



# Cochise County Planning Commission

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

**Regular Meeting**  
**November 12, 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) —PUBLIC HEARING Docket R-14-08 (ZONING REGULATION AMENDMENTS).** This is a resolution to revise portions of the Cochise County Zoning Regulations to simplify and clarify the existing regulations. The proposed changes would incorporate the addition of the Cochise County Light Pollution Code as Article 16 of the Zoning Regulations as well as include clerical edits and

## **Planning Commission**

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

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to the Planning Department at 520.432.9240. 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**

amendments.

**Item 2—(page 23) —PUBLIC HEARING Docket SU-14-18 (HILL).** This is a request for a Special Use authorization to place an office and storage for operating an existing concrete and aggregate business located on an adjoining parcel to the north of the subject parcel. The parcel is located on Highway 191 north of Elfrida.

**Item 3—(page 43) —PUBLIC HEARING Docket SU-14-15 (HPAZ NEVADA).** This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 40-foot high tower in a RU-4 rural residential zoning district on E. Nevada Drive in Hereford

**Item 4—(page 67) —PUBLIC HEARING Docket SU-14-16 (HPAZ BURRO).** This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 80-foot high tower in a RU-4 rural residential zoning district on S. Burro Drive in Hereford.

**Item 5—(page 92) —PUBLIC HEARING Docket SU-14-17 (HPAZ STONE RIDGE).** This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 100-foot high tower in a RU-4 rural residential zoning district on S. Stone Ridge Drive in Hereford.

**Item 6—(page 120) —PUBLIC HEARING Docket Z-14-07 (BLOOMGARDEN).** This is a request to rezone a non-conforming residential parcel from R-36 (36,000 sq. ft.) to R-18 (18,000 sq. ft.) on Camino Segundo, south of Sierra Vista.

**Item 7—(page 133) —WORK SESSION Docket CP-14-01 (Re-adoption of the Cochise County Comprehensive Plan).** This is a work session between the Commission and staff to discuss the revisions and additions made to a proposed Comprehensive Plan for Cochise County. Arizona Revised Statutes require the re-adoption of a Comprehensive Plan every ten years. Staff will be available to answer any questions regarding this revision, and to discuss any proposals that the Commission might have to further amend it.

**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  
October 8, 2014  
REGULAR MEETING and WORK SESSION 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 was one Special Use Modification Docket on the agenda, followed by a Work Session regarding proposed updates and re-adoption of the Comprehensive Plan. She explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Ms. Weissler noted the presence of a quorum and the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Nathan Watkins, Carmen Miller, Pat Edie, Jim Martzke, Gary Brauchla, Liza Weissler, and newly appointed District 2 Commissioner Patrick Greene) indicated their presence. Chair Weissler welcomed Mr. Greene to the Commission. Staff members present included Beverly Wilson, Planning Director; Peter Gardner, Planner I; Jesse Drake, Planner II; and Britt Hanson, Chief Civil Deputy County Attorney.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the September 10, 2014 meeting with the correction of the meeting start time. **Action:** Approve

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

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

**Yes:** Mr. Watkins, Ms. Miller, Mr. Martzke, Ms. Edie, Mr. Brauchla and Ms. Weissler **No:** 0

**Abstain:** Mr. Greene

**CALL TO THE PUBLIC:**

Mr. Jack Cook of Bisbee spoke of various matters.

**OLD BUSINESS**

**Item 1**

**PUBLIC HEARING Docket SU-02-12A (Diamond Mountain).**

This is a request to modify an existing Special Use Authorization to add an additional 30 existing single family homes as guest lodging units on the subject parcel in addition to the existing 10 permitted guest lodging units. The site, located south of Bowie, consists of 958-acres and is zoned RU-4. The docket had been tabled at the request of staff at the September 10 meeting.

Chair Weissler called for the Planning Director's report. Beverly Wilson presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Weissler asked for clarification regarding changing the designations of the residences. Ms. Wilson clarified that the land use of the property itself would be changing, and this would limit future residential development.

Ms. Weissler then invited the Applicant to make a statement.

