



**Planning  
Commission**



# Cochise County Planning Commission

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

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**

**Regular Meeting  
July 9, 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) - 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.

**Item 2 – (Page 27) – 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.

**Item 3 – (Page 45) – 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.

**Item 4 – (Page 56) – 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.

- 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**  
**June 11, 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 one Subdivision Tentative Plat Extension, two Special Use Dockets, one Special Use Modification Docket, one Rezoning Docket, and one Regulation Docket were 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; five Commissioners (Tim Cervantes, Jim Lynch, Carmen Miller, Gary Brauchla, and Liza Weissler) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Adam Ambrose, Civil Deputy County Attorney, Peter Gardner, Planner I, and Sarah Meggison, Intern Planner.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the May 14, 2014 meeting with one typographical correction.

**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. Cervantes, Ms. Miller, and Ms. Weissler **No:** 0 **Abstain:** Mr. Brauchla

**CALL TO THE PUBLIC:**

Ms. Tricia Gerrodette of Sierra Vista spoke regarding a Tentative Plat Extension, urging the Commission to enforce new State water regulations.

Mr. Russell Williams of Saint David spoke regarding a helipad in Saint David, and urged the Commission to overturn a Staff decision regarding the helipad.

Ms. Anna Lands of Cascabel spoke regarding the helipad in Saint David and urged the Commission to close the operation.

Mr. Jack Cook of Bisbee spoke of various matters.

**NEW BUSINESS**

**Item 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, west of 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.

Chair Weissler called for the Planning Director’s report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. She explained Staff’s analysis of the request and invited questions from the Commission. Ms. Weissler asked about the status of the previous phases of the subdivision. Ms. Wilson explained that the first phase was complete, and the second was in process of being completed. Ms. Weissler asked for clarification of water adequacy, and Ms. Wilson explained that such proof was required at Final Plat approval.

There being no further discussion, Ms. Weissler asked for Staff’s recommendation. Ms. Wilson recommended Conditional Approval. Ms. Weissler called for a motion. Mr. Lynch made a motion to extend the Tentative Plat for one year, with the Conditions recommended by Staff. Mr. Brauchla seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler expressed concern regarding the water adequacy and then called for a vote. The motion passed 3-2, with Ms. Weissler and Ms. Miller opposed.

**Motion:** Motioned to extend the Tentative Plat for one year, with the Conditions currently existing. **Action:** Extend with Conditions **Moved by:** Mr. Lynch **Seconded by:** Mr. Brauchla  
**Vote:** Motion passed (**Summary:** Yes = 3, No = 2, Abstain = 0)  
**Yes:** Mr. Lynch, Mr. Cervantes, and Mr. Brauchla  
**No:** Ms. Weissler and Ms. Miller  
**Abstain:** 0

**Item 2**

**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.

Chair 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 from neighbors and 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.

Mr. Benjamin Bojorquez indicated his presence, and declined to make a statement.

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. Mr. Brauchla asked where junked vehicles would be stored. Mr. Gardner clarified that no vehicles would be handled; as such the use would be a junkyard. There being no further discussion, 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. Brauchla made a motion for Approval of the Special Use with Conditions and Modifications given by Staff. Mr. Cervantes seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

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

### Item 3

#### **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.

Chair Weissler called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. She explained Staff's analysis of the request and 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.

Mr. Ken Ryan indicated his presence, and declined to make a statement.

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. Ms. Wilson recommended Conditional Approval and explained the Conditions recommended by Staff. Ms. Weissler called for a motion. Mr. Cervantes made a motion to forward the request to the Board of Supervisors with a recommendation of Conditional Approval with Conditions given by Staff. Mr. Lynch seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to forward the request 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. Cervantes **Seconded by:** Mr. Lynch **Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

#### Item 4

#### **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.

Chair 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 citizens' groups. 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. Miller asked why the Applicant was not replacing the sign with a compliant sign. Mr. Gardner deferred to the Applicant.

Ms. Weissler invited the Applicant to make a statement.

Mr. Ray Klumb of Cochise spoke as the Applicant's agent. He explained that as the sign was an improvement over the existing sign, the Applicants did not see an issue. Mr. Klumb stated that the sign would comply with the new brightness requirements in the proposed Light Pollution Code.

Ms. Weissler then opened the Public Hearing.

Ms. Anna Lands of Cascabel spoke urging the Commission to delay considering this docket until the light pollution code updates were resolved and urged denial.

Mr. Adam Ambrose noted that the sign must be considered under the code in effect when the application was filed, and the proposed changes could not be applied to the current proposal.

There being no one else interested in speaking, Ms. Weissler asked the Applicant to rebut. Mr. Klumb noted that the proposed sign will emit fewer unshielded lumens than permitted on the site. Ms. Weissler closed the Public Hearing. Ms. Weissler then asked 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 asked if the sign was being proposed along the Interstate and did not advertise for on-site goods or services then the sign would not be authorized. Mr. Gardner explained that this was correct, but the State regulations did not apply to this sign as an on-site advertising sign. Mr. Lynch made a motion for Approval of the Special Use with Conditions given by Staff. Ms.

Miller seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to Approve the Special Use request 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 passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

### Item 5

#### **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.

Chair Weissler called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. She explained the support and opposition from neighbors, and explained Staff's analysis of the request including the requested Modifications. She 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. Donna Greybill of Huachuca City spoke. Ms. Greybill explained her background with the site and explained the details of the request for the Recreational Vehicles. She also explained the issues regarding the fears of an animal rescue on the site. Ms. Greybill also emphasized that the hours would be limited within the proposed hours.

Mr. Lynch asked for clarification about if the RVs would be supplied services. Ms. Greybill explained that it would depend on length of stay. Mr. Lynch expressed concern about noise from generators. Ms. Greybill explained the precautions that would be taken. Mr. Cervantes asked how many animals were on site, and Ms. Greybill provided a list. Mr. Cervantes also asked for details regarding the code on RV's, which Staff provided.

Ms. Weissler then opened the Public Hearing.

Ms. Karen Reid of Huachuca City spoke in favor. Ms. Reid emphasized the value of the skills taught on the site.

Ms. Amanda Root of Sierra Vista spoke in favor. Ms. Root emphasized the educational and social possibilities of the use

Ms. Lisa Mossman of Huachuca City spoke in favor. Ms. Mossman explained her late son's enjoyment of the farm, and emphasized the opportunities for children.

Mr. Thomas Alinen of Huachuca City spoke in opposition. Mr. Alinen expounded on the background of the farm. He stated he had an issue with the RV Park as proposed and expressed concern about future expansion of such a use. He stated he had no issue with the petting farm, but did express concern about the release of feral cats. Mr. Alinen did express support for the Greybill's stewardship of water on the site.

Ms. Lucinda Earven of Huachuca City spoke in opposition. Ms. Earven expressed support for the agricultural uses, and concern regarding the release of feral cats on the site. She expressed opposition to the possibility of an animal rescue and to an RV park on the grounds of possible expansion.

Ms. Ann Aust of Huachuca City spoke in opposition. Ms. Aust expressed support for the agricultural and educational programs, but expressed opposition to the RVs, echoing previous speakers' concerns. She also expressed concern regarding losing parking to the RVs.

There being no one else interested in speaking, Ms. Weissler asked the Applicant to rebut. Ms. Greybill addressed the speakers' concerns. She explained why they wanted to have the RVs on site, noting that trades of space for labor were used. Ms. Weissler asked Ms. Greybill if there were plans to release more cats in the future. Ms. Greybill stated that it would only be done to replace the existing cats.

Ms. Weissler closed the Public Hearing and asked for discussion from the Commission. Ms. Weissler asked for clarification about the details of the RV Park and adding more RVs. Ms. Wilson explained that Staff was recommending a limit of a total of four RVs at any time. Mr. Lynch suggested a limit of three. Ms. Wilson recommended Conditional Approval and explained the Conditions recommended by Staff. Mr. Lynch stated that he felt the issue of animal release was an animal control issue rather than a land use issue for the Commission, and Ms. Weissler concurred. The Commission called for more specific detail regarding the definition of an RV park, which was provided by Staff. 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 with the exception of the RV Park. Mr. Cervantes seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to Approve the Special Use Modification request with the Conditions and Modifications as recommended by Staff with the exception of the RV Park. **Action:** Approve with Conditions and Modifications except for the RV Park **Moved by:** Mr. Lynch **Seconded by:** Mr. Cervantes **Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

## Item 6

### **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.

Chair Weissler called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request and the basis for the proposed changes. Ms. Miller asked if only the proposed changes were to be addressed or if other changes could be proposed. She also expressed concern that her district was not well represented in the survey results.

Ms. Weissler then opened the Public Hearing.

Mr. Robert Gent of Sierra Vista spoke in support of the proposed changes. Mr. Gent explained his background in astronomy and emphasized the contributions of astronomy to the local economy. Mr. Gent also expressed concern about color temperature of lighting.

Mr. Ray Klumb of Cochise spoke in support of the code. He recommended drawing from an existing model ordinance and suggested an overlay approach to controlling lighting. He also expressed concern that some of the limits were too restrictive.

Ms. Anna Lands of Cascabel spoke and asked the Commission to table the docket, stating that she felt there was inadequate public input.

There being no other members of the public interested in speaking, Ms. Weissler closed the Public Hearing. Ms. Weissler then asked for discussion from the Commission, and suggested going over the proposed changes. Discussion of adding definitions occurred among the Commission. Mr. Lynch suggested holding work sessions. Ms. Weissler reminded the Commission such work sessions had been held, and only Mr. Lynch had attended. Ms. Weissler then called for the Planning Director's summary and recommendation. Ms. Wilson recommended forwarding the docket to the Board of Supervisors with a recommendation of Approval. Ms. Weissler called for a motion. Mr. Lynch made a motion to table the docket to the next meeting and schedule a work session. Ms. Miller seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to Table the request to the next meeting and schedule a work session prior to that date. **Action:** Table and schedule work session **Moved by:** Mr. Lynch **Seconded by:** Ms. Miller **Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

### Item 7

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

Planning Director, Beverly Wilson offered the Director's Report, informing the Commission that there would be one Master Development Plan for the next meeting.

**CALL TO COMMISSIONERS ON RECENT MATTERS:**

None.

**ADJOURNMENT** – Chair Weissler called for a motion to adjourn: Mr. Lynch moved, Ms. Weissler seconded and the meeting was adjourned at 6:48p.m.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission

**FROM:** Peter Gardner, Planner I *(PG)*  
For: Beverly Wilson, Planning Director *(BW)*

**SUBJECT:** Docket MDP-14-01/Z-14-02 (Carr)

**DATE:** June 25, 2014, for the July 9, 2014 Meeting

### APPLICATION FOR A MASTER DEVELOPMENT PLAN & REZONING

The Applicant has acquired a non-conforming 0.50-acre parcel of RU-4 property in unincorporated Tombstone. He intends to rezone this Parcel to TR-18 to allow placement of a manufactured home and septic system and must amend the comprehensive plan to do so. Such an amendment requires a Master Development Plan.

