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs... Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Beverly J. Wilson, Planning Director *(Signature)*
SUBJECT: Docket R-14-04—Revisions to the Cochise County Light Pollution Code and to Article 19 of the Cochise County Zoning Regulations
DATE: May 16, 2014 for the June 11, 2014 Meeting

I. Background

This docket is a proposal to replace the existing Cochise County Light Pollution Code (LPC) with a revised Light Pollution Code, and to amend Article 19 of the Cochise County Zoning Regulations to address Federal Regulations pertaining to light bulb production and importation; new products for replacing incandescent bulbs; the use of new products in digital signs; and other emerging and future technology. The proposed outdoor lighting regulations are intended to preserve rural character as well as Cochise County's unique asset of the dark night sky. This proposed LPC will not modify the existing code's ability to control potential adverse impacts to the dark sky, such as sky-glow, glare, and light trespass. Rather, it will enhance the code by addressing emerging technology and regulate LED lighting and digital signs.

The Cochise County LPC has been in effect since 1982. The original LPC addressed one impact of light pollution: glare, which is reduced by proper shielding. In 2005, the LPC was replaced with the current code and addressed sky glow and light trespass as well as regulating the height of light fixtures. Nine years later, government regulations have reduced the availability of the traditional incandescent bulbs, first invented by Thomas Edison. The Energy Independence and Security Act of 2007 set a schedule for manufacturers to stop the production and importation of incandescent light bulbs, in an effort to reduce energy use. The schedule is set as follows: in 2012, 100-watt bulbs were affected; 2013, 75-watt bulbs; and 2014, 60 and 40-watt bulbs. While incandescent light bulbs may still be manufactured, they must utilize 27-percent less energy. The cost of producing an energy efficient incandescent is much greater than the cost of new and highly energy efficient Light Emitting Diode (LED) and Compact Fluorescent Lamp (CFL) bulbs. Not only are the new bulbs energy efficient, their longevity is remarkable, lasting up to 25-times longer than the traditional incandescent. It is estimated that in the United States, incandescent supplies will be exhausted in the first half of 2014.

The intent of this federal regulation is to reduce energy cost for the public, but, as a result, a new language for describing and acquiring light bulbs becomes necessary. The traditional term 'watt' was used to compare the intensity of light. However, a watt actually is a measurement of electric power used, not brightness. The current term utilized to describe brightness is 'lumen', which is a measurement of the light perceived by the human eye. The lumen is a scientific measurement that tells us how much light is being emitted. It is a degree of measurement that the public needs to

become familiar with to efficiently replace incandescent bulbs while still providing the brightness we are accustomed to. For example, a 60-watt incandescent bulb should be replaced with an LED bulb of 800-lumens—which will only use 13–15 watts of power.

This new technology has significantly changed the production and use of outdoor signage. Signs traditionally were lighted at night with external lights that were beamed onto a sign face. Those traditional signs were significantly altered with the advent of a sturdier translucent plastic as any light bulbs could be placed inside to create an internally lighted sign. Those signs were still limited in the amount of light produced by the size of the sign, as only so many fixtures would fit. The advent of the LED bulb has significantly changed those traditional signs by its smaller size, the ability to produce greater amounts of light, the significant decrease of energy needed to power them, and the ability to control these diodes electronically. The new technology can produce vast amounts of light with very little energy, and create brightly colored and moving images.

The proposed changes to the County's regulations specifically address the reality of this new technology. The value of the dark night skies to Cochise County is not only reflected in the number of astronomers that are locating here, many people also cherish the dark skies as a major characteristic of and asset to the rural character of Cochise County.

II. Public Input

Staff initiated these proposed changes in 2013, by forming a working group made up of members of the community, including business owners, concerned members of the Huachuca Astronomy Club, members of the public, and staff. The pressing issue at that time was a newly installed digital sign in the Hereford area. This sign generated legitimate concern from the surrounding residents including members of the Huachuca Astronomy Club, a group with more than 60 members. All members of the working group have provided valuable technical data and interpretation to staff resulting in these proposed changes to the current LPC. However, the support for regulating digital signs from the general community was also very important, as they represent those who choose to live in rural areas and consider our dark skies a large measure of the unique rural character of Cochise County.

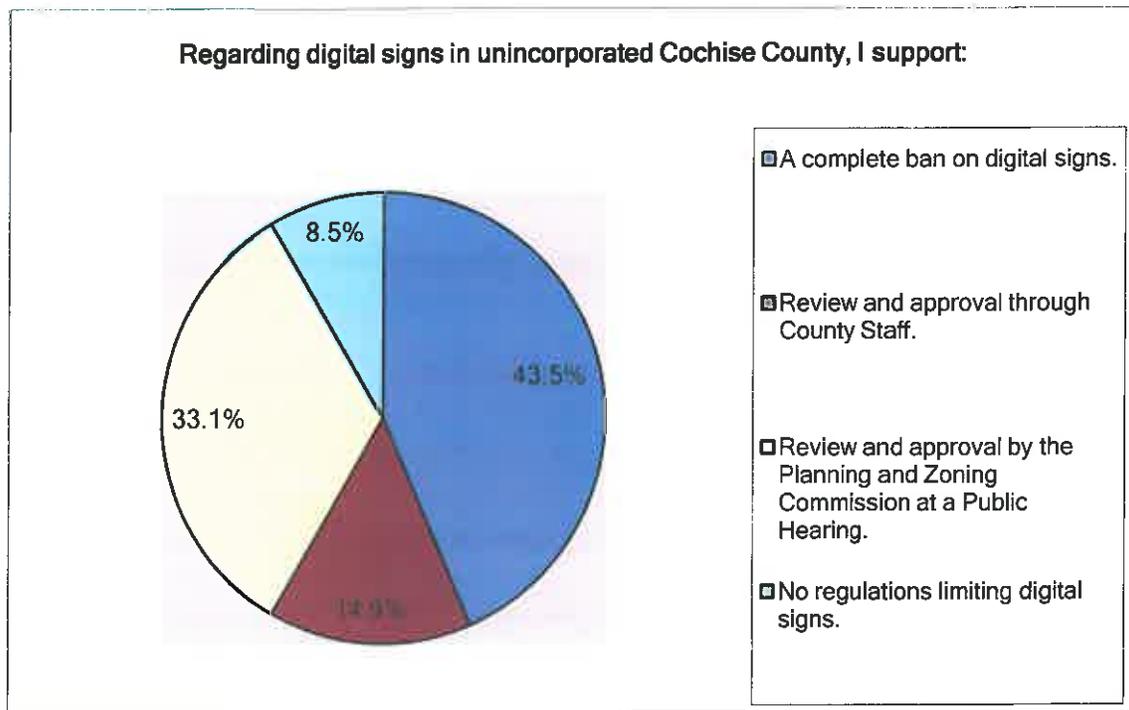
At a Public Meeting held in February, a consensus of those present conveyed that the County should consider an outright ban of these signs. A questionnaire was distributed by staff, asking for more input from the public. Of the 64 questionnaires returned to the Planning Division, 52 supported a complete ban of digital signs. Staff has carefully considered this option, and is proposing that digital signs will be permitted with certain restrictions, including a curfew on these signs from sunset to sunrise. Staff is also recommending changes to the Cochise County Zoning Regulations, Article 19, which regulates the use of signs. Section 1908.05 is being added to this Article to define Digital Signs. Section 1907.02B is also being proposed, which will define site development standards for these signs. Staff is recommending that these signs be limited to a height of five-feet above grade, that they must have a black background with red or green numbers or letters, and that any message on these signs will remain static for at least five-minutes prior to changing.