Ms. Nicole Davis of Bowie spoke as the representative from Diamond Mountain, explaining the basis of the request. Ms. Davis noted agreement with Staffs' analysis, and invited questions from the Commission.

Ms. Weissler then opened the Public Hearing.

Ms. H. Lane Baker, Superintendent, National Park Service spoke in her official capacity. She spoke regarding the Fort Bowie National Historic Site including the mission and the concerns of the National Park Service at the Fort Bowie site. She noted that her department had no inherent authority to control development at Diamond Mountain, but expressed appreciation at being invited to participate in the process and future development.

There being no further speakers and no desire for an applicant's rebuttal, Ms. Weissler closed the Public Hearing and asked for Commission discussion. Ms. Weissler stated that she had not been to the site, and asked staff about how visitors would know where the public-private boundaries were. Ms. Wilson explained that staff was recommending a Condition that the applicant create a system to educate visitors about the area. Ms. Davis returned to the podium, and explained their current process, and noted that additional concerns being addressed at this meeting would be added. Ms. Weissler asked for staff's summary and recommendation. Mr. Martzke asked about setback requirements, which Ms. Wilson clarified. Ms. Weissler then called for a motion. Mr. Martzke made a motion to Approve the docket with the Conditions and Modifications recommended by staff. Mr. Watkins seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler expressed hesitancy regarding the docket, and thanked staff for their analysis and recommendation. Mr. Martzke stated that he had been against approval, but expressed support based on the authority granted to the National Park Service by the applicant. The motion passed unanimously with no further discussion.

**Motion:** Motioned to Approve the docket with the Conditions and Modifications recommended by staff. **Action:** Approve with Conditions and Modifications.

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

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

**Yes:** Mr. Brauchla, Ms. Miller, Ms. Weissler, Ms. Edie, Mr. Martzke, Mr. Watkins and Mr. Greene

**No:** 0

**Abstain:** 0

## **NEW BUSINESS**

### **Item 2**

**WORK SESSION Docket CP-14-01 (Re-adoption of the Cochise County Comprehensive Plan).** This is a work session between the Commission and staff, to discuss the revisions and additions made to a proposed Comprehensive Plan for Cochise County. Arizona Revised Statutes require re-adoption of a Comprehensive Plan every ten years. Staff will be available to answer any questions regarding this revision, and to discuss any proposals that the Commission might have to further amend it.

Ms. Wilson presented the proposed document and asked for input from the Commissioners. Ms. Drake presented the newly available online maps attached to the Plan. Ms. Miller presented a written list of questions and concerns to staff. Ms. Wilson asked the Commissioners to provide written questions and comments to staff prior to the next meeting, in order that staff could research and address their questions and concerns.

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

Planning Director Beverly Wilson stated that there were three Special Use dockets, one rezoning, one regulation docket, and another Comprehensive Plan work session at the next meeting.

### **CALL TO COMMISSIONERS ON RECENT MATTERS:**

Ms. Weissler noted that she would not be present at the next meeting and once again greeted Mr. Greene.

**ADJOURNMENT** – Chair Weissler moved to adjourn, Ms. Edie seconded and the meeting was adjourned at 5:23 pm.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Dora V. Flores, Zoning Administrator  
**FOR:** Beverly J. Wilson, Planning Director  
**SUBJECT:** Docket R-14-08 (Zoning Regulations Updates)  
**DATE:** October 28, 2014

### I. BACKGROUND AND PROPOSED CHANGES

Docket R-14-08 is a resolution that proposes several revisions to the Cochise County Zoning Regulations, last revised and adopted on September 9<sup>th</sup> of 2014 (Resolution 14-09). Section 102.A.8 of the Cochise County Comprehensive Plan requires periodic review and updates to the Zoning Regulations to "reduce complexity, contradictions, and unnecessary regulations." The overall intent of the proposed revisions is to simplify and clarify the existing regulations. These proposed changes incorporate the addition of the Cochise County Light Pollution Code as Article 16 of the Zoning Regulations, as well as clerical edits and amendments. A summary listing of the changes as well as the complete draft document (with additions and deletions shown) is included for consideration. Following is a brief review of each Article and the changes Staff is proposing:

#### Article 2 (Definitions): Modified Definitions

**Accessory Living Quarters:** Verbiage deleted to eliminate confusion on how the size of an Accessory Living Quarter is calculated, this will count the gross square footage area of both and will require an Accessory Living Quarter to be subordinate to the principal dwelling.