The property is an unaddressed Parcel (108-15-061G) is adjacent to the Diamond Acres subdivision, north of incorporated Tombstone, just off Highway 80 between Mileposts 313 and 314, on Spanish Bayonet Drive. The Applicant is Douglass Carr.

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

Size: 22,252.87-square feet (0.50-acres)  
 Zoning: RU-4 (Rural, one dwelling per 4-acres)  
 Growth Area: Category D (Rural Area)  
 Area Plan: None  
 Comprehensive Plan Designation: Rural  
 Existing Uses: Vacant  
 Proposed Uses: Single Family Residence

#### Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single Family Residence
South	MH-72	Single Family Residence
East	RU-4/MH-72	Vacant/Single Family Residence
West	RU-4	Vacant

### II. PARCEL HISTORY

The parcel was split into its current, non-conforming configuration in 2002. The Applicant took ownership of the parcel in 2012. There is no permit or violation history on the parcel.



*West view of the existing neighborhood.*

**III. NATURE OF REQUEST**

The Applicant, Douglass Carr, wishes to construct a single-family dwelling on the parcel. The half-acre parcel is zoned RU-4 (Rural, one dwelling per four-acres), which makes it a non-conforming lot. Due to this non-conformance, Staff may not issue building permits for the property. To rectify the non-conformance, the Applicant has requested a rezoning to a density that will accommodate his desire to construct a home on the parcel. There are a number of zoning districts that would render the site compliant; however, the area is located within an area of the County designated as Growth Category D under the Comprehensive Plan. Category D areas normally only permit Rural and assorted Residential zoning districts with a minimum lot size of two-acres or more in size, or the Heavy Industry district. Exceptions to this may be made if authorized under an area, community, or master development plan. Under the Zoning Regulations, the only method the Applicant can utilize to reach his goal of building on this parcel is to request a Master Development Plan approval. The MDP process will then allow him to request the change in zoning district, to make the parcel conforming.

The Applicant’s original request was to rezone the parcel to R-18 (Residential, one dwelling per 18,000-square feet), but in light of neighbor concerns regarding the placement of a manufactured home, Staff is recommending, with the Applicant’s permission, a rezoning to SR-22 (Single-Household Residential, one dwelling per 22,000-square feet), a more restrictive zoning district as only site-built homes will be allowed.

**IV. ANALYSIS OF IMPACTS**

**Mandatory Compliance**

The subject property lies within a Category “D”–Rural Area and is considered a “Rural” land use designation area per the *Comprehensive Plan*. Section 402 of the County Zoning Regulations permits only Zoning Districts with a minimum lot size of two-acres or more, or the Heavy Industry District unless another Plan supersedes this requirement. The proposed Master Development Plan would therefore permit a Zoning District that will render the site compliant.



*View of the lot on the right behind the existing homes.*

**Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides 15 criteria used to evaluate rezoning requests. 11 of the criteria are applicable to this request, which, as submitted, complies with each of the 11 applicable factors.

***1. Provides an Adequate Land Use/Concept Plan—Complies.***

The Applicant has submitted a concept plan, and, as this request is a single parcel suitable for the development of one Single Family Residence, a full site plan may be deferred until permit submittal. Note that Section 2208.03.B.1 of the Zoning Regulations does not relate specifically to what is proposed. That is, the rezoning would not facilitate a new residential subdivision development and so would not require a new subdivision plat submittal.

***2. Compliance with the Applicable Site Development Standards—Complies.***

The site will be able to comply with all site development standards for the R-18 or the SR-22 Zoning Districts.

***3. Adjacent Districts Remain Capable of Development—Complies.***

The proposal 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.**

There is no existing development, and the proposed Zoning Districts are compatible with the adjoining RU-4 and MH-72 Districts. The SR-22 District in particular fits with the existing residential development of single family, site-built homes.

**6. Rezoning to More Intense Districts—Complies.**

Either proposed zoning district provides a reasonable transition between the RU-4 and MH-72 zoning districts.

**7. Adequate Services and Infrastructure—Complies.**

The site has potential for all necessary utilities.

**8. Traffic Circulation Criteria—Complies.**

The site takes access from a residential street, which currently serves several residential properties.

**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, and is therefore not applicable.

**11. Unique Topographic Features—Not Applicable.**

The size of the site and proposed Zoning Districts do not permit the intense development this factor applies to.

**12. Water Conservation—Complies.**

The site lies within the Sierra Vista Sub-Watershed overlay zone, and residential development must comply with applicable water conservation measures.

**13. Public Input—Complies.**

While several statements of opposition have been received by Staff, the focus of the opposition has been the Applicant's proposal to install a manufactured home. Both the RU-4 and MH-72 Districts do permit manufactured and rehabilitated mobile home, though the adjacent Diamond Acres subdivision, though zoned MH-72, does not permit either. Therefore, Staff, with the Applicant's permission, is requesting a rezoning to SR-22, which does not permit manufactured or mobile homes.

**14. Hazardous Materials – Not Applicable.**

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

**15. Compliance with Comprehensive and Master Development Plan - Complies**

While a very minor Master Development Plan is required in this case due to the interaction of the Zoning Regulations and Comprehensive Plan in this area, the request satisfies the intent of the

Comprehensive Plan by creating a buffer of moderate density between RU-4 and MH-72 Zoning Districts.

**Compliance with Master Development Plan Criteria**

This case is an unusual application of the Master Development Plan process due to the odd comprehensive plan designations in the surrounding area. The Zoning Regulations list a number of requirements for a Master Development Plan, and grant the Zoning Inspector the authority to waive any requirements that are not applicable to a particular project. In this case, the only requirement that is applicable is water conservation, which has been addressed in the Rezoning Factors above.

**V. SUMMARY**

This rezoning request pertains to a single non-conforming lot north of Tombstone. The Applicant has acquired the lot ten years after the non-compliant situation was created by a previous owner, and wishes to develop the property with a single-family dwelling. Due to unusual circumstances involving Comprehensive Plan Designations and their effect on the Zoning Regulations regarding rezonings, a Master Development Plan must also be approved. This request is outside the intended use of the Master Development Plan process, and all but one of the requirements for such a Plan are not applicable in this case. Essentially, the Plan is a procedural issue to legitimize an otherwise straightforward request.

In Staff’s analysis, the major issue that has arisen in the opposition of neighboring property owners to the installation of a manufactured home on the site, citing property value concerns and an expectation of the area permitting only site built homes. The Applicant has expressed a willingness to construct a site built home instead of a manufactured home if that is necessary to allow him to develop the property. Staff therefore suggests replacing the requested R-18 zoning with an SR-22 zoning, which would not permit a manufactured home, and would keep all other site development standards the same, or tighten them in the case of minimum lot size.

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 request would be in keeping with the character of the area which is undeveloped land, and scattered single family, site-built homes;
2. The Comprehensive Plan policies encourage buffers of moderate density between dissimilar Zoning Districts (in this case RU-4 and MH-72);
3. With the change requested by Staff of using SR-22 rather than R-18 zoning, concerns regarding manufactured homes will be assuaged;
4. The request complies with each of the 11 applicable factors used by Staff to analyze such requests; and
5. One neighbor has expressed support for the project in writing.

**Factors Against Approval**

1. The request comes as a result of a request to legitimize a non-conforming lot; and

**VI. RECOMMENDATION**

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Docket MDP-14-01/Z-14-02 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following standard Conditions:

1. The Zoning be changed to SR-22 rather than R-18;
2. 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
3. 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.

*Mdm. Chair, I recommend we forward Docket MDP-14-01/ Z-14-02 to the Board of Supervisors with a recommendation of conditional approval, subject to the Conditions recommended by staff.*

Note: the Board of Supervisors will consider this Docket at a public hearing at their regular meeting of Tuesday, August 12, 2014.

**VII. ATTACHMENTS**

- A. Rezoning Application
- B. Master Development Plan Application
- C. Concept Plan
- D. Location Map
- E. Neighbor Response



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

check # 2138

Rec'd \$41500 2/27/2014

(KD)

## COCHISE COUNTY REZONING APPLICATION

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

1. Applicant's Name: Douglas Carr

2. Mailing Address: PO BOX 1150

Tombstone AZ 85638

City State Zip Code

3. Telephone Number of Applicant: 529 4579457

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

5. Email Address: carrs auto body 1@gmail.com

6. Assessor's Tax Parcel Number: 108-15 06162 (Can be obtained from your County property tax statement)

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

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

- List attached (if applicable):

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

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

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

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

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

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

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

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

13. Indicate existing Zoning District for Property: R.V.4

14. Indicate proposed Zoning District for Property: R.18

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

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

16. Comprehensive Plan Designation or Community Plan: \_\_\_\_\_ (A County planner can provide this information.)

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

17. Describe all structures already existing on the property: none

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

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

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

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

MAGUEY Circle or Bayonet Drive off of Diamond Acres

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? Single Driveway Home

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 0

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	private well 5026	
Sewer/Septic		
Electricity		
Natural Gas		
Telephone		
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).