These proposed changes were presented to the Board of Supervisors during a work session on April 8, 2014. At that time, the Board recommended that the process allowing review by the



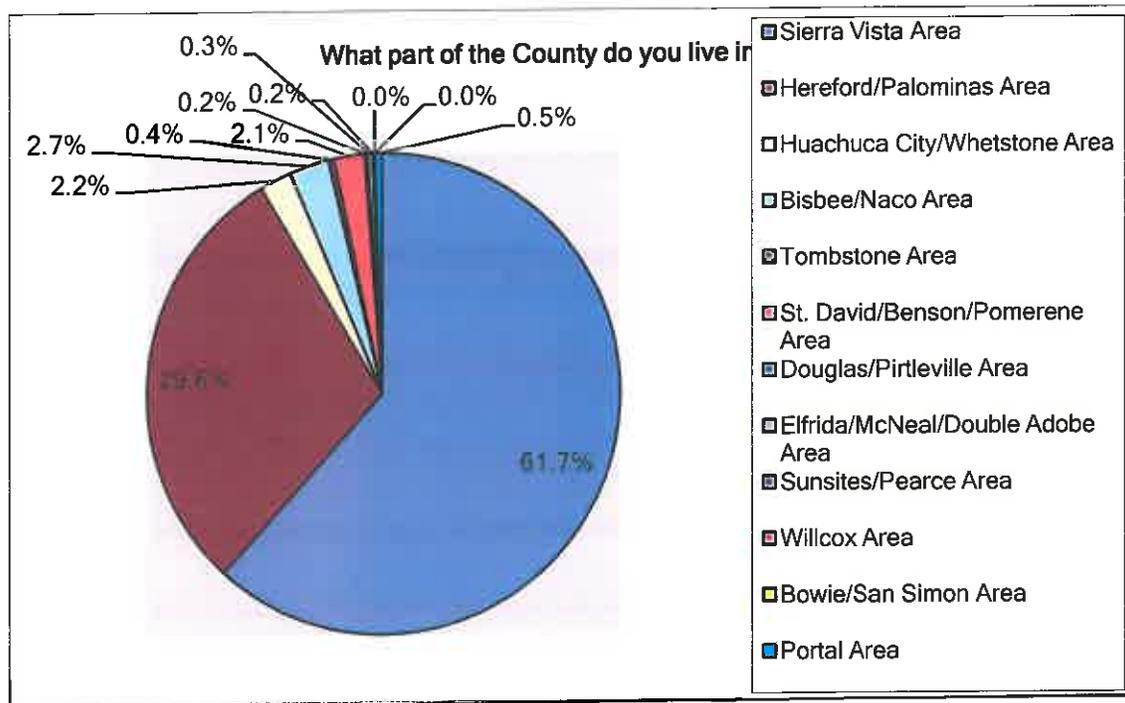
Planning and Zoning Commission for digital signs be included in the LPC. The Special Use Authorization process will allow the Commission to hear public opinion on individual digital signs, if Applicants cannot meet the proposed regulations. The Board also directed staff to garner more public opinion on this issue. Staff created an on-line survey, which has resulted in the following data:

| Regarding digital signs in unincorporated Cochise County, I support: | | |
|--|---------------------------|-------------------------|
| Answer Options | Response (Percent) | Response (Count) |
| A complete ban on digital signs. | 43.5% | 597 |
| Review and approval through County Staff. | 14.9% | 205 |
| Review and approval by the Planning and Zoning Commission at a Public Hearing. | 33.1% | 454 |
| No regulations limiting digital signs. | 8.5% | 117 |
| Other (please specify) | 248 | 248 |
| answered question | 1373 | 1373 |
| skipped question | 35 | 35 |



Staff set up the online survey to reflect the area of Cochise County responding to these questions, as shown below.

| What part of the County do you live in? | | |
|---|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| Sierra Vista Area | 61.7% | 835 |
| Hereford/Palominas Area | 29.6% | 401 |
| Huachuca City/Whetstone Area | 2.2% | 30 |
| Bisbee/Naco Area | 2.7% | 37 |
| Tombstone Area | 0.4% | 6 |
| St. David/Benson/Pomerene Area | 2.1% | 28 |
| Douglas/Pirtleville Area | 0.2% | 3 |
| Elfrida/McNeal/Double Adobe Area | 0.3% | 4 |
| Sunsites/Pearce Area | 0.2% | 3 |
| Willcox Area | 0.0% | 0 |
| Bowie/San Simon Area | 0.0% | 0 |
| Portal Area | 0.5% | 7 |
| Other (please specify) | 94 | 94 |
| answered question | 1354 | 1354 |
| skipped question | 54 | 54 |



These results show that the proposed changes to the LPC and the Zoning Regulations are well supported by the Public in that over 1,400 responses were received, with slightly 10% more responses favoring an outright ban on digital signs. However, 33.1% of those responses received indicated that review by the Commission would be appropriate. The process of a Special Use Authorization is in the original LPC, and remains in staff's proposed update.

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The primary changes to the LPC are the addition of definitions and regulations on digital signs. The consensus of the working group was that while a complete ban would be one solution, the ability for an Applicant to follow the existing Special Use Authorization process allows more flexibility for the Public.

III. Proposed Amendments to the Light Pollution Code

Section 1: Administration

A new policy is added that reads:

- *To ensure that all signs installed in the County are compatible with the County's largely rural character, are in compliance with the Comprehensive Plan, and to ensure that no sign shall be brighter than is necessary for clear and adequate visibility.*

Section 1.05 Special Use Authorization Requirements was moved from Section 4, as it is an Administrative function.

Section 2: Definitions

New definitions were added; obsolete definitions or those that were not utilized in the document were removed. There were also changes made to simplify the language, and to comply with the adopted Cochise County Zoning Regulations.

Section 3: Procedures for Lighting Compliance

A requirement was added to this section to provide accessibility for inspections.

Section 4: General Requirements

Digital signs are addressed and referenced to Section 1907.02B of the Zoning Regulations. Table 4.1 is also amended to clarify the requirements of this code including measuring digital signs with 'nits'. Please note that all reference to general agriculture has been deleted to comply with Arizona Revised Statutes.

Section 5: Prohibitions

The added language is intended to address future and unknown technologies.

Section 6: Signage

This section is amended to clarify the definition of unshielded signs, and to address digital signs.