#### **Bed and Breakfast Lodging:**

**Bed and Breakfast Inn** – Verbiage added to allow the rental of a residence to transient lodgers without requiring the applicant to apply for a Special Use Authorization and only having them follow the procedures in Article 17 for a Bed & Breakfast.

**Onsite Agricultural Processing Services:** Deleted "Onsite Agricultural Processing Services, it was a duplicate, should have been deleted, this definition was replaced with: **Agricultural Processing Services, On-Site** - An agricultural processing service located in Growth Category D where at least 70% of the crop input for facility is grown on site. No use or building permit is required.

#### Article 6 (RU, Rural Zoning Districts):

##### 605 Permitted Accessory Uses

Verbiage deleted/added as the information was moved from Article 17 to Definitions on a previous update.

**Article 16 – Light Pollution:** Changes include the following:

- The Cochise County Light Pollution Code has been inserted into the vacant Article 16 as it was approved by the Board of Supervisors on September 9, 2014.
- Throughout Article 16 all verbiage has been changed from “Code” to “Article” since this is now in our Zoning Regulations as an Article instead of its stand alone Code.
- Throughout Article 16 all of the old section numbers were renumbered with the new Article 16 numbering format.
- Throughout Article 16 all verbiage has been changed from “this Code” to “these Zoning Regulations” and “Light Pollution Code” to “Article”.
- **1608.04 Federal and State Facilities**  
Deleted “political subdivisions thereof” - Deleted to required political subdivisions such as schools and fire departments to comply with the Light Pollution.

**Article 17 (Administration):** Changes include the following:

- 1715.02 - Language deleted and added to clarify percentage of modification allowed.
- 1716.03.C - Language added to ensure proper authorization is received from the property owner.
- 1717.01 - Deleted and added verbiage to allow the applicant to apply for an ALQ without having to spend a lot of money on plans (construction/site plans) that may not be needed if the ALQ is not approved.

**Article 18 (Site Development Standards):** Changes include the following:

- 1802.12 - Entire section deleted as the Light Pollution Code is now Article 16.
- 1804.02.E - Section “E” was added here as it was previously in section 1810.03 which was deleted since we inserted the light pollution code into Article 16. (“Parking areas used for activities operating during hours of darkness shall be lighted and all lighting must comply with this Article.”)
- 1810 - Entire section deleted and now it is reserved for “Future Use” as the Light Pollution Code is now Article 16.

**Article 19 (Sign Code):**

Verbiage changed from “Cochise County Light Pollution Code” to “Article 16 throughout section since we inserted the Code into Article 16.

**Article 20 (Exemptions, Exceptions and Nonconformances):** Changes include the following:

- 2202.02 - Verbiage added to clarify when building code review is required.
- 2202.02 - Added the departments that may require review, as section “D” was deleted below.
- 2202.02.C - Rearranged as schools are exempt from zoning because they are a political subdivision of the state per ARS, they are not special districts.
- 2202.02.C - Language added to ensure only actual essential government services are exempt.

**Article 23 (Amendments):**

- 2203 - Removing verbiage will allow a permit length to be shortened for any type of violation on the property, such as operating a business without a permit or placing a structure such as a shed or manufactured home on the property without a permit.

**II. SUMMARY AND RECOMMENDATION**

Staff previously indicated that minor edits and corrections would be addressed in a timely manner. The updates and edits included in these proposed changes reflect the spirit of addressing issues in a timely manner. Staff is requesting the Commission forward these proposed changes to the Board (meeting of December 2) with a recommendation for approval.