I have 1.51 acres in R-18, I would like to make it R-1B to put a mobile office on this lot, it's right behind lot 5 in Diamond Acres it has access to lot. I have contacted 12 people in 1500 ft no body seems to have a problem with it. Thank you for your time

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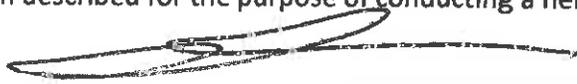
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25. AFFIDAVIT

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

Applicant's Signature:  \_\_\_\_\_

Date: 2-25-14 \_\_\_\_\_



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MASTER DEVELOPMENT PLAN APPLICATION

Master Development Plan (MDP) Name: Douglas Corn

General Location: Hwy 82 and Hwy 80

Parcel Number(s): 108-15-06162

Site Address: \_\_\_\_\_

Owner's Name: Douglas Corn

Address: PO Box 1150 Tombstone AZ 85638

Phone: 520 457 9457 Email address: corns auto body 1@gmail.com

Developer's Name (if different from owner): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

Agent's/Project Engineer's Name: N/A

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

Total Acreage in MDP: .51

Current Zoning Designation(s): R04

Concurrent Rezoning? (separate Rezoning Application and fee required) \_\_\_\_\_

Proposed Uses within MDP: \_\_\_\_\_

Signature of Applicant: [Signature]

Date: 4-9-14

Signature of Property Owner (if different from Applicant): \_\_\_\_\_

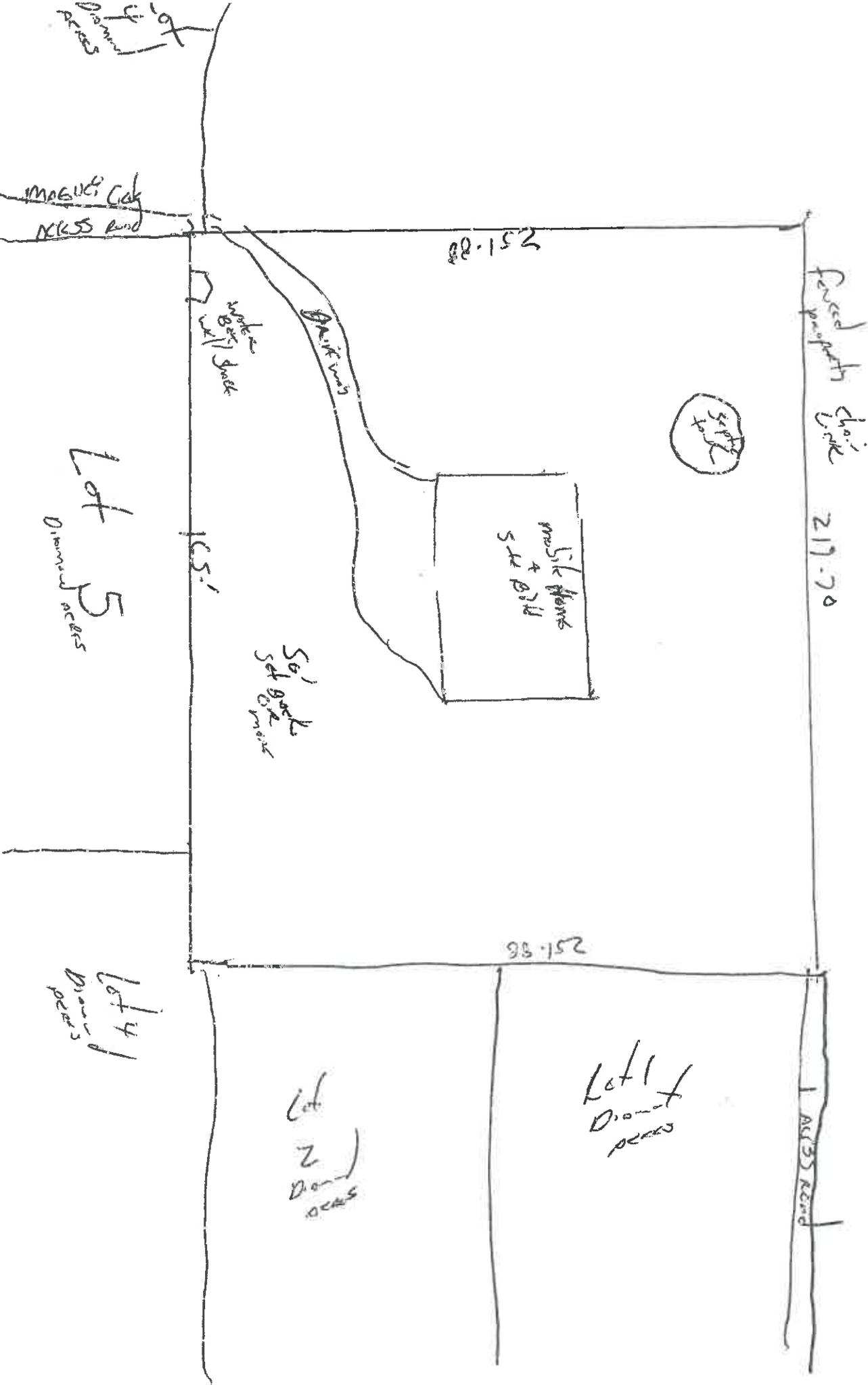
Date: \_\_\_\_\_

Douglass Creek  
PO Box 1152  
Tombstone AZ 85638

for parcel #  
108-15-06 162 .51 ACRS

The concept is to put  
a mobile home on  
site build on .51 acres

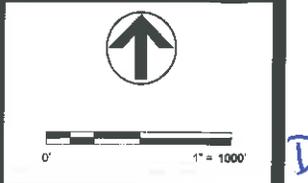
2  
3





MDP-14-01/Z-14-02 (Carr)  
Location Map

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



February 14, 2014

Douglass Carr

P.O. Box 1150

Tombstone, AZ 85638

(520) 457-9457

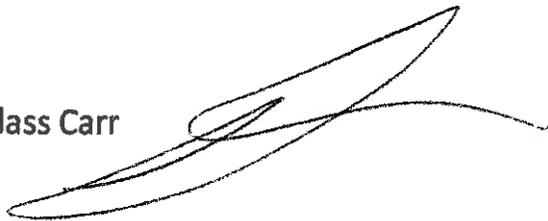
I Douglass Carr of 875 Main Chance Road, Tombstone, AZ 85638 am written to inform you my neighbors that I would like to rezone Parcel #108-15-061G 2 Lot #2 (.51 Acres) of Diamond Acres Subdivision. I would like to rezone it from RU4 to R18, to put a manufactures home on the lot for my family. I have lived and worked in Tombstone, AZ for 9 years. I am the owner of Carr's Auto Body Shop that has been in business for 9 years. I would appreciate your help in getting this land rezone.

Please write, call or email me with your questions, comments or concerns:

P.O. box 1150, Tombstone, AZ 85638, telephone number: 520-457-9457,  
carrsautobody1@gmail.com

Thank you for your time,

Douglass Carr

A handwritten signature in black ink, appearing to read 'Douglass Carr', with a large, sweeping flourish extending to the right.

April 07, 2014

Douglass Carr

P.O. Box 1150

Tombstone, AZ 85638

(520) 457-9457

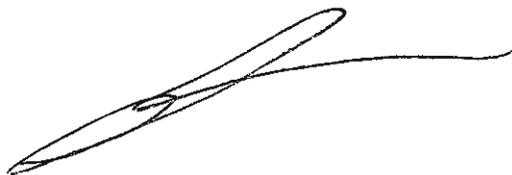
Well, you may remember me writing you to tell you I wanted to rezone my property. The County is now telling me I have to change the "Comprehensive Plan" designation of the property in order to rezone it. I am still asking the County to rezone my property but I am also asking to change the Comprehensive Plan designation as well.

Please write, call or email me with your questions, comments or concerns:

P.O. box 1150, Tombstone, AZ 85638, telephone number: 520-457-9457,  
carrsautobody1@gmail.com

Thank you for your time,

Douglass Carr

A handwritten signature in black ink, appearing to read 'Douglass Carr', with a long horizontal flourish extending to the right.

CARR DOUGLASS  
P O BOX 1150  
TOMBSTONE AZ 85638

SKELHORN WILLIAM J & LAURA D (C  
777 HAYES LINE RR2  
OMEMEE ON K0L

CLAY SCOTT & MICHELLE (2)  
P O BOX 757  
TOMBSTONE AZ 85638

TOMBSTONE HOLDING LLC  
3801 EAST INDIAN SCHOOL ROAD  
PHOENIX AZ 85018

CRABTREE RONALD D  
640 GOOSEBERRY DR UNIT 105  
LONGMONT CO 80503

WINTERS VIJAYA  
P O BOX 657  
TOMBSTONE AZ 85638

*5:00 call me 2-21  
2:52 pm no problem*

DIAMOND ACRES DEVELOPMENT INC  
PO BOX 198  
DIAMOND CITY AR 72644

*no mail receptacle  
unable to forward*

EVANS DOUGLAS A & TERESA M  
PO BOX 27  
TOMBSTONE AZ 85638

HARRIS MATTHEW D & JANETTE K  
5757 BOX ELDER RD  
EL PASO TX 79932

HOWISON GEORGE D & LISA L  
4014 CENTER AVENUE  
NORCO CA 92860

*call me -2-13-14  
4:00 pm no problem*

MCWHORTER JAKE & JAMIE  
971 CHOLLA TRAIL  
TOMBSTONE AZ 85638

PEAK JESSE & SHAWN  
5329 N CROWLEY LN  
TUCSON AZ 85705

SECRETARY OF HOUSING & URBAN DE  
4400 WILL ROGERS PKWY STE 300  
OKLAHOMA CITY OK 73108

# Rezoning: Docket Z-14-02 (Carr)

COCHISE COUNTY

MAR 28 2014

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

PLEASE SEE ATTACHED

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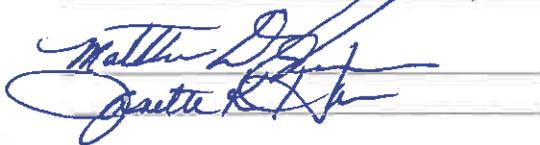
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(Attach additional sheets, if necessary)

PRINT NAME(S):

MATTHEW D. HARRIS, JANETTE K. HARRIS

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 108-15-061 J 6 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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, March 28, 2014 if you wish the Commission to consider them before the April 9 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: Keith Dennis  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

Matthew & Janette Harris  
Property Owner  
Tombstone Property  
Parcel (108-15-061J 6)

To Whom It May Concern,

My name is Matthew Harris and I would like to respond to a recent notice I received regarding a request for rezoning near 4 acres of property that my wife and I own. The request was made by **Mr. Douglas Carr** under **Docket Z-14-02 (Carr)** in Cochise County. Currently the RU4 zoning is preventing him from placing a manufactured home on a lot that he owns in the area.

Having researched the issue at hand I must ask that the request be declined at this time. As an advocate for personal property rights I do not ask this lightly and will attempt to explain my issue in full. I would like to be clear that my opposition to this in no way conveys any animosity to Mr. Carr or his right to make the request. The reason for my issue is based solely on a prevailing market bias that currently exists, with regard to manufactured homes, their valuation and the significant adverse effects this would have on my property rights.

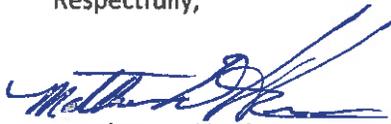
Allow me to state a brief history of my ownership and the reasoning behind my choices to purchase the property I now own. In 1998 I purchased a site built home (at 971 Cholla Trail) that was advertised on 4 acres of property consistent with the zoning of the area. In the purchase negotiations the seller made clear that additional contiguous acreage was available if that was of interest to me. In the end I purchased the home on 8 acres instead of the advertised 4 for the sole purpose of investment. In 2009 I sold the home on 4 acres. However, prior to the sale, I spent significant time, effort and money to ensure that legal access was established to both 4 acre parcels, appropriate surveys were completed and filed and title and recordings were appropriately made. I did this to preserve the valuation of the unimproved 4 acres that I continue to retain. I now own the property unencumbered and as such have managed the investment as intended. This of course is true only if the valuation of the property remains undiminished outside of normal market fluctuations. With this, you can see that I have made significant effort to ensure that I maintain the current zoning and by doing so, the potential value, of the property I own.