Section 7: Permanent Exemptions

Staff is recommending that the language referring to other emergency lighting be removed as temporary lighting in a crisis is vital to those involved and should not be under the purview of the Zoning Inspector. Again, reference to agricultural operations is clarified as exempt and the unnecessary language removed.

Section 8: Temporary Exemptions and Section 9: Special Activities

These sections were edited with minor clarifications added.

Section 10: Enforcement

The penalties for violating this Code were inserted.

IV. Proposed Amendments to Article 19 of the Zoning Regulations

Changes to Article 19 of the Zoning Regulations all refer to digital signs, and include new language in Sections 1903.04, 1907.02, 1908.05, 1908.11, and 1908.18. The new language defines digital signs, and sets the site development standards for them including size, location, and curfew. Language is added to clarify that the Light Pollution Code will provide further provisions for their use.

Staff is recommending that digital signs be permitted with height restrictions of five-foot from grade; controlled illumination so that the only permitted night use will require a black background with red or green letters or numbers depicting fuel prices, motel prices, time and temperature signs and other similar signs provided that the brightness meets the requirements of the LPC; and language to define exactly what a digital sign is for the purpose of the Zoning Regulations.

V. Recommendation

Staff recommends that the Planning Commission forward these changes for action by the Board of Supervisors.

Sample Motion: *Madame Chair, I move to forward a recommendation of approval as proposed of Docket R-14-04 to the Board of Supervisors.*

IV. Attachments

- A. Exhibit A (Light Pollution Code – Amended)
- B. Exhibit B (Article 19 of the Zoning Regulations-Amended)

**COCHISE COUNTY
LIGHT POLLUTION CODE**

Section 1: Administration

1.01 Purpose

- To achieve effective and efficient lighting, while preserving the safety, security, and well-being of County residents and visitors.
- To protect and enhance the lawful nighttime use and enjoyment of all property through protection of and access to the dark night skies, and to encourage the conservation of energy and other resources.
- To specify and encourage lighting practices and systems that will minimize the adverse man-made light pollution effects of sky-glow, glare and light trespass.
- To ensure that all signs installed in the County are compatible with the County's largely rural character, are in compliance with the Comprehensive Plan, and to ensure that no sign shall be brighter than is necessary for clear and adequate visibility.

1.02 Conformance with Applicable Codes

All outdoor electric illuminating devices shall be installed in conformance with the provisions of this Code, the Cochise County Zoning Regulations, Cochise County Subdivision Regulations, and any applicable building codes.

Where any provision of any of the Arizona Revised Statutes, or any Federal Law, or any related Cochise County regulation conflicts with the requirements of this Light Pollution Code, the most restrictive shall govern.

1.03 Approved Material and Methods of Installation

The provisions of this Code are not intended to prevent the use of any material or method of installation not specifically proscribed by this Code, provided any such alternate has been approved. The County Zoning Inspector may approve any such alternate provided ~~he~~ the proposed design, material, or method:

- A. Provides approximate equivalence to those specific requirements of this Code, or
- B. Is otherwise satisfactory and complies with the intent of the Code.

1.04 Applicability

- A. New Uses, Buildings and Additions or Modifications:

The requirements of this Code shall apply to any and all new uses and to additions to existing land uses, developments, buildings, or structures.

1. If a major addition occurs on a property with a non-residential use, the entire property shall comply with the requirements of this Code. For purposes of this section, major additions are additions of 50-percent or more in terms of additional dwelling units, gross floor area, or seating capacity, either with a single addition or with cumulative additions subsequent to the effective date of this provision.

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2. Minor additions (defined as additions or modifications less than 50-percent of existing uses) on a property with a non-residential use shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type; the total amount of lumens after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this eCode, whichever is larger.

B. Change of Use. Whenever the use of any existing building, structure, or premises is changed to a new use, all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Code before the new use commences.

C. Resumption of Use after Abandonment. If a property or use with non-conforming lighting is abandoned as defined in Section 2, then all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Code before the use is resumed.

1.05 Special Use Authorization Requirements

Any application or lighting installation not meeting all requirements of this Code, including, but not limited to height, shielding, curfew, or lumen caps shall require a Special Use Permit Authorization, and must demonstrate that the proposed lighting will not cause off-site glare or light trespass. The Special Use Permit application shall be accompanied by a lighting system design including a full lumen count. At the time of Special Use Permit Authorization submittal, Prior to final inspection or use, the the proposed installation shall be certified by a knowledgeable Arizona Registered professional with complete specifications, including total lumen/ nit count to meet the requirements of off-site glare and light trespass, as specified in this code. or other certified lighting specialist as achieving the minimum illuminance level for the specific activity as recommended by the Illuminating Engineering Society of North America (IESNA) and conforming to all other applicable provisions of this Code.

Section 2: Definitions

Abandonment: The discontinuation of use for a period of ~~one~~three years or more.

Class 1 Lighting: All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, recreational facilities and other similar activities where COLOR RENDITION is important. Class 1 lighting includes metal halide, liquid crystal display (LCD), light emitting diode (LED), plasma, quartz halogen and similar light sources and technologies.

Class 2 Lighting: All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where GENERAL ILLUMINATION for safety or security is the primary concern.

Class 3 Lighting: All outdoor lighting used for DECORATIVE effects, including but not limited to, architectural illumination, flag and monument lighting, and illumination of vegetation.

Color Rendition: ~~†~~The ability of a light source to faithfully reproduce the colors seen in an object.

Decorative: Lighting-Class 3 lighting which is used for non-utilitarian purposes such as lighting building exteriors, fountains, flags, landscaping, holiday and seasonal decorations (~~Class 3 lighting~~).

Developed Site: Acreage refers to the developed area of the site, including, but not limited to area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas and required landscaping related to the use, but not areas that are only cleared.

~~Footcandle~~Foot-candle: Aa unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. For the purpose of this code, o-ne foot candle is equivalent to one lumen.

General Illumination: Outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where safety or security of the grounds is the primary concern. (~~Class 2 lighting~~).

~~Glare~~: ~~The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adjusted, causing discomfort and/or loss in visual performance or visibility.~~

IESNA: Illuminating Engineering Society of North America.

Illuminance: The amount of light ~~falling onto striking~~ a surface area, measured in ~~footcandles or lux. footcandles (per square foot) or lux (lumens per square meter).~~ For conversion purposes, 1 footcandle (fc) is equal to 10.76 lux (lx).

Installed: The attaching, or assembling in place of any outdoor light fixture.

Lamp: A generic term for a source of "light" often called a "bulb," "tube", "diode", "module", "display," or an "array."

LED (Light Emitting Diode): A semiconductor diode or bulb that emits light when voltage is applied to it and is used in electronic devices.

~~Light Fixture, Full Cut-off: (See Light Fixture, Fully Shielded)~~

Light Fixture, Fully Shielded: A light fixture constructed, ~~installed~~installed, and maintained in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly by

reflection or refraction from any part of the fixture, is projected below a horizontal plane running through the lowest part of the fixture.

