

COCHISE COUNTY PLANNING & ZONING COMMISSION
FINAL MINUTES
July 09, 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. She then called a five-minute recess due to the weather to grant people more time to arrive.

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 one Master Development Plan/Rezoning Dockets, one Special Use Modification Docket, and one Regulation Docket were on the agenda, followed by a Work Session regarding another Regulation Docket. She then noted that the Regulation Docket noticed for Public Hearing was being removed from 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; five Commissioners (Nathan Watkins, Jim Lynch, Carmen Miller, Gary Brauchla, and Liza Weissler) indicated their presence. Staff members present included Britt Hanson, Chief Civil Deputy County Attorney, Peter Gardner, Planner I, and Sarah Meggison, Intern Planner.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the June 11, 2014 meeting. **Action:** Approve **with correction.**

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

Vote: Motion passed (**Summary:** Yes = 4, No = 0, Abstain = 1)

Yes: Mr. Lynch, Mr. Brauchla, Ms. Miller, and Ms. Weissler **No:** 0 **Abstain:** Mr. Watkins

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

Mr. Richard Burke of Sierra Vista spoke regarding the proposed changes to the light pollution code. He expressed concern that some language was vague and permitted a broader interpretation than what was intended. He also asked about the interaction regarding several setback regulations and their intent. Mr. Burke expressed his concern as an astronomer.

Planner I Peter Gardner offered to clarify the points raised by Mr. Burke, and was admonished by Mr. Hanson to save his remarks until the work session.

NEW BUSINESS

Item 1

PUBLIC HEARING

Docket MDP-14-01/Z14-02 (Carr): This Docket is a request to rezone a Parcel from RU-4 to TR-18 to allow placement of a manufactured home and septic system. Such an amendment requires a Master Development Plan. The property is an unaddressed Parcel (108-15-061G) located north of incorporated Tombstone, just off Highway 80 between Mileposts 313 and 314, on Spanish Bayonet Drive. The Applicant is Douglass Carr.

Chair Weissler called for the Planning Director's report. Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the unusual circumstances surrounding the request and Staff's analysis of it. Mr. Gardner explained the objections from neighbors driven by a concern about manufactured homes in the area, and explained Staff's proposal to amend the zoning to a more restrictive zoning district than that requested by the Applicant, to legally prohibit the installation of a manufactured home on the property, and invited questions from the Commission. Ms. Weissler then invited the Applicant to speak. Mr. Douglass Carr of Tombstone spoke, explaining his request and his willingness to construct a site built home rather than a manufactured home to comply with neighbors' concerns.

Ms. Weissler then opened the Public Hearing, and seeing no one wishing to speak, she closed the Public Hearing and asked for Commission Discussion. Mr. Lynch asked Mr. Hanson regarding real estate transaction requirements involving non-conforming parcels. Mr. Hanson stated that he believed there was no such requirement.

There being no further discussion, Ms. Weissler asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval of the rezoning to a SR-22 Zoning District. Ms. Weissler called for a motion. Mr. Lynch made a motion to forward to the Board of Supervisors with a recommendation of Approval, with the Conditions recommended by Staff including that the Zoning be amended to SR-22. Mr. Watkins seconded the motion and Ms. Weissler asked for discussion. Mr. Gardner corrected a typographical error in the sample motion for clarity. The motion passed unanimously.

Motion: Motioned to forward to the Board of Supervisors with a recommendation of Approval, with the Conditions recommended by Staff including that the Zoning be amended to SR-22.

Action: Forward with recommendation of Conditional Approval. **Moved by:** Mr. Lynch

Seconded by: Mr. Watkins

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

Yes: Mr. Lynch, Mr. Watkins, Ms Miller, Ms. Weissler, and Mr. Brauchla

No: 0

Abstain: 0

Item 2

PUBLIC HEARING

Docket SU-13-03A (Verizon): This is a request to modify an existing Special Use Authorization, specifically to Modify Section 1813.02.B of the Cochise County Zoning Regulations, which requires all Communications Towers up to 150-feet in height to be designed to accommodate at least two providers. The Applicant wishes to construct a tower designed to accommodate only their equipment. The subject Parcel (405-51-000) is located at 8377 N.

Dangerous Road, east of Douglas, AZ. The Applicant is Ryan Rawson of In Command Communications, on behalf of Verizon Corporation.

Chair Weissler called for the Planning Director's report. Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the requested Modifications. 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.

No Applicant was present to speak, and Ms. Weissler then opened the Public Hearing.

There being no one interested in speaking, Ms. Weissler closed the Public Hearing. Ms. Weissler then asked for discussion from the Commission. There being no discussion, Ms. Weissler then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Denial and explained the Conditions recommended by Staff if the Commission were to Approve the request. Ms. Weissler called for a motion. Mr. Lynch made a motion for Approval of the Special Use Modification with Conditions and Modifications given by Staff. Ms. Miller seconded the motion and Ms. Weissler asked for discussion. Mr. Lynch stated he agreed with Staff and supported Denial. Ms. Weissler concurred, noting that weather may have prevented an Applicant from being present, though she also supported Staff's recommendation, and then called for a vote. The motion failed unanimously.