Unfortunately the requested variance to allow manufactured homes on parcels less than four acres would have the specific effect of reducing the comparative value assessed on my property. The issue at hand is the fact that the real estate industry continues to hold significant bias with regard to valuations of property with manufactured homes. This is primarily the case with appraisal, mortgage and insurance agencies and has been for some time. This is the primary reason I purchased the home and additional property that I did in the first place. My research at the time proved that the valuation of properties

with manufactured homes was consistently 25 to 40 percent less than comparable site built homes on average. Therefore the specific zoning of the area in question was, and is, of paramount importance to me. In doing some brief but current research, I find that diminished valuation is still a consistent issue with regard to comparable acreage and square footage of homes. While there are considerable variations in the quality, workmanship, styling and installation of the wide variety of manufactured homes presently available, the appraisal, mortgage and insurance industries currently do not have sufficient capabilities to distinguish these variations and therefore, consistently minimize their risk by relegating all of these to the lowest valuations of the scale. When this occurs, the valuation of nearby comparative properties is also diminished for both mortgage and market appraisals. The smaller acreage (less than four acres) would, again upon brief but current research, have minimal impact on property values of like comparison. The manufactured home however and unfortunately, would still appear to have a significant derogatory effect.

For these reasons I must object to the course of action requested. In summary, I obtained my property in the area with full understanding of the implications of the zoning in place. It in fact played a considerable part in my decision making process. I have gone to great lengths to ensure that I comply with and maintain the zoning specifications for the future integrity of my property and the properties around me. I expect that Mr. Carr would have understood the zoning implications in place upon obtaining his property in the area as well. If I found that a change would have minimal implication, as is the case with the reduction of parcel size, I would certainly support the action in favor of an expansion of owners' rights. The variance to allow manufactured homes however, would have the opposite effect and would diminish the rights of numerous property owners in the area. I would hope that good governance would continue and that due consideration to existing property rights would prevail over a singular variance but also that regulatory reform be considered to rectify the current state of affairs that allows such disparity of accurate assessments of value to persist.

Respectfully,

A handwritten signature in blue ink, appearing to read "Matthew D. Harris", with a stylized flourish extending upwards and to the right.

Matthew D. Harris

15 MARCH 2014

PAGE 1 OF 2

COCHISE COUNTY COMMUNITY DEVELOPEMENT  
1415 MELODY LANE  
BLDG F  
BISBEE, ARIZONA 85603

COCHISE COUNTY  
MAR 17 2014  
PLANNING

JESSE & SHARON PEAK  
5329 NORTH CROWLEY LANE  
TUSCON, ARIZONA 85705

- RESIDENCE & MAILING ADDRESS -

- LAND OWNER - DIAMOND ACRES, TOMBSTONE ARIZONA  
PARCEL 108-15-012 7 LOT 10

DOUGLAS

CARR FAMILY INTENT TO REZONE HIS 'PARCEL' TO TR-18

NOTICE OF PUBLIC HEARING

09 APRIL 2014

COCHISE COUNTY BOARD/PLANNING AND REZONING

HELLO: IN RECEIPT OF (1) DOUGLAS CARR LETTER OF INTENT... 14  
FEBRUARY 2014 (2) COCHISE COUNTY COMMUNITY DEVELOPEMENT NOTICE...  
PUBLIC HEARING 11 MARCH 2014 (RELATED).

I, JESSE PEAK HAVE ENCLOSED MY RESPONSE TO MR. CARR'S INQUIRY  
TO REZONE, DATED 24 FEBRUARY 2014!

MY POSITION IN/OF THIS MATTER REMAINS EXACTLY AS STATED IN  
MY 24 FEBRUARY 2014 RESPONSE! I HAVE ENCLOSED COPY(S) OF  
ALL WRITTEN CORRESPONDENCE!

E 20

PAGE 202

MEETING

PLEASE, IN WRITING - VIA MAIL DELIVERY, COMMUNICATE ANY/ALL MINUTES, ... POTENTIAL, PRE-CLUDING, INFORMATIONAL, VOTING OR INQUIRIES (CHANCES): FOR JESSE AND SHAWN PEAK!

RESPECTFULLY  
JESSE PEAK

NOTE

Rezoning: Docket Z-14-02 (Carr)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Blank lines for providing reasons for supporting the request.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

REFER TO MY ATTACHED 24 FEBRUARY 2014 LETTER IN RESPONSE TO MR. DOUGLASS CARR'S 14 FEBRUARY 2014 LETTER!

WE DO NOT SUPPORT HIS REQUEST THIS EARLY IN WITH HIS INTENT = LACK OF SPECIFICS

ATTACHMENTS: ① 14 FEBRUARY 2014 (LETTER MR. CARR) ② 24 FEBRUARY 2014 LETTER PEAK RESPONSE TO MR. CARR ③ 15 MARCH 2014 (LETTER-REZONING)

(Attach additional sheets, if necessary)

PRINT NAME(S):

JESSE J AND SHAWN R. PEAK

SIGNATURE(S):

Handwritten signatures of Jesse J. Peak and Shawn R. Peak.

YOUR TAX PARCEL NUMBER:

108-15-012 7

(the eight-digit identification number found on the tax statement from the Assessor's Office)

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, March 28, 2014 if you wish the Commission to consider them before the April 9 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: Keith Dennis
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

24 FEBRUARY 2014

1 of 2

JESSE & SHAWN PEAK  
- HUSBAND & WIFE -  
5329 NORTH CHOWKEY LANE  
TUCSON, ARIZONA 85705

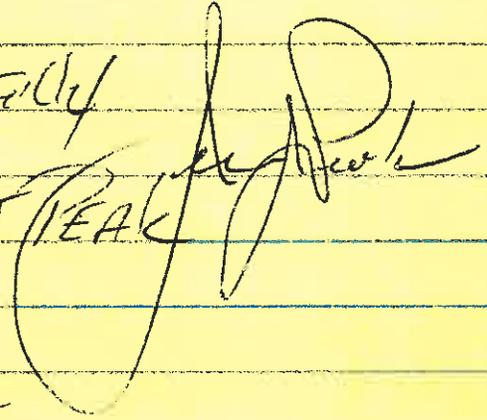
MR. DOUGLAS CARR  
- TOMBSTONE, ARIZONA -

SIR: THANKED... MR. CARR FOR YOUR 'LETTER' OF  
INQUIRY AS IT RELATES TO (1) DIAMOND ACRES SUB-  
DIVISION - TOMBSTONE ARIZONA (2) RE-ZONING (3) TO  
INCLUDE MANUFACTURED HOMES (4) & (5) YOUR 'PARCEL' AND  
LOT I.D.! YOUR LETTER VERY 'GENERIC' - SPECIFICS N/A?  
YOUR LETTER, LEADS TO 'REZONE' YOUR PROPERTY AS  
SCRIPTED 'SOLELY' W/ EXCLUSION TO/FOR SAID SUB-  
DIVISION ???

IT REMAINS OBVIOUS TO ME, MY GRANDFATHER'S  
INTENT WAS TO DEVELOPE 'DIAMOND ACRES' BUILDING  
ONLY SINGLE FAMILY CUSTOM HOMES W/ FOUNDATION(S)!  
BUT FOR (A) SLOW GROWTH (B) PROFITABILITY (C) WATER  
(D) REGULATIONS & (E) POLITICS: HIS 95 YEARS WAS NOT  
LONG ENOUGH FOR A-B-C-D-E TO BECOME VIABLE IN  
TOMBSTONE, NOR HAVE THEY, SINCE HIS PASSING 5 YEARS  
AGO!

HAVING SAID THIS, I WOULD ENTERTAIN 'CHANCES' TO IN-  
CREASE THE LIVE-ABILITY AT/ON 'DIAMOND ACRES. E 23

WITHOUT YOUR INTENDED 'SPECIFICS' IT WOULD BE  
IRRESPONSIBLE TO CONTINUE IN ASSISTING YOU AT THIS  
TIME!

RESPECTFULLY  
JESSE J TEAK 

CP FILE  
RECORDS  
ORIGINAL RETAINED

Rezoning: Docket MDP-14-01/Z-14-02 (Carr)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Blank lines for providing reasons for supporting the request.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

PETITIONER MUST PRESENT QUALIFIED DESCRIPTION(S) OF INTENTIONS IN FULL

STAMP - PLANS - APPROVALS

TEAM ENGINEERING - CIVIL - ARCHITECTURAL - PLOT - YEAR MODEL MAKE BUT NOT LIMITED TO !! (WATER - SEWER ELECTRICAL) ARE ADDITIONAL CONCERNS

ALL INTENTIONS PRIOR TO VOTE REQUESTED / RECOGNIZED

(Attach additional sheets, if necessary)

PRINT NAME(S):

JESSE IT PEAK 23 JUNE 2014

SIGNATURE(S):

J. It Peak c/o FILE/RECORDS

YOUR TAX PARCEL NUMBER: 108-15-0127#10 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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, June 27, 2014 if you wish the Commission to consider them before the July 9 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: Peter Gardner  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

COCHISE COUNTY

JUN 26 2014

PLANNING

E 25

"APOLOGY FOR RED INK" J. It Peak

# Rezoning: Docket Z-14-02 (Carr)

**YES, I SUPPORT THIS REQUEST**  
Please state your reasons:

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**NO, I DO NOT SUPPORT THIS REQUEST:**  
Please state your reasons:

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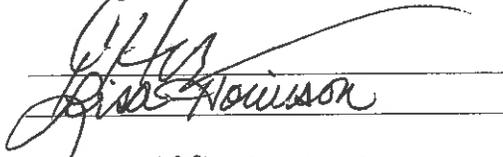
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(Attach additional sheets, if necessary)

PRINT NAME(S): George + Lisa Howison

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 10815041C (the eight-digit identification number found on the tax statement from the Assessor's Office)

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, March 28, 2014 if you wish the Commission to consider them before the April 9 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: Keith Dennis  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603



# 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-13-03A (Verizon)  
**DATE:** June 24, 2014, for the July 9, 2014 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant seeks to modify a Special Use authorization from the Planning and Zoning Commission for a Wireless Communication Tower exceeding 30-feet in height, per Section 607.38 of the Zoning Regulations. The tower will be placed atop Beacon Hill northeast of Douglas, AZ. The Applicant requests a Modification from 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.