A practical way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Light Fixture, Outdoor: A complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Includes luminous tubes, lamps, or similar devices, permanently installed or portable, used for illumination, decoration, or advertisement.

Light Trespass: Stray electric light in excess of the levels specified in Section 4.01 falling where it is not wanted or needed. Direct or reflected light that has its source on one site, and illuminates areas beyond the property boundaries. Light trespass is typically produced by stray light from unshielded or misdirected outdoor lighting, and includes glare from direct viewing, ~~as well as "off-site spill" light.~~

Lumen: A unit used to measure the total amount of light that is produced by a luminaire lamp. For the purpose of this code, one lumen is equivalent to one foot candle.

Luminaire: A light fixture, including the complete lighting assembly (including lamps, housings, reflectors, lenses and shields), but excluding the support assembly.

~~Off-Site Spill: Any combination of glare, uplight (sky glow) and/or light trespass applicable, but not limited to structure exterior lighting, roadway/street lighting, pedestrian malls, parks, recreational facilities, outdoor display lots, parking lots, service stations, billboards and signage.~~

Nit: A unit of luminance measured as one candela per meter-squared.

Opaque: Opaque means a material that does not transmit light from an internal illumination source.

Outdoor Light Fixtures: Outdoor electric illuminating devices, outdoor fixtures, lamps and other devices; searchlights, spot lights, flood lights, permanently installed or portable, used for illumination, emergency, security or commercial purposes. Such devices shall include, but are not limited to, lights for:

- a. Parking lots
- b. Roadways
- c. Buildings and structures
- d. Recreational areas and facilities
- e. Landscaping decorative effects
- f. Billboards and signs (advertising and other)
- g. Product display areas

Outdoor Recreational Facility: An area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball or softball diamonds, soccer and football fields, golf courses, tennis courts, and roping/equestrian arenas.

Person: Shall mean any private individual, tenant, lessee, owner, or any commercial entity including but not limited to companies, partnerships, joint ~~ventures~~ventures, or corporations.

Residential Lighting: Residential refers to outdoor lighting for single ~~or multiple~~ household dwellings ~~(duplexes)~~.

Searchlight: A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp and with a swiveled or gimballed mount to allow the assembly to be easily redirected. Such lights are commonly used to sweep the sky for advertisement purposes.

Shield: A device that is attached onto or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded."

Sign, Digital: A type of electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted typically animated, flashing and utilize technologies such as LCD, LED, plasma displays, or projected images to display content.

Sign, Illuminated: For the purposes of this Code, a sign lighted by or exposed to artificial lighting either by lights within the sign or directed toward the sign.

Sky-glow: The undesirable and unnecessary emission of light rays, directly or indirectly, into the night sky.

Uplighting: A lamp or light designed or positioned to cast its light upwards.

Use, Non-Residential: The use of land for a purpose other than single-~~household~~family dwelling units, ~~or a duplex~~.

Watt: The unit used to measure the electrical power consumption (not the light output) of a lamp.

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Section 3: Procedures for Lighting Compliance

3.01 Applications

A. Any individual applying for a building or use permit under the Cochise County Zoning Regulations intending to install outdoor light fixtures shall as a part of said application submit evidence that the proposed work will comply with ~~these provisions~~this Code.

B. All other individuals intending to install, replace or improve any outdoor light fixture shall comply with the provisions of this Code, and if a permit is required by the Cochise County Zoning Regulations or Building Codes, submit an application to the County Zoning Inspector providing evidence that the proposed work will comply with ~~these~~this provisionsCode.

3.02 Contents of Application or Submission

The following plans and descriptions shall be sufficiently complete to enable the County Zoning Inspector to readily determine whether the project will be in compliance with the requirements of this Code. If such plans and descriptions are not sufficient to enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance prepared by a certified illumination engineer. The submission shall contain:

A. Plans indicating the location on the premises, and the type of all illuminating devices, existing and proposed, as well as total lumens or nits emitted.

B. Description of the existing and proposed illuminating devices, fixtures, lamps, supports and other devices, and the initial lumen output. This description shall include but is not limited to, manufacturers' catalog cuts, photographs, diagrams and/or drawings.

3.03 Issuance of Permits

Upon compliance with these lighting provisions, as well as the other requirements for permit issuance, the County Zoning Inspector shall issue a permit. The appeal procedures of the Cochise County Zoning Regulations for decisions of the County Zoning Inspector shall apply in the event of any dispute as to the application of ~~these~~this Code~~regulations~~.

3.04 Amendment to Permit

Substitution of outdoor light fixtures or lamps after a permit has been issued requires County Zoning Inspector approval prior to installation. Amendments to permits for the installation of outdoor light fixtures require adequate information to assure compliance with this Section 3.02 of this Code, ~~pursuant to §3.02~~

3.05 Accessibility for Inspections

The Applicant will provide a means to safely inspect any digital sign over five-feet tall from the ground.

Section 4: General Requirements

4.01 Light Trespass and Glare

A. All fixtures and lamps shall be located, installed, directed, shielded, and maintained to avoid light trespass and to minimize direct light and/or glare on neighboring properties and roadways. Accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties.

B. For a receiving residential site, the level of light trespass shall not exceed 0.2 ~~footcandles~~ lumens as measured with ~~the a lumen~~ meter's sensor perpendicular to the light source at a height of five feet above the ground and located five feet inside the receiving property line. For a receiving non-residential site, the level of light trespass shall not exceed 0.5 footcandles under the same parameters.

4.02 Height

A. Residential Sites: The overall height of lighting fixtures (including the base) shall not exceed 20 feet above ground level, except for residential sites with a minimum parcel size of ~~four~~ acres or larger, lighting fixtures which are located 50 feet or more from any property line shall not exceed 30 feet in height (including the base) above ground level. Digital signs shall meet all requirements per Section 1907.02B of the Cochise County Zoning Regulations.

B. Non-Residential Sites: Except as provided herein for specific uses, the overall height of lighting fixtures (including the base) on all non-residential sites shall not exceed 30 feet above ground level, except in the GB, LI and HI zoning districts, the overall height of lighting fixtures located at least 100 feet from any property line shall not exceed 35 feet in height above ground level (including the base). Digital signs shall meet all requirements per Section 1907.02B of the Cochise County Zoning Regulations.

4.03 Lighting Types, Shielding and Curfew Requirements

A. Lighting Types

1. All street lights shall be fully shielded.
2. Low Pressure Sodium lamps are the preferred lamp type for minimizing adverse effects on astronomical observations.

B. General Shielding Requirements

1. All light fixtures required to be fully shielded shall be installed and maintained in a fashion that maintains the fully-shielded characteristics.
2. All ~~upward directed uplighting lighting~~ is prohibited, except
 - a. The lighting of one flagpole. The light shall be focused on the flag and shall not exceed 2,000 lumens. Off-site glare and light trespass shall be eliminated by the use of shielding. Flags that include advertising, business trademarks or symbols, or other forms of commercial communication may not be ~~illuminated uplighted~~ at any time.
 - b. Low voltage or solar landscape lighting not exceeding 150 ~~watts lumens~~ per fixture.