Motion: Motioned to grant the Special Use Modification with the Conditions and Modifications as recommended by Staff. **Action:** Approve with Conditions and Modifications. **Moved by:** Mr. Lynch **Seconded by:** Ms. Miller **Vote:** Motion failed (**Summary:** Yes = 0, No = 5, Abstain = 0) **Yes:** 0
No: Mr. Lynch, Mr. Watkins, Ms Miller, Ms. Weissler, and Mr. Brauchla
Abstain: 0

Item 3

PUBLIC HEARING

Docket R-14-07 (Cochise County Building Safety Code Owner-Builder Amendment). This docket is a recommendation from Staff to consider minor edits and revisions to the Cochise County Building Safety Code Owner-Builder Amendment.

Ms. Weissler noted that this item was removed from the Agenda.

Item 4

WORK SESSION

Docket R-14-04 (Cochise County Light Pollution Code and Zoning Regulations): This is a Commission requested Work Session to discuss the 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, Article 19 – Signs; 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.

Ms. Weissler asked the Commission for input on how to proceed. Ms. Miller stated she would like to see if the entire code could be reviewed rather than just the proposed changes from Staff. Ms. Weissler agreed and noted that a briefing regarding the proposed changes had been provided by Staff at the previous meeting. Ms. Miller read an email from Anna Lands in Cascabel that urged the Commission to table the item again and recommended Staff send a member to an upcoming conference on the subject in Flagstaff. Mr. Gardner noted that he would be attending that conference. Ms. Miller noted that at the previous meeting, several astronomers had raised concern regarding blue lighting, but it was not included in the proposed code. She also referenced a letter from a member of the Arizona Optics Association on the matter and urged inclusion of blue light restrictions. Mr. Gardner, apologized, stating that Staff had intended to introduce a color limit on non-residential exterior lighting into the current document, along with a definition of the unit to be measured. Ms. Miller asked why Staff was not proposing a limit for residential lighting. Sarah Meggison, Planning Intern, explained that Staff felt non-residential lighting was brighter and therefore more of an issue. Mr. Gardner added that Staff felt that it was not practical to inspect this on residential properties. Ms. Miller asked Staff to ensure that the proposed code was clear that such restrictions did not apply to residential lighting. Ms. Weissler asked about available lighting reference by Robert Gent at the previous meeting. Mr. Gardner explained the options available and that commercial bulbs are often of a much higher temperature than residential bulbs. Mr. Gardner offered three potential definitions of correlated color temperature, a technical definition, a simplified definition, and a very simple definition. Mr. Lynch preferred the technical definition, and the other members preferred a combination of the simplified and very simple definition. Mr. Lynch expressed concern that the issues being discussed were beyond the technical expertise of the Commission and recommended adopting and amending an existing model code written by experts. Ms. Weissler asked for information on how Staff arrived at the proposed changes and if they derived from national standards. Mr. Gardner explained an existing Model Lighting Ordinance created by the Illumination Engineering Association, noting that it approached the issue similarly as the existing code, but used different methods to arrive at the numbers. Mr. Lynch compared the process to Building Code and recommended adopting a national standard with required local changes. Ms. Weissler and Ms. Miller supported the idea. Ms. Miller then noted that if the Commission did not approve any changes, it was possible that new lights or signs could be approved in the County that would not comply with the proposed changes and could create a problem. She asked if the Commission could assert the new standards while the final document was still being considered. Mr. Gardner and Mr. Hanson explained that was not possible. Ms. Weissler noted also that permit applications could not be rejected pending new regulations. Mr. Gardner noted that Staff had begun to receive inquiries about new digital signs from additional businesses. Ms. Weissler expressed support for Mr. Lynch's suggestion, but suggested approving the proposed changes as a temporary measure with the understanding that it may be replaced with national standards in the near-term to prevent the installation on new signs that may not comply. Mr. Brauchla agreed and noted that minor editorial work should be handled by Staff rather than the Commission, and emphasized approval if the Commission supported the general concept. Ms. Miller asked if color temperature could be added, and Mr. Gardner noted it could, and would be included prior to the public hearing. Ms. Miller asked for clarification that the Commission would be able to

review the changes before a final vote. Mr. Gardner explained the options regarding Commission and Board votes. Ms. Weissler asked Mr. Gardner for Staff's response to Mr. Burke's concern. He explained that the interaction regarding setbacks and shielding effectively prohibited a digital sign within 25-feet of the property line of a residential use. Mr. Hanson provided an explanation for the seemingly vague language pertaining to permitted digital signs, noting that nothing else notwithstanding, the lumen counts would still apply and would prohibit the offensive signs causing concern. Ms. Weissler closed by directing Staff to add color temperature regulations and asked if the Commission would be able to review the document again. Mr. Gardner stated that the Commission would hear it at a public hearing, followed by the public hearing at the Board of Supervisors. Ms. Weissler again expressed support for adopting a code by reference.

PLANNING DIRECTOR'S REPORT:

Planner I Peter Gardner informed the Commission that the only docket next month was the light pollution code and informed the Commission that the meeting would begin with a joint work session with the Board of Supervisors regarding the Comprehensive Plan. He also provided the Commission with the dates and times of the public open houses regarding the Comprehensive Plan. He closed by informing the Commission that the rezoning heard at the last meeting was approved by the Board the previous day.

CALL TO COMMISSIONERS ON RECENT MATTERS:

Mr. Brauchla noted he would not be present at the next meeting.

ADJOURNMENT – Chair Weissler called for a motion to adjourn: Mr. Lynch moved, Ms. Miller seconded and the meeting was adjourned at 5:07 pm.