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

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

### Zoning/Use of Surrounding Properties

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

## **II. PARCEL HISTORY**

- In 2004, a permit was issued to construct a 50-foot tower; the Applicant in this case was Cochise County Information Technologies. As the tower was originally purposed to house emergency services equipment for the County, the project was deemed an “essential government services” land use and was therefore considered exempt from Zoning Regulations; per Section 2002.02 (the permit was thus informational only). Per the Applicant in this case, however, a 40’ 6”-foot tower was actually constructed.
- In 2010, a violation was issued for construction/replacing wireless equipment without a permit.
- In 2011, a permit was issued for nine new panel antennas on the site, which resolved the aforementioned violation.
- In 2013, SU-13-03 was approved by the Commission, granting authorization to construct Wireless Communication Tower 50-feet in height. A modification to waive the now defunct requirement for a six-foot high fence was also granted.

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

## **III. NATURE OF REQUEST**



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

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

Wireless towers under 150-feet in height are required to be designed for a minimum of two providers per Section 1813.02.B of the Zoning Regulations. While the initial Special Use Authorization was granted with Staff understanding that the tower would accommodate a second provider, the current proposal does not do so, which requires the Commission to approve this modification.

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

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

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

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

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

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

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

The project site is not located along any major road.

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

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

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

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

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

Wireless Communication facilities are subject to a set of use-specific site development standards. These are provided in Section 1813 of the Zoning Regulations, and among them are standards relative to co-location, setbacks, height standards, design and certification, as well as security. Regarding co-location, the Applicant has requested that the standards of 1813.02.B, which require any such tower of less than 150-feet be designed to accommodate a minimum of two providers, be waived. Staff does not support the request in part due to the very remote location and difficulty in gaining access. Due to the difficulty in construction on the site, and the County’s desire to minimize the number of such towers throughout the County, Staff

recommends that the modification not be granted.

**G. Public Input: Complies**

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

**H. Hazardous Materials: Not Applicable**

**I. Off-Site Impacts: Does Not Comply**

If the Modification is granted, the next time a provider wishes to install equipment on this site, another new tower must be constructed, increasing the visual impact of the site.

**J. Water Conservation: Not Applicable**

**V. PUBLIC COMMENT**

Staff posted the property on June 19, 2014, and published a legal notice in the *Bisbee Observer* on the same date. To date, the Department has received no correspondence supporting or opposing the project.

**VI. SUMMARY AND CONCLUSION**

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

1. With the requested Modifications, the request complies with four of the five applicable Special Use factors used by staff to analyze such requests.

**Factors Against Allowing the Special Use Modification**

1. The Zoning Regulations discourage proliferation of towers due to lack of co-location;
2. While the requested Modification would render the site compliant with site development standards, it would increase the off-site impacts (viewshed) of the site by potentially increasing the number of towers on the site; and
3. The currently authorized tower will replace an existing tower that lacked additional capacity. Replacing it with a tower with no additional capacity is creates the likelihood that the tower will need to be replaced in the future.

**VII. RECOMMENDATION**

Based on the factors against approval, Staff recommends **denial** of the Special Use Modification request.

If the Modification request is approved, Staff recommends that it be 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.

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

**VIII. ATTACHMENTS**

- A. Special Use Application
- B. Location Map
- C. Site Plans
- D. Requested Modifications



SU-13-03

COCHISE COUNTY  
COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

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

TAX PARCEL NUMBER 405-51-000

APPLICANT Verizon Wireless, C/O: In Command communications

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

CONTACT TELEPHONE NUMBER 602-550-5700

EMAIL ADDRESS: ryanrawson@cox.net

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

ADDRESS 1616 W. Adams Street, Phoenix, AZ 85007

DATE SUBMITTED 12/19/12

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

**PART ONE - REQUIRED SUBMITTALS**

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

6. Hazardous or Polluting Materials Questionnaire, if applicable.

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

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

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

**PART TWO - QUESTIONNAIRE**

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

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

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

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



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

Lease and Access Easement provided separately.

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

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

Attached  NA

8. Identify how the following services will be provided:

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

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

1. Describe any activities that will occur outdoors.

All Construction will be done outdoors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

N/A

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

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**SECTION D - Hazardous or Polluting Materials**

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

Does the proposed use have any activities involving such materials?

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

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

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

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

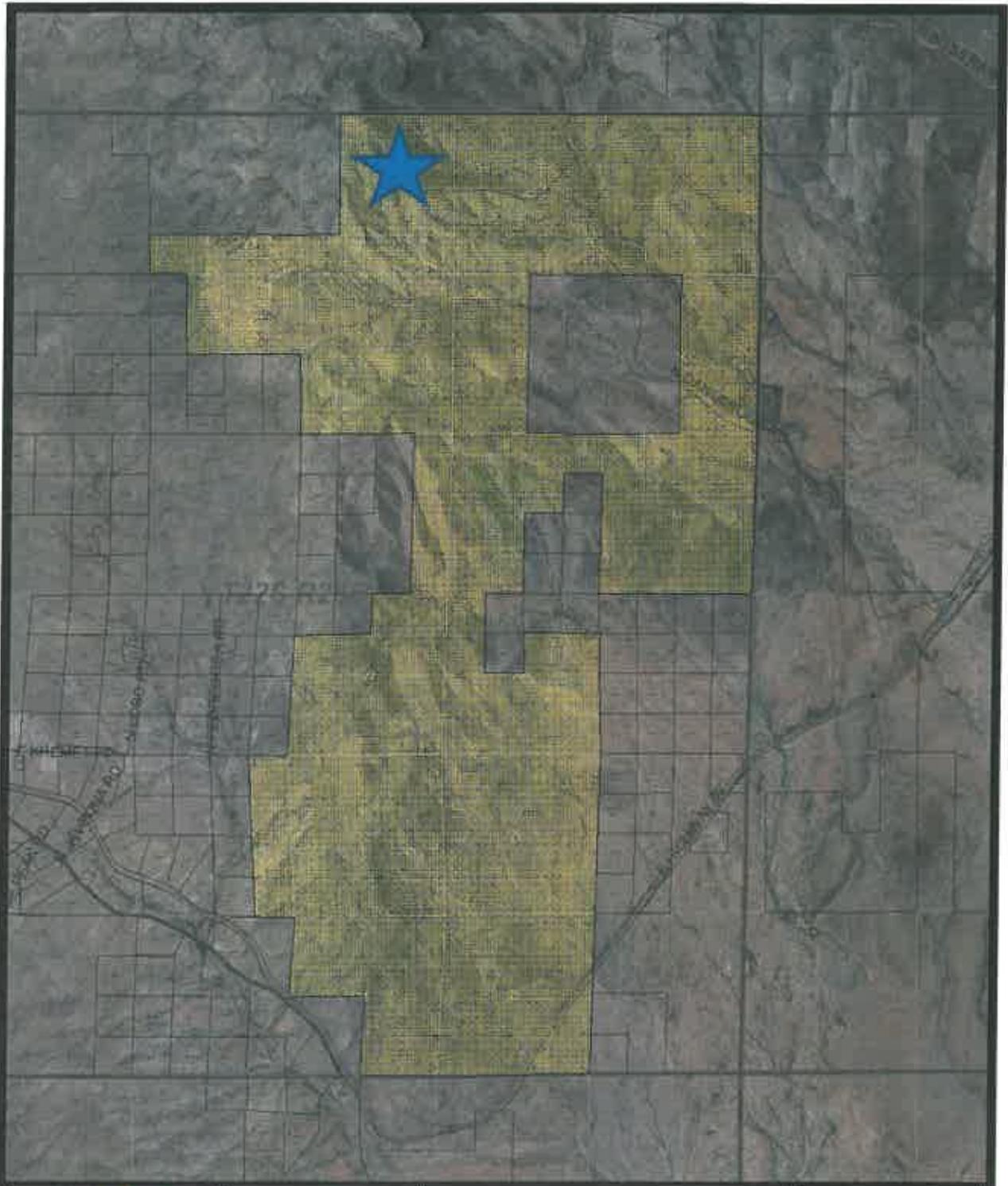
**SECTION E - Applicant's Statement**

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

Applicant's Signature 

Print Applicant's Name Ryan Rawson

Date signed 12/17/12



Docket SU-13-03  
(Verizon)  
Location Map

This map is a product of the  
Cochise County GIS





## Gardner, Peter

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**From:** Ryan Rawson [ryanrawson@cox.net]  
**Sent:** Monday, June 16, 2014 12:02 PM  
**To:** Gardner, Peter  
**Cc:** Vincent, Jennifer; 'Matt Young'; 'Buttiker, David'; Wilson, Beverly; Flores, Dora; Jackson, Cherry; Evans-Massey, Michelle Marie  
**Subject:** RE: AZ6 Beacon Hill Parcel 405-5100

Hello Peter,  
Please proceed with the modification to waive the requirement.

Thank you,



**Ryan Rawson**  
**In Command Communications LLC**  
4294 E. Del Rio Street - Gilbert, Arizona 85295  
Mobile: 602.550.5700 - Fax: 623.218.1302  
[www.ICCommunications.net](http://www.ICCommunications.net)- [RyanRawson@ICCommunications.net](mailto:RyanRawson@ICCommunications.net)

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**From:** Gardner, Peter [mailto:PGardner@cochise.az.gov]  
**Sent:** Monday, June 16, 2014 11:29 AM  
**To:** 'Ryan Rawson'  
**Cc:** Vincent, Jennifer; 'Matt Young'; Buttiker, David; Wilson, Beverly; Flores, Dora  
**Subject:** RE: AZ6 Beacon Hill Parcel 405-5100

Ryan,

I spoke with our director, Beverly Wilson, and our Attorney this morning regarding the solution you suggested regarding leaving the existing tower in place. Unfortunately, the zoning regulations require any tower not used for 12 months to be removed, which would then potentially place you in the position of having a tower that does not allow for co-location. At this time the two options we can see are to design the tower for co-location, or apply for a modification to waive the co-location requirement. Due to the failure of communication that caused this requirement to be unclear, we are prepared to waive the modification fee, but we cannot waive the public process required. If you give me the go-ahead to apply for the modification by the end of today, we can squeeze it on the agenda for the July 9 meeting. If we don't have the okay before then it would have to move forward on August 13. If you decide to go this route we can get the written justification next week, but having the go-ahead no later than tomorrow morning is vital due to legal noticing requirements. Thank you and regards,

Peter Gardner  
Planner I  
Cochise County Community Development Department  
Planning, Zoning and Building Safety  
1415 Melody Lane, Bldg. E

Bisbee, AZ 85603  
520-432-9240  
520-432-9278 fax  
[pgardner@cochise.az.gov](mailto:pgardner@cochise.az.gov)

Public Programs, Personal Services  
[www.cochise.az.gov](http://www.cochise.az.gov)

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**From:** Ryan Rawson [<mailto:ryanrawson@cox.net>]  
**Sent:** Wednesday, June 11, 2014 3:49 PM  
**To:** Gardner, Peter  
**Cc:** Vincent, Jennifer; 'Matt Young'; Buttiker, David  
**Subject:** FW: AZ6 Beacon Hill Parcel 405-5100  
**Importance:** High

Hello Peter,

By way of follow-up to the voicemail I left, I have attached my email correspondence with Keith Dennis before his departure and a copy of the approved SUP. We have been working on this site for several years now and have kept in close contact with Keith throughout. As you will see from the approved SUP and the email correspondence, we were never informed of the 1813.02.B compliance requirement. We have been repeatedly told we could proceed directly to permitting without issue. We are now on a tight timeline to finally deploy this site and would appreciate some discretion with regard to the requirement given the timing and prior determination. Also, this location has several towers atop the mountain. Anyone looking to collocate here will have several different options to choose from. Please review the attached and let us know if we can proceed as described by Keith.