C. Shielding Requirements for Residential Uses

1. For residential uses, any lamp type with output of 1,000 lumens or more shall be fully shielded. If multiple lamps of less than 1,000 lumens are used, and the total lumens are greater than 1,000 lumens in total then shielding is required.
2. Lighting for multiple household dwellings (~~other than a duplex~~) is not considered residential, and must comply with all requirements for Non-Residential lighting, including, but not limited to lumen caps and curfews for decorative lighting.
3. All light fixtures located within 25 feet of the property line adjacent to a residential use shall use fully shielded luminaires.

D. Shielding and Curfew Requirements for Non-Residential Uses

1. All non-residential light fixtures except for unshielded signs shall be fully-shielded.

~~1.2.~~ Any Class 1 (Color Rendition), Class 2 (General ~~illumination~~ illumination), or Class 3 (Decorative Illumination) lamp type shall be shielded in accordance with Table 4.1.

~~2.3.~~ All Class 1 (Color Rendition) and Class 3 (Decorative Illumination) lighting shall be extinguished between 11 p.m. (or when the business closes, whichever is later) and sunrise, except:

- a. Seasonal decorations using typical unshielded low-wattage lumen incandescent lamps shall be permitted from Thanksgiving to January 15.
- b. Low voltage landscape lights rated at 150 watts lumens or less provided the total unshielded lumens do not exceed 1,000 lumens.
- c. Self-contained solar lights rated at 10 watts or less.

4. All light fixtures located within 25 feet of the property line adjacent to a residential use shall use fully shielded luminaires.

4.04 Total Outdoor Light Output

- A. Total outdoor light output, including that for all signs, shielded or unshielded, shall not exceed the limits in Table 4.1. ~~(The values in this table are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task to reduce glare and reduce energy costs.)~~
- B. Shielded flood lights, properly aimed down, at ~~(no more than 45 degrees, or half way between straight down and horizontal) incandescent or PAR flood lights~~ not to exceed 2,000 lumens per bulb and controlled by a motion sensor device shall be exempt from lumen caps, provided fixtures remain on for short periods only, and not to remain on over 10 minutes after the area has been vacated.
- C. Low voltage seasonal decorations, permitted between Thanksgiving and January 15, are not counted toward these limits.
- D. Total outdoor light output for various zoning districts is specified in Table 4.1. ~~These~~ maximums are referred to as lumen caps.

4.05 Special Use Permit for Waivers

~~Any application or lighting installation not meeting all requirements of this Code, including, but not limited to height, shielding, curfew or lumen caps shall require a Special Use Permit, and must demonstrate that the proposed lighting will not cause off-site glare or light trespass. The Special Use Permit application shall be accompanied by the lighting system design, and prior to final inspection or use, the installation shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialist as achieving the minimum illuminance level for the specific activity as recommended by the Illuminating Engineering Society of North America (IESNA) and conforming to all other applicable provisions of this Code.~~

Table 4.1

MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS LUMEN CAPS

| All Uses in Commercial and Industrial Zoning Districts (NB, GB, LI, HI)⁵ | |
|---|---|
| Total shielded | 150,000-lumens per acre <u>of developed site</u> ^{1, 4, 5} |
| Total Unshielded | 3,000-lumens per acre <u>of developed site</u> ^{2,3,5} |
| Non-Residential Uses in Residential and Rural Zoning Districts⁶ | |
| Total shielded | 75,000-lumens per acre <u>of developed site</u> ^{1,4,5} |
| Unshielded | 3,000-lumens per acre <u>of developed site</u> ^{2,3,5} |
| Residential Uses in Residential and Rural Zoning Districts <u>Lots one acre or larger Total shielded plus unshielded</u> | |
| <u>Lots one acre or larger Shielded</u> | 20,000-lumens per acre <u>of developed site</u> ⁵ |
| Unshielded | 2,000-lumens per acre <u>of developed site</u> ^{2, 3} |
| Residential Uses in Residential and Rural Zoning Districts <u>Lots less than one acre</u> | |
| <u>Lots less than one acre Shielded</u> | 10,000-lumens per residence |
| <u>Unshielded</u> | <u>2,000-lumens per residence</u> ^{2, 3} |
| Digital Signs | |
| <u>Limited to one sign per developed site with a maximum of 200-nits per site</u> | |

¹ Lumens for all signs are to be included in these caps except as provided in Section 6.02.

² Any lamp with output of 1,000-lumens or more shall be fully shielded.

Examples of lamp types of 1000 lumens and below (The acceptability of a particular light is decided by its lumen output, not wattage; values listed are approximate; check manufacturer's specifications):

- (a) 60 Watt Standard incandescent and less*
- (b) 60 Watt Tungsten-Halogen (quartz) and less*
- (c) No available High pressure Sodium or Metal Halide*
- (d) 15 Watt Fluorescent and less*
- (e) 13 Watt Compact Fluorescent and less*

³ Does not include the 2,000 lumen lighting exception for flagpoles (Section 4.03B 2) and incandescent or PAR-floodlights on a motion sensor (4.04 B).

⁴ All lighting except for safety lighting (Class 2) shall be Class 1 (color rendition) and 3 (decorative) lighting and signs to be extinguished between 11 p.m. (or close of business, whichever is later) and sunrise.

⁵ Acreage refers to the developed area of the site, including, but not limited to area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas and required landscaping related to the use, but not areas that are only cleared.

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⁶ ~~General Agriculture (as defined in the Cochise County Zoning Regulations) shall be considered a non-residential use for the purpose of determining maximum lumens allowed on that portion of the property dedicated to ranching or general agricultural use.~~

Section 5: Prohibitions

5.01 Searchlights, Laser Lights

The operation of searchlights, ~~and/or~~ laser lights, or any similar high intensity light for outdoor ~~for~~ advertising or commercial purposes is prohibited.

5.02 Recreational Facilities

No outdoor recreational facility, public or private, including those with non-conforming lighting shall be illuminated after 11 p.m. except to conclude a specific scheduled event that was unable to conclude before the curfew due to unusual circumstances.

5.03 Mercury Vapor

The installation of new mercury vapor outdoor light fixtures is prohibited~~-.~~ The use of legal, non-conforming (installed prior to March 3, 1982) mercury vapor light fixtures is prohibited after January 1, 2011.

Section 6: Signage

6.01 External Illumination

External illumination for signs shall conform to the shielding restrictions and lumen caps of Table 4.1. All upward-directed sign lighting is prohibited.

6.02 Internal Illumination

A. Outdoor internally illuminated signs ~~must be constructed with an opaque or dark-colored background and lighter text and symbols, except for any approved change panels are considered unshielded and.~~ Signs shall be adequately sealed and maintained to prevent light leakage. ~~Internally illuminated signs with opaque or dark-colored backgrounds shall not be counted toward the lumen cap.~~

B. Neon signs shall be treated as internally illuminated signs for the purpose of this Code. Neon lighting extending beyond the sign area shall be considered Class 3 decorative lighting, and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Table 4.1.

C. Digital Signs

Digital signs that meet the standards as listed in Article 19 of the Cochise County Zoning Regulations are permitted. Digital signs shall be considered unshielded and restricted to total lumen cap per Table 4.1 of this Code. Applicant must supply documentation indicating maximum nit capability for each segment of a digital sign, and demonstrate ability to meet the total nit cap per Table 4.1 of this Code.

6.03 Other Illuminated Panels

Other internally-illuminated panels or decorations not considered to be signage according to Code, such as illuminated canopy margins or building faces, shall be considered Class 3 Lighting and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Table 4.1.

6.04 Curfew

A. Illumination for advertising signs, both externally and internally illuminated, shall be turned off at 11 p.m., or when the business closes, whichever is later. Signs subject to curfews are encouraged to have automatic shut-off timers. Internally illuminated signs with an opaque or dark-colored background and lighter text and symbols are not subject to the curfew, provided at least 50% of the sign is dark colored.

B. Digital signs shall be permitted from sunrise to sunset, except as permitted in the Cochise County Zoning Regulations.

Section 7: Permanent Exemptions

7.01 Nonconforming Fixtures

Except as provided in Section 1.04, all outdoor light fixtures existing and legally installed after March 3, 1982 and prior to December 1, 2005, with the exceptions found in Section 5.02 (curfew for outdoor recreation facilities) and 5.03 (mercury vapor), may remain “non-conforming” indefinitely; provided, however, that no change in use, fixture replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Code.ese regulations.

7.02 Fossil Fuel Fixtures

Light produced by the combustion of natural gas or other utility-type fossil fuels is exempt from the lumen cap and shielding requirements of this Code.

7.03 Equipment and Signal Lights

Equipment and signal lights necessary for agricultural equipment or required by state or federal regulations shall be by the least obtrusive means that meets the applicable operating or regulatory requirements.

7.04 Federal and State Facilities

Those facilities and lands owned, ~~operated~~operated, or protected by the U.S. Federal Government or the State of Arizona and political subdivisions thereof are exempt by law from all requirements of these provisions~~-. Voluntary compliance with the intent of this Code at those facilities is encouraged.~~

7.05 Emergency ~~Lighting operations of a public or private utility company~~

Temporary lighting to facilitate immediately necessary repairs or similar emergency, such as actions of a public or private utility company necessary to continue or resume service shall be allowed.~~, provided the emergency does not exceed 48 hours without authorization from the Zoning Inspector.~~ Lights shall be arranged to reflect light away from and prevent glare to adjoining residential properties and public rights of way to the extent feasible.

7.06 ~~Other emergency lighting~~

~~Temporary lighting to facilitate immediately necessary repairs or similar emergency actions provided the emergency does not exceed 48 hours without authorization from the Zoning Inspector. Lights shall be arranged to reflect light away from and prevent glare to adjoining residential properties and public rights of way to the extent feasible.~~

7.06 Agricultural operations

Those agricultural operations that meet the minimum requirements for zoning exemption are also exempt from this Code.~~Temporary lighting to facilitate harvesting or similar actions necessary for general agricultural use (as defined in the Zoning Regulations) provided the night time operation does not exceed 5 days without authorization from the Zoning Inspector. Lights shall be arranged to reflect light away from and prevent glare to adjoining residential properties and public rights of way to the extent feasible.~~

7.0 Special Exemption

The Zoning Inspector may grant a special exemption to the requirements of this Code only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

Section 8: Temporary Exemptions

8.01 Requests for Temporary Exemptions

Any individual as defined herein may submit a written request ~~on a form prepared by the Planning Department~~ to the County Zoning Inspector for a “temporary exemption” to the requirements of this Code. ~~s~~Such exemption ~~will~~ be valid for ~~thirty (30)~~ days, renewable at the discretion of the County Zoning Inspector. The request for Temporary Exemption shall contain at least the:

- A. Specific exemptions requested.
- B. Specific reasons why the requirements listed in this Code cannot be met.
- C. Type and use of exterior light involved.
- D. Duration of time for requested exemption.
- E. Type and number of lamps and calculated lumens.
- F. Total lumens of lamp or lamps.
- G. Proposed location and height of exterior lights.
- H. Previous temporary exemptions, if any.
- I. Physical size of exterior light and type of shielding provided.

In addition to the data above, the County Zoning Inspector may request any additional information to allow a reasonable evaluation of the Request for Temporary Exemption.

8.02 Appeals for Temporary Exemptions

The County Zoning Inspector, within ~~fifteen (15)~~ days from the date of the properly completed Request for Temporary Exemption, shall approve or reject the Request in writing. If rejected, the individual making the Request shall have the right of appeal to the appropriate Board of Adjustment as any other appeal of the County Zoning Inspector’s ~~decisions~~ determinations.

8.03 Private Security Lighting/ Lighting Installed by an Electric Utility

Non-compliant lighting that was installed in good faith by an electric utility shall be brought into conformance with this Code within ~~five (5)~~ years of adoption; however, individual light fixtures which are the subject of a citizen complaint or County enforcement action shall be brought into conformance within ~~thirty (30)~~ days of notification of the property owner.

Section 9: Special Activities

9.01 Outdoor Recreational Facilities

A. Shielding: All outdoor recreational facilities shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics

B. Height: The maximum height for pole-mounted luminaires for outdoor recreational facilities is 40-feet.

C. Lighting for public and private outdoor athletic fields, courts, tracks or arenas, shall be considered Class 1 (Color Rendition).

D. Facility lighting shall meet shielding, lumen caps, height limits and all other restrictions of this Code:

1. A Special Use Authorization Permit is required. As part of the Special Use Permit application process, the lighting system design and installation shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialist as achieving the minimum illuminance level for the specific activity as recommended by the Illuminating Engineering Society of North America (IESNA) and conforming to all other applicable provisions of this Code, and shall be installed and maintained so as to minimize uplight and offsite light trespass, and with aiming angles that permit no greater than five-percent of the light emitted by each fixture to project above the horizontal.

E. Off-site spill-trespass: The facility shall limit off-site spill-trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties.

F. Curfew: All events shall be scheduled to complete activity before 11 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances.

G. All lighting not directly associated with the playing field (e.g. parking lot lighting, concession stand lighting, etc.) shall use Class 2 lighting and shall conform to all requirements of Section 4 of this Code.

9.02 Outdoor Display Lots

Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be in compliance with the following standards:

A. Shielding: All display lot lighting shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.

B. Height: The maximum height for pole-mounted luminaires for outdoor display lots is 40-feet.

C. Display lot lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this Code.

D. If meeting all Code requirements is infeasible, pursuant to Section 14.05 a Special Use Permit-Authorization is required. As part of the Special Use Permit application process, the lighting system design and installation shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialist as achieving the minimum illuminance levels as recommended by IESNA and conforming to all applicable provisions of this Code.