Thank you for your time and consideration.

Best Regards,



**Ryan Rawson**  
**In Command Communications LLC**  
4294 E. Del Rio Street - Gilbert, Arizona 85295  
Mobile: 602.550.5700 - Fax: 623.218.1302  
[www.ICCommunications.net](http://www.ICCommunications.net) - [RyanRawson@ICCommunications.net](mailto:RyanRawson@ICCommunications.net)

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**From:** Matt Young [<mailto:Matt.Young@YDCOffice.com>]  
**Sent:** Wednesday, June 11, 2014 2:23 PM  
**To:** Ryan Rawson  
**Cc:** Buttiker, David  
**Subject:** FW: AZ6 Beacon Hill Parcel 405-5100

Good Afternoon Ryan,

Can you please look at this email below and see if you can help me out? I received a comment from Cochise County regarding the new tower being required to handle additional carriers. The new tower is 50' high with a full array and (2) dishes. I don't think we will have room for another carrier...

I tried sending the correspondence from your emails to them and below is what I received back.

I need some help.

---

**From:** Vincent, Jennifer [<mailto:JVincent@cochise.az.gov>]  
**Sent:** Wednesday, June 11, 2014 2:06 PM  
**To:** Matt Young  
**Cc:** Gardner, Peter  
**Subject:** RE: AZ6 Beacon Hill Parcel 405-5100

Good Afternoon Matt,

It has been determined by our Director that you must either comply with 1813.02.B (which states for towers up to 150-feet in height, they shall be designed to accommodate at least two providers) or request a Special Use Modification. If you wish to request a Modification you can contact Peter Gardner (I've copied him on this email) and he can walk you through the process.

We cannot process your permit application until this issue has been resolved.

If you have any questions please let me know.

Thanks,  
Jennifer

---

**From:** Matt Young [<mailto:Matt.Young@YDCOffice.com>]  
**Sent:** Wednesday, June 11, 2014 11:35 AM  
**To:** Vincent, Jennifer  
**Subject:** Re: AZ6 Beacon Hill Parcel 405-5100

You are AMAZING!!!!

Matt Young  
Young Design Corp.

On Jun 11, 2014, at 12:33 PM, "Vincent, Jennifer" <[JVincent@cochise.az.gov](mailto:JVincent@cochise.az.gov)> wrote:

Good Morning Matt,

I am looking into this, and will get back to you once I have a better response. Should be later this afternoon.

Thanks,  
Jennifer

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**From:** Matt Young [<mailto:Matt.Young@YDCOffice.com>]  
**Sent:** Tuesday, June 10, 2014 6:45 PM  
**To:** Vincent, Jennifer  
**Subject:** AZ6 Beacon Hill Parcel 405-5100

Good Evening Jennifer,

Below is a copy of an email between Verizon and Keith Dennis. I have also attached the correspondence for your reference. This is in regards to the tower being required to handle an additional carrier. It is 50'-0" tall and has antennas and (2) dishes. There isn't any more room for another carrier. Can you

please give me a call tomorrow to discuss? I have picked up all of the other comments and would like to get this resubmitted ASAP.

Here is the correspondence with the Cochise County Planner, Keith Dennis. He agreed to allow the SUP to stand and have A&E proceed with the BP. I have also attached the last set of plans that I received.

Matthew A. Young, President  
Young Design Corp.  
480.451.9609 - office  
602.376.5256 - mobile



COCHISE COUNTY  
COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Michael Izzo, Building Official *MI*  
For: Beverly Wilson, Planning Director *BW*  
**SUBJECT:** Docket R-14-07 (Amendments to the Building Safety Code for Owner-Built Residential Dwellings and Accessory Structures)  
**DATE:** June 26, 2014, for the July 9, 2014, Planning Commission Meeting

**I. NATURE OF REQUEST**

In June of 2006, the Cochise County Board of Supervisors adopted the *Amendment to the Cochise County Building Safety Code for Rural Residential Owner-Built Dwellings* (hereafter, "the Amendment"). The original purpose of the Amendment was to allow an eligible Owner-Builder to "opt out" of plan review, inspections, (or both) required under the Cochise County Building Safety Code. The original Amendment's intent was to allow "ingenuity and personal preferences of the Owner-Builder in allowing and facilitating the use of alternative building materials and methods", but was not intended to allow structures to be built that would not meet the minimum prescriptions of the Building Safety Code. In the years following the adoption of the Amendment, the use of alternative methods and materials has become more commonplace and knowledge about how these structures perform with regard to building codes. Cochise County adopted the International Code Council's Performance Code when it adopted the Building Safety Code in 2006; this code allows materials and methods not detailed in the prescriptive code to be reviewed and inspected as usual providing documentation of their performance (through accepted engineering calculations, testing or computer modeling) is submitted to the Building Division.

A secondary, if not explicit, reason for the adoption of the Amendment was to provide relief from government oversight for Owner Builders in the rural areas of the County. In March of 2010, the Board amended the Rural Residential Owner-Built criteria by expanding the type of properties qualifying for the program. In this 2010 revision, the following statement was added: "Any construction work eligible for exemption for applicants applying under Option 2: *No Plan Review and No Inspections* shall not be subject to this permit expiration period." This statement is in direct conflict with the adopted Cochise County Zoning Regulations, and staff is proposing to remove it, to clarify for both the staff and the public.

**II: CHANGES PROPOSED**

1. Amend the Title of this document by adding "Accessory Structures" in addition to dwellings in heading to read: *Amendment to the Cochise County Building Safety Code for Rural Residential Owner-Built Dwellings and Accessory Structures.*
2. Added the words: "*Rural Residential*" in front of "Owner-Builder Amendment" throughout the document.
3. In the second paragraph of Section 1, edited the word "statewide codes" to read "*state and county building codes*" and deleted "*such as the plumbing, and state, county,*"
4. In Section 5, the first sentences of Option 1 and of Option 2 were both edited to clarify the intent and allow the sentence to be understood more easily. There were no new words added, the existing words were simply switched.
5. In Section 8, the language referring to setbacks was eliminated, as the set-backs are set by the Zoning Regulations. This language is proposed to be deleted: "*Setback information from the proposed structure to the property line in all directions shall be mandatory for consideration of eligibility for the Owner Builder Option.*"
6. In Section 12, the words "...*provided substantial progress has been made*" are being added.
7. Also in Section 12, the following language in direct conflict with the adopted Zoning Regulations is being deleted: "*Any construction work eligible for exemption for applicants applying under Option 2: No plan Review and No Inspections shall not be subject to this permit expiration period.*"
8. In Section 15, this sentence is being deleted to conform to actual practice of the Department: "*It shall be the duty of the Planning Department to notify or inform the applicant of the day during which the inspection is to be conducted.*" We have an 'Inspection Call-in' phone line dedicated to this purpose only. The recorded message clearly states that we will be out to do the inspection the following business day after the inspection is called in.
9. Section 20, 21, and 22, the following language is redundant and is being deleted: "*Full Construction Plan Review with Limited Building Code Inspection Option Only*".
10. In Section 20, the words "*IRC Mechanical Code*" are inserted to clarify.
11. In Section 21, the words "*Electrical Codes*" are inserted to clarify.
12. In Section 22, the words "*IRC Plumbing Code*" are inserted to clarify.
13. In Section 23, the words "and Fire" are inserted to clarify.
14. In Section 24, the "*County Director of Environmental Health*" is deleted and "*Planning Department and the Cochise County Environmental Health Department Regulations*" is inserted, to reflect the changes in responsibility for environmental health regulations pertaining to residential sites.

**IV: RECOMMENDATION**

Staff recommends that the Commission forward these proposed changes to the Board of Supervisors with a recommendation for approval.

*Sample Motion: Madame Chair, I move to forward a recommendation of approval to the Board of Supervisors for Docket R-14-07 as proposed.*

**V: ATTACHMENTS**

*A. Amendment to the Cochise County Building Safety Code for Rural Residential Owner-Built Dwellings and Accessory Structures*



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## Amendment to the Cochise County Building Safety Code for **Rural Residential Owner-Built Rural Residential Dwellings and Accessory Structures:**

### Section 1- Purpose and Intent.

The purpose of this amendment is to exempt a Rural Residential Owner-Builder from the requirement for construction plan review and inspections under the currently adopted version of the Cochise County Building Safety Code, provided the property is located in a Zoning District with a minimum parcel size of four ~~(4)~~ acres per dwelling unit and the subject parcel is at least four ~~(4)~~ acres in size. This option is available for *residential* construction projects only. This amendment also allows an **Rural Residential** Owner-Builder to ~~opt to~~ comply with the Cochise County Building Safety Code plan review but limit inspections. Such an Owner-Builder may, of course, also opt for compliance with the Cochise County Building Safety Code accompanied by full plan review and inspections. This amendment is intended to allow the **Rural Residential** Owner-Builder the option to construct owner-occupied residential structures without County plan and inspection oversight, if the property is located in an area defined as "rural".

By statute, this exemption does not exempt owner-builders from statewide and ~~county~~ building codes such as ~~the plumbing, and state, county~~, or fire-district adopted fire codes and regulations regarding smoke detectors, nor does it exempt owner-builders from health regulations regarding wastewater treatment systems.

### Section 2 - Application.

Rural – properties in any Zoning District with a maximum density of one dwelling unit per four acres or larger, as long as the subject parcel is of a size and configuration that conforms to the Zoning District in which it is located.

The provisions of this amendment shall apply to the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy and maintenance of limited density owner-built residential rural dwellings and accessory structures situated within the designated areas of Cochise County.

This amendment is limited to use by the owner-builder once in every five years for *Residential Dwellings* on all properties within the unincorporated area of Cochise County owned by that individual. This limitation does not apply to accessory structures or additions on the same property.

### **Section 3 - Definitions.**

For the purpose of this amendment the following definitions shall apply:

A) Limited Density: Residential Rural Dwelling: Any site built residential structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with the use restricted to rural areas that fulfill the requirements of this amendment.

B) Owner-Builder: Owners of property who improve such property or who build or improve structures or appurtenances on such property and who do the work themselves, with their own employees or with duly licensed contractors, if the structure, group of structures or appurtenances, including the improvements thereto, are intended for occupancy solely by the owner and are not intended for occupancy by members of the public as the owner's employees or business visitors and the structures or appurtenances are not intended for sale or for rent.