E. Curfew: Display lot lighting shall be turned off between 11 p.m. and sunrise or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered Class 2 lighting and shall conform to all restrictions of this Code, including the lumen caps in Table 4.1.

F. Off-site spilltrespass: The facility shall limit off-site spilltrespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties

9.03 Service Station Under Canopy Lighting

Lighting for service station canopies shall be considered Class 1 lighting (Color rendition) and shall be subject to the curfew requirements in Section 4.03 (C) 2 of this Code.

A. Shielding: All luminaires are to be flush with, or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses, ~~to minimize light trespass.~~

B. Total Under-Canopy Output: The total light output used for illuminating service station canopies is defined as the sum of all under-canopy initial bare lamp outputs in lumens and shall not exceed 40 lumens per square foot of canopy. Twenty-five percent ~~(25%)~~ of the lumens from fully shielded outdoor lighting fixtures installed under canopies shall be counted toward the lumens caps in Table 4.1.

C. Illuminated canopy margins shall be considered Class 3 (Decorative) lighting.

9.04 Wireless Communications Towers

If tower lighting is required, it shall be the least obtrusive that meets FAA requirements.

Section 10: Enforcement

10.01 Violations ~~deemed~~ Deemed a Nuisance

Any outdoor lighting established or maintained in violation of the Code is unlawful and constitutes a public nuisance. The Applicant will provide a means to safely inspect any digital sign over five-feet tall from the ground.

10.02 Action to Enforce Regulations

For any violation of this Code, the County Attorney may, and upon order of the Board of Supervisors shall, commence all necessary actions or proceedings to enforce this Code including, but not limited to, actions to abate, enjoin, or remove the violating outdoor lighting fixture.

10.035 Jurisdiction of Hearing Officer

The Hearing Officer who has been designated to hear zoning violation proceedings under the Cochise County Zoning Regulations shall also hear any violation proceedings under this Code.

10.046 Rules of Procedure

The rules of procedure for hearings on zoning violations before the County Hearing Officer shall apply to violation proceedings arising under this Code.

10.053 Remedies

All remedies concerning this Code shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited outdoor lighting fixture, and shall not prevent the enforced correction or removal thereof. In addition to the other remedies provided herein, any adjacent or neighboring property owner specially damaged by the violation of any provision of this Code may institute, in addition to any other appropriate remedy or proceeding an action for injunction, mandamus, or proceeding to prevent, abate, or remove such unlawful outdoor lighting fixture.

10.0406 Penalties

A. Any person, firm or corporation whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this Code or who violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided for Class 2 misdemeanors by Arizona Revised Statutes. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which such violation or failure to comply with this Code is committed, continued, or permitted.

B. Paragraph A notwithstanding, each violation of this Code or failure to comply with any order or regulation hereunder may be processed by the County Zoning Inspector as a violation subject to a civil penalty as provided by Arizona Revised Statutes, ~~§11-808~~, and heard by a duly appointed Hearing Officer, pursuant to the written rules of procedure for such hearings, as approved by the Board of Supervisors. Each day the violation continues, a separate violation will be incurred. Maximum fines are \$750.00 for individuals an \$10,000.00 for an enterprise, defined as a corporation, association, labor union, or legal entity.

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LAMP DATA

| | | | |
|---------|---------|---------|---------|
| Lamp | Initial | Lamp | Initial |
| Wattage | Lumens | Wattage | Lumens |

Incandescent

| | |
|--------|-------|
| 25 W | 150 |
| 40 W | 460 |
| 60 W | 890 |
| 75W | 1210 |
| 100 W | 1750 |
| 150 W | 2880 |
| 300 W | 6360 |
| 1000 W | 23800 |

Metal Halide

| | |
|--------|--------|
| 175 W | 14000 |
| 250 W | 20000 |
| 400 W | 40000 |
| 1000 W | 115000 |

PAR (Parabolic Aluminized Floods & Spots)

| | |
|-------|------|
| 150 W | 1740 |
|-------|------|

Compact Fluorescent

| | |
|------|------|
| 5 W | 250 |
| 7 W | 400 |
| 13 W | 900 |
| 18 W | 1200 |
| 26 W | 1800 |
| 32 W | 2900 |

HPS (High Pressure Sodium)

| | |
|--------|--------|
| 50 W | 3300 |
| 70 W | 5800 |
| 100 W | 9500 |
| 150 W | 16000 |
| 200 W | 22000 |
| 250 W | 30000 |
| 310 W | 37000 |
| 400 W | 50000 |
| 1000 W | 140000 |

Tungsten Halogen

| | |
|--------|-------|
| 250 W | 4700 |
| 500 W | 10700 |
| 1000 W | 19000 |
| 1500 W | 36000 |

LPS (Low Pressure Sodium)

| | |
|-------|-------|
| 18 W | 1800 |
| 35 W | 4800 |
| 55 W | 8000 |
| 90 W | 13500 |
| 135 W | 22500 |
| 180 W | 33000 |

Mercury Vapor

| | |
|--------|-------|
| 100 W | 4000 |
| 175 W | 8500 |
| 400 W | 23000 |
| 700 W | 44000 |
| 1000 W | 61000 |

Fluorescent (Standard Cool White, 1.5-inch tubes)

| | |
|------|------|
| 21 W | 1190 |
| 30 W | 2050 |
| 36 W | 2450 |
| 39 W | 3000 |
| 50 W | 3700 |
| 52 W | 3900 |
| 55 W | 4600 |
| 70 W | 5400 |

~~75 W _____ 6300~~

~~These are standard values are based on manufacturers data and are to be used unless the applicant submits other verified lumen values.~~

Examples of fixtures that are

NOT Fully Shielded

(Note: Some of these fixtures may be acceptable provided they don't exceed 1,000 lumens. See Table 4.1)

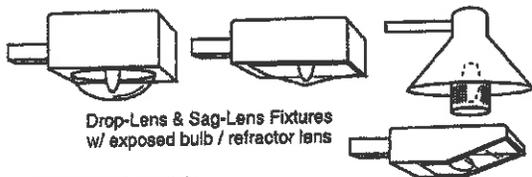
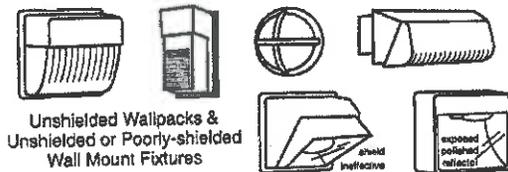
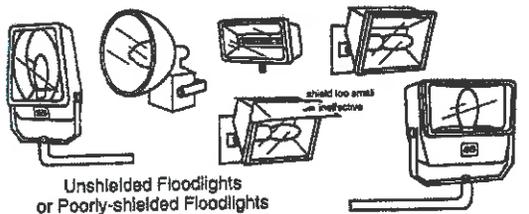
Examples of fixtures that are Fully Shielded

(Note: to be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal)

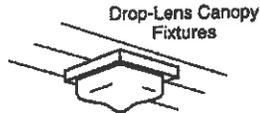
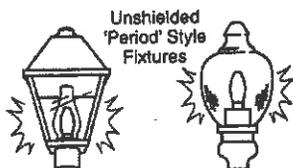
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass

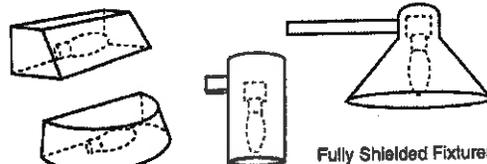
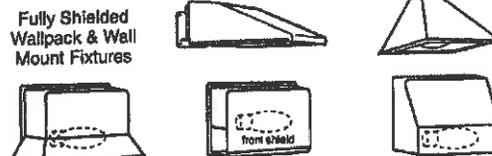
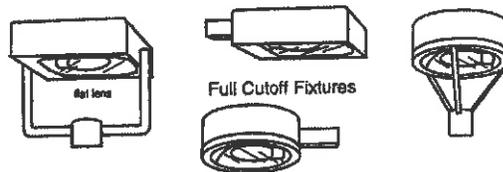


Unshielded Streetlight

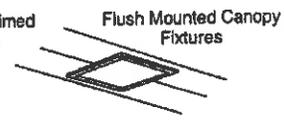
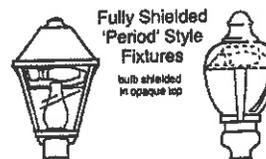


Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Streetlight



BC 10/02

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Proposed Changes to Zoning Regulations to Address Digital Signs

1903.04 Except as permitted for Digital Signs (see Section 1907.02), all illuminated signs shall conform with the provisions of the Cochise County Light Pollution Code, and shall be so placed as to prevent glare or reflection from being cast on any adjoining residential District, or any beam or ray of light from being directed at the sky and at any portion of a public street, alley, or other right-of-way.

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1907.02 Permitted Signs, RU, GB, LI, and HI Zoning Districts

In addition to those signs listed in Section 1906, the following signs are permitted in RU, GB, LI, and HI Zoning Districts, provided that the maximum aggregate area of all signs on a given site shall be two-square feet per lineal foot of total street frontage, and further provided that individual signs conform to the following standards:

A. ON-SITE PERMANENT SIGNS other than Digital Signs, and OFF-SITE PERMANENT SIGNS other than BILLBOARDS, as follows:

1. Permitted Structural Type:

a. Ground or Projecting Signs: Each site is permitted at least one Ground or Projecting Sign per street frontage, but not more than one per 300-lineal feet of street frontage.

b. Wall Signs

c. Roof Signs: A Roof Sign may be used in place of, but not in addition to, a permitted Ground Sign.

2. Illumination: Permitted

3. Maximum Height and Area of Ground Signs:

| Street Classification | Maximum Area | Maximum Height |
|-----------------------|--|----------------------|
| Local | .25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet | six-feet above grade |
| Collector | .5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet | 18-feet above grade |
| Arterial | One-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet | 24-feet above grade |

4. Maximum Area of Wall Signs, Projecting Signs, and Roof Signs: Same as maximum area of Ground Signs above.

B. DIGITAL SIGNS.

1. Permitted Structural Type: Ground Sign.

2. Illumination: Permitted, but only from sunrise to sunset, except for fuel price, motel price, time and temperature signs, and similar signs, which can be illuminated at any time, provided i) the illumination emitted by the sign, together with any other unshielded lighting on the site, do not exceed the maximum allowed in Table 4.1 of the County Light Pollution Code for unshielded lighting; ii) the lighted text on the sign is red or green on a black background; and, iii) complies with all other provisions of the Light Pollution Code and County Zoning Regulations. Applicant must provide documentation showing maximum lumen capability for each segment of a digital sign to demonstrate ability to meet the total lumen cap per Table 4.1 of this Code.

3. Maximum Height: five-feet above grade.

4. Setbacks: All light fixtures located within 25-feet of the property line adjacent to a residential use shall use fully shielded luminaires.

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4. Maximum Area:

| Street Classification | Maximum Area |
|-----------------------|--|
| Local | .25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet |
| Collector | .5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet |
| Arterial | One-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet |

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5. Limits on Change in Copy: any message must remain in place for at least five-minutes before changing to another message.

6. Limits on Type of Use: Permitted only for on-site advertising, i.e., as a sign which directs attention to a business, profession, or activity conducted on the premises on which the sign is located.

C. DIRECTORY SIGNS, One per street frontage for sites having multiple uses, such as shopping centers, office complexes, and industrial parks, provided that no other Ground Sign occupies the premises, and subject to the following limitations:

1. Permitted Structural Type: Ground Sign

2. Illumination: Permitted

3. Maximum Height and Area of Ground Signs:

| Street Classification | Maximum Area | Maximum Height |
|-----------------------|--|----------------------|
| Local | .25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet | six-feet above grade |
| Collector | .5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64- | 18-feet above grade |

| | | |
|----------|--|---------------------|
| | square feet | |
| Arterial | One-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet | 24-feet above grade |

D. BILLBOARDS; shall be permitted only if approved as a Special Use, in a RU, GB, LI, or HI Zoning District, subject to all regulations included in Section 1908.01, and provided that a maximum aggregate sign area of two-square feet per lineal foot of street frontage is not exceeded.

E. ON-SITE SPECIAL EVENT SIGNS; no permit required.

E. OFF-SITE SPECIAL EVENT SIGNS; no permit required.

1908.05 Digital Sign

A type of unshielded electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted, typically flashing and utilize technologies such as Liquid Crystal Display (LCD), Light Emitting Diodes (LED), plasma displays, or projected images to display content, and cannot be shielded. In these Zoning Regulations, Digital Signs are a sub-category of On-Site Permanent Signs, but with special rules governing Digital Signs. (See Section 1907.02).

Note that inserting the above definition of Digital Sign in Section 1908 will require re-numbering the definitions that follow it.

1908.11 Illumination

For the purpose of these Zoning Regulations, illumination means a shielded light source (except for Digital Signs, which are unshielded), either located within, mounted upon, or directed at a sign for the purpose of making it visible at night. All sign illumination shall comply with the terms of the Cochise County Light Pollution Code, and shall not include any exposed light source.

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1908.18 On-Site Permanent Sign (other than a Digital Sign)

A sign which directs attention to a business, profession, or activity conducted on the premises on which the sign is located. An On-Site Permanent Sign may include a change panel. A change panel must be an integral part of the sign, must be secured to prevent movement. In no case shall this be construed to include the attachment or addition to an approved sign of any sign or graphic, temporary or permanent, not included in the original design and specifications approved as a condition of issuance of a sign permit. Note that Digital Signs are a sub-category of On-Site Permanent Signs, but with special rules governing Digital Signs. (See Section 1907.02 and the definition of Digital Sign).

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Zoning Districts: RU, GB, LI, and HI
 Structural Type: See Section 1907.02
 Maximum Area: See Section 1907.02
 Maximum Height: See Section 1907.02
 Illumination: Permitted