C) Rural: For the purpose of this regulation only, "Rural" shall mean those unincorporated areas of the county eligible for the application of this regulation and as described in Section 2.

### **Section 4 - Regulation of Use.**

A) For the purposes of this amendment, proof of the sale or rent or the offering for sale or rent of any such structure by the owner-builder within one year after completion or issuance of a certificate of occupancy is prima facie evidence that such project was undertaken for the purpose of sale or rent. As used in this paragraph "sale" or "rent" includes any arrangement by which the owner receives compensation in money, provisions, chattels or labor from the occupancy or transfer of the property or the structures on the property.

B) The *Owner-Builder* in selecting to use this amendment is strongly encouraged to take advantage of the best water conservation practices available at the time of construction (Note: county water conservation site development standards may be mandatory in some areas of the County). Additionally, if the property is located in the vicinity of a military airport the *Owner-Builder* is required to provide high noise sound attenuation through the construction materials selected for the project as defined and required by ARS § 28-8482B.

### **Section 5 - Amendment Options.**

Option 1: Full Construction Plan Review with Limited Building Code Inspections: ~~This option w~~When selected by the applicant during the permit issuance process, this option requires (in addition to Zoning and other County Departments inspection requirements) that only limited Building Code inspections dealing with the trade areas of Mechanical, Electrical, Plumbing and Fire Prevention be completed by County Building Inspectors. Full construction plan review and the required limited inspections for this option will be completed in accordance with the adopted *Cochise County Building Safety Code*.

Option 2: No Construction Plan Review with No Building Code Inspections: ~~This option, w~~When selected by the applicant during the permit issuance process, this option requires (in addition to *Zoning* and other *County Departments* inspection requirements) that no building code inspections be completed by County Building Inspectors. In addition, by selecting this option, no construction plans are required to be submitted or reviewed by the *County Planning Department*.

### **Section 6 - Recording.**

Each time a permit is issued pursuant to this amendment for residential dwellings, additions or accessory structures a notice that a permit has been issued pursuant to the provisions of this article shall be recorded with the County Recorder by the Planning Department.

### **Section 7 - Permits.**

This amendment does not affect the requirement that prior to construction the Rural Residential Owner-Builder must obtain all permits required under State law and County ordinance.

### **Section 8 - Application Process.**

To obtain a permit, the applicant shall first file an application with the Planning Department. Permit applications shall contain the following information:

- 1) Name and mailing address of the owner(s) of record;
- 2) Address and location of the proposed structures;
- 3) A general description of the proposed structure(s) or proposed work;
- 4) A site plan conforming to Section 1705 of the Cochise County Zoning Regulations; ~~Setback information from the proposed structure to the property lines in all directions shall be mandatory for consideration of eligibility for the Owner-Builder Option.~~
- 5) The signature of the owner of record or authorized agent;
- 6) The use or occupancy for which the work is intended;
- 7) Any other data or information as may be required by statute or regulation; and
- 8) A stipulation by the owner of record or authorized agent that the building or structure is to be constructed by the owner, or built for occupancy of the owner by licensed contractors with the owner-builder acting as the General Contractor;

9) The selection of the Rural Residential ~~o~~Owner-~~b~~Builder option of choice by the owner of record or authorized agent is contained in Section 5 of this amendment.

**Section 9 - Construction Plans.**

(Full Construction Plan Review with Limited Building Code Inspections ~~s~~ Option-~~Only~~)

Two copies of Construction Plans (when applicable) for the proposed project shall be submitted to the Planning Department for review and approval. These Construction Plans may be hand drawn by the applicant and may include a simplified diagram of the floor plan, structure elevations and construction details in order to determine the appropriate dimensions of structural members.

**Section 10 - Waiver of Plans.**

The Planning Department shall waive the submission of any plans if the department finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this amendment. The Planning Department shall waive the submission of construction plans when the regulation option of *No Construction Plan Review with No Building Code Inspections* ~~s~~ is selected at the time of permit application.

**Section 11 - Modifications.**

(Full Construction Plan Review with Limited Building Code Inspections ~~s~~ Option-~~Only~~)

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this regulation, and the Planning Department is notified in writing of the intended modification and approves the modification prior to construction.

**Section 12 - Permit Expiration.**

Any building permit issued under this amendment shall be valid, without renewal, for a maximum period of 36 ~~months~~ for the Rural Residential Owner-Builder to show compliance with all County ~~z~~Zoning ~~r~~Regulations, setback requirements, and all state and local code requirements for which exemption does not apply as noted in Section 1~~;~~; however, the *County Zoning Inspector* may, upon written request of the permittee, extend the time limit for the permit once for an additional 12 ~~months~~ provided substantial progress has been made. ~~Any construction work eligible for exemption for applicants applying under Option 2: No Plan Review and No Inspections shall not be subject to this permit expiration period.~~

**Section 13 - Inspections.**

(Full Construction Plan Review with Limited Building Code Inspections ~~s~~ Option-~~Only~~)

All construction or work for which a permit is required will be subject to inspection within the designated scope option of this amendment by the Planning Department. If an inspection is required, such construction or work shall remain accessible and exposed for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code amendment or of other ordinances of the jurisdiction. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material to allow inspection.

At anytime during the construction process for the *Full Construction Plan Review with Limited Inspections* option an applicant may elect to have an additional *Building Code* inspection completed (work being inspected must be accessible and exposed), in addition to the inspections already required under their selected option, at the adopted per hour inspection fee by a County Building Inspector.

#### **Section 14 - Special Inspections.**

(Full Construction Plan Review with Limited Building Code Inspections ~~Option-Only~~)

Certain types of construction may require *Special Inspections*, when applicable, by Arizona Registered Design Professionals as required under Section 1704 of the adopted International Building Code and as determined by the Building Official.

#### **Section 15 - Inspection Requests and Notice.**

It shall be the duty of the applicant to notify the Planning Department that the construction is ready for inspection and to provide access to the premises when applicable. Inspections shall be requested by the applicant at least twenty-four (24) hours in advance of the intended inspection. ~~It shall be the duty of the Planning Department to notify or inform the applicant of the day during which the inspection is to be conducted.~~

#### **Section 16 - Certificate of Occupancy.**

(Full Construction Plan Review with Limited Building Code Inspections ~~Option-Only~~)

After the dwelling(s) is completed for occupancy and any inspections which have been required by the Planning Department have been conducted and work approved, the Planning Department shall issue a conditioned Certificate of Occupancy for such dwelling(s) and accessory structure(s), which comply with the provisions of this amendment.

#### **Section 17 - Temporary Occupancy.**

(Full Construction Plan Review with Limited Building Code Inspections ~~Option-Only~~)

The use and occupancy of a portion or portions of a dwelling or accessory structure prior to the completion of the entire structure shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health or safety of the public, visitors or occupants of the structure or portion thereof. Prior to any temporary occupancy of the dwelling or accessory structure a temporary occupancy inspection must be completed and approved by the Planning Department.

**Section 18 - Fees.**

Fees shall be required and collected by the Planning Department to provide for the cost of administering the provisions of this amendment as adopted by the Board of Supervisors. It is the intent of this amendment that permit processing and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of the amendment.

**Section 19 - General Requirements.**

Each structure shall be built and maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

**Section 20 - Mechanical Requirements.**

~~(Full Construction Plan Review with Limited Building Code Inspection Option Only)~~

Fireplaces, cooling, heating, cooking appliances and gas piping installed in buildings constructed pursuant to this amendment shall be installed and vented in accordance with the requirements contained in the currently adopted *Cochise County Building Safety Code* (*IRC Mechanical Code*).

**Section 21 - Electrical Requirements.**

~~(Full Construction Plan Review with Limited Building Code Inspection Option Only)~~

Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions contained in the currently adopted *Cochise County Building Safety Code* (*Electrical Codes*).

Exceptions: No dwelling or accessory structure constructed pursuant to this amendment shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the Planning Department determines the electrical demands are expected to exceed the confinement and capacity of that room(s). It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room, which may require electrification, and where there is no expectation of further electrical demand.

**Section 22 - Plumbing Requirements.**

~~(Full Construction Plan Review with Limited Building Code Inspection Option Only)~~

Plumbing equipment, systems and installation shall be in accordance with the requirements contained in the *Cochise County Building Safety Code* (IRC Plumbing Code) and the *Cochise County Health Department* regulations. Alternative materials and methods shall be permitted provided that the design complies with the intent of the *County* codes and regulations. Potable water shall be available to the dwelling site.

**Section 23 - Fire Prevention Requirements.**

Residential Smoke Detectors shall be provided in accordance with the requirements contained in the *Cochise County Building Safety and Fire Code*.

**Section 24 - Sanitation Requirements.**

Sanitation facilities, including the type, design, and number of facilities, as required and approved by the *County Director of Environmental Health Planning Department, and the Cochise County Environmental Health Department regulations*, shall be provided to the dwelling site.

**Section 25 - Violations.**

The critical concern in the promulgation of this amendment is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this amendment, and therefore, in the event that an order to correct a substandard condition (based on the level of option selected) is ignored, it is the intent of this section that the adopted *County Hearing Officer Rules of Procedure* for violations be followed.

**Section 26 - Petitions for Appeals.**

When applicable for a particular issue the adopted appeals process contained in the *Cochise County Zoning Regulations or the Cochise County Building Safety Code* shall be followed to hear and decide appeals dealing with issues on this amendment. The department shall keep a record of the decisions on appeals.

**Section 27 - Rezoning and Change of Use.**

If a structure(s) on a property has been built or altered under the relief granted by this amendment, this would be considered a factor against a rezoning to a higher density or a change of use if this action diminishes the parcel size to less than one dwelling unit per four acres. Any change of use from a residential dwelling to a

commercial use shall require certification by a registered design professional that the building complies with the currently adopted *Cochise County Building Code*.



**COCHISE COUNTY**  
**COMMUNITY DEVELOPMENT**  
*"Public Programs...Personal Service"*

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Beverly J. Wilson, Planning Director *(BW)*  
**SUBJECT:** **WORK SESSION**  
Docket R-14-04—Revisions to the Cochise County Light Pollution Code and to Article 19 of the Cochise County Zoning Regulations  
**DATE:** June 27, 2014 for the July 9, 2014 Meeting

**I. Background**

This Work Session is an opportunity for the Commission to discuss the proposal to amend the existing Cochise County Light Pollution Code (LPC), 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.

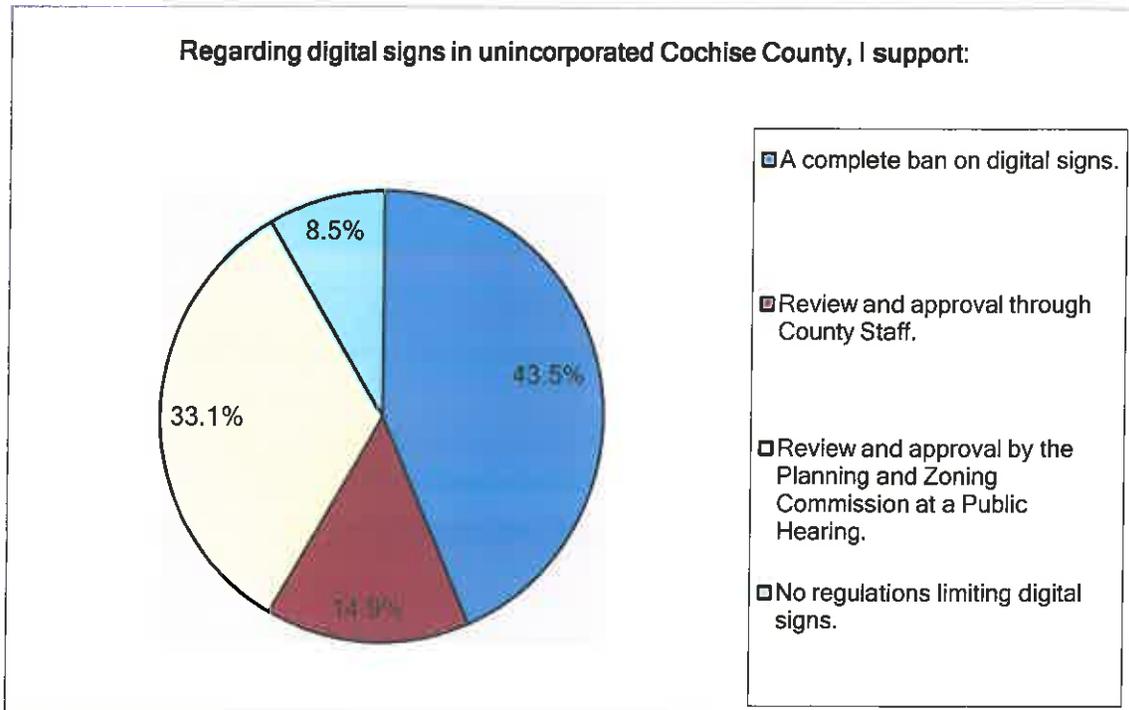
## **II. Public Input**

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.

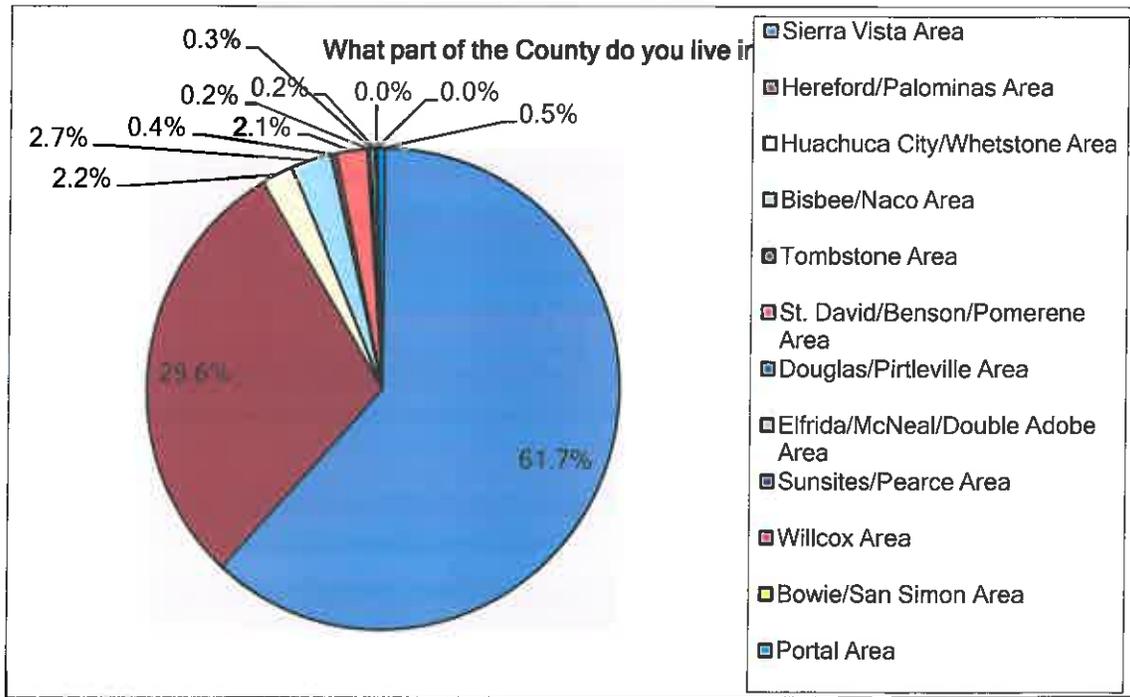
These proposed changes were presented to the Board of Supervisors during a work session on April 8, 2014. At that time, the Board recommended that the process allowing review by the Planning and Zoning Commission for digital signs be included in the LPC. The Special Use Authorization process will allow 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:

<b>Regarding digital signs in unincorporated Cochise County, I support:</b>		
<b>Answer Options</b>	<b>Response (Percent)</b>	<b>Response (Count)</b>
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.

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.

#### **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.

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 Code, 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~~: A 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, one 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. ~~P~~parking lots
- b. ~~r~~Roadways
- c. ~~B~~uildings and structures
- d. ~~R~~ecreational areas and facilities
- e. ~~L~~andscaping decorative effects
- f. ~~B~~illboards and signs (advertising and other)
- g. ~~P~~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 gimbaled 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.

### 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 Coderegulations.

#### 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 ~~4~~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**

<b>All Uses in Commercial and Industrial Zoning Districts (NB, GB, LI, HI)<sup>5</sup></b>	
Total shielded	150,000-lumens per acre <u>of developed site</u> <sup>1, 4, 5</sup>
Total Unshielded	3,000-lumens per acre <u>of developed site</u> <sup>2,3,5</sup>
<b>Non-Residential Uses in Residential and Rural Zoning Districts<sup>6</sup></b>	
Total shielded	75,000-lumens per acre <u>of developed site</u> <sup>1,4,5</sup>
Unshielded	3,000-lumens per acre <u>of developed site</u> <sup>2,3,5</sup>
<b>Residential Uses in Residential and Rural Zoning Districts <u>Lots one acre or larger Total shielded plus unshielded</u></b>	
<u>Lots one-acre or larger Shielded</u>	20,000-lumens per acre <u>of developed site</u> <sup>5</sup>
Unshielded	2,000-lumens per acre <u>of developed site</u> <sup>2, 3</sup>
<b>Residential Uses in Residential and Rural Zoning Districts <u>Lots less than one acre</u></b>	
<u>Lots less than one-acre Shielded</u>	10,000-lumens per residence
<u>Unshielded</u>	<u>2,000-lumens per residence</u> <sup>2, 3</sup>
<b>Digital Signs</b>	
<u>Limited to one sign per developed site with a maximum of 200-nits per site</u>	

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

<sup>2</sup> 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 incandescence 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*

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

<sup>4</sup> 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.

<sup>5</sup> 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.

~~<sup>6</sup> 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 panel 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.~~ these 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 ~~5five-~~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 ~~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

#### 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 proceedingpreceeding 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 ~~h~~Hearing ~~e~~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.

**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**

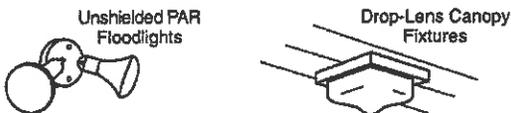
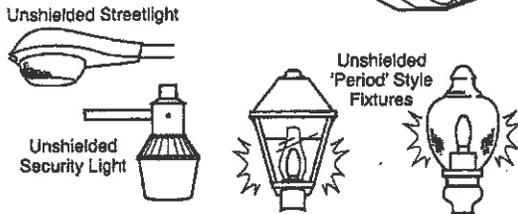
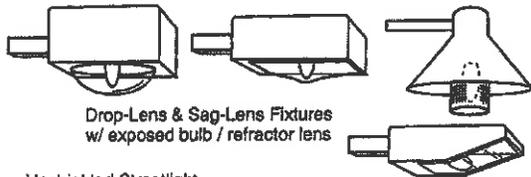
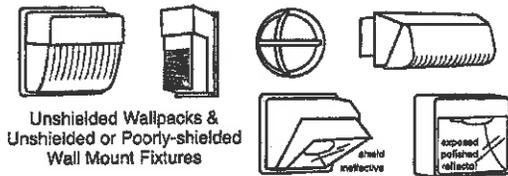
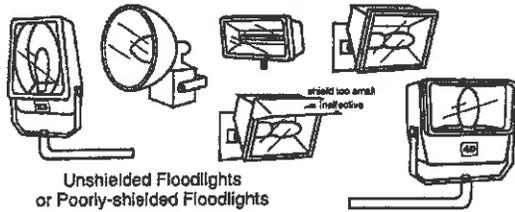
(Note: Some of these fixtures may be acceptable provided they don't exceed 1,000 lumens. See Table 4.1)

**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)

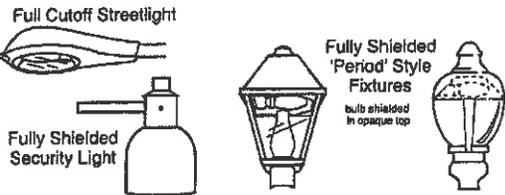
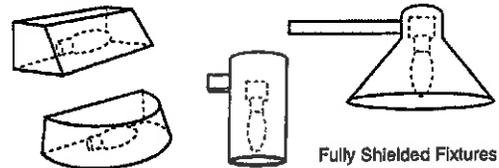
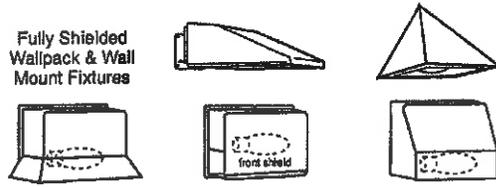
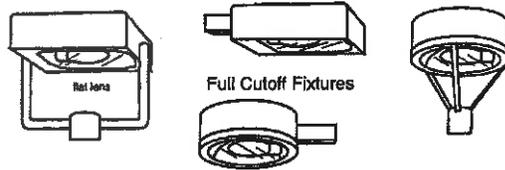
**Examples of Acceptable / Unacceptable Lighting Fixtures**

**Unacceptable / Discouraged**  
Fixtures that produce glare and light trespass



**Acceptable**

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



BC 10/02

**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.

**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.

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

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.

**F. 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.

**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).

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