Sample Motion: *Madame Chair, I move to forward a recommendation of approval as proposed of Docket 14-08 to the Board of Supervisors.*

**III. ATTACHMENTS**

- A. Exhibit A (proposed revisions to the Zoning Regulations)

# EXHIBIT "A" R-14-08 Zoning Regulations Update

## Draft Zoning Regulations R-14-08

### Article 2 – Definitions

**Accessory Living Quarters** – An attached or detached structure (including detached bedrooms) that is used either as a guesthouse or as quarters for the ill, elderly or disabled, or their caretaker(s). Accessory living quarters must be incidental and subordinate in size (including all garages, porches, etc), impact, and purpose to a principal dwelling. ~~In the absence of a special use permit issued pursuant to Article 17, the structure shall be no more than 75% the size of the principal dwelling.~~

~~The area calculation shall include all attached areas, except carports and patios, and enclosed attached garages. The combined square footage of a detached accessory living quarter and the total square footage of a garage attached to the accessory living quarters shall be subordinate in size to the principal dwelling.~~ Detached accessory living quarters are limited to one kitchen per unit.

Except for parcels zoned Rural, ~~and~~ in the absence of a special use permit, the accessory living quarters shall not have a separate address or separate utility meters. In the absence of a special use permit, the accessory living quarters shall not be rented separately from the main residence, nor used for commercial purposes other than a home occupation, and is not intended for sale ~~separately from the main residence~~.

There shall be no more than one accessory living quarters per lot or parcel. Recreational vehicles, other than park models, shall not be permitted as accessory living quarters in any zoning district. Manufactured homes, rehabilitated mobile homes, mobile homes with the State Office of Manufactured Housing Rehabilitation Insignia of Approval and park models may be permitted as accessory living quarters in those Zoning Districts that allow mobile homes and manufactured homes as permitted structures.

### Bed and Breakfast Lodging:

**Bed and Breakfast Homestay** – A single household dwelling unit occupied by an owner or a full time resident residing in the dwelling, accommodating no more than two (2) guest bedrooms that are rented to no more than six (6) transient guest lodgers at any one time who may be furnished meals. Detached accessory guest rooms or structures for house guests are not permitted.

**Bed and Breakfast Inn** – A single household dwelling unit occupied by an owner or a full time resident residing in the dwelling, accommodating no more than four (4) guest bedrooms that are rented to no more than twelve (12) transient guest lodgers at any one time who may be furnished meals. Detached accessory guest rooms or structures for house guests are not permitted. ~~Also, a single household dwelling unit not occupied by an owner or a full time resident residing in the dwelling, which is rented as a single unit to transient guest lodgers.~~

**Bed and Breakfast Establishment** – A single household dwelling site that is occupied by an owner or a full time resident residing on the site, accommodating no more than twelve (12) guest rooms that are rented to no more than thirty (30) transient guest lodgers at any one time who may be furnished meals. Detached accessory guest rooms or structures for house guests may be permitted.

Guest rooms in Bed and Breakfast lodging shall not have kitchens.

**Guest Lodging** – A building or group of buildings furnishing rooms or an area for accommodation for overnight or short term lodging such as a hotel or motel, resorts, guest ranches, group camps, and campgrounds and may include recreational facilities, restaurants, meeting rooms or similar facilities. This definition does not include Recreational Vehicle Parks or Bed & Breakfast land uses.

~~**Onsite Agricultural Processing Services** – An agricultural processing service located in Growth Category D where at least 70 percent or more of the crop input for the facility is grown on site.~~

**Comment [d1]:** Verbiage deleted to eliminate confusion on how the size of an Accessory Living Quarter is calculated, this will count the gross square footage area of both and will require an Accessory Living Quarter to be subordinate to the principal dwelling

**Comment [d2]:** Verbiage added for clarification

**Comment [d3]:** Verbiage added to allow the rental of a residence to transient lodgers without requiring the applicant to apply for a Special Use Authorization and only having them follow the procedures in Article 17 for a Bed & Breakfast

**Comment [d4]:** This definition is in here for reference only for the revision to Bed and Breakfast Inn, no changes have been made.

**Comment [d5]:** Duplicate, should have been deleted, this definition was replaced with **Agricultural Processing Services, On-Site** - An agricultural processing service located in Growth Category D where at least 70% of the crop input for facility is grown on site. No use or building permit is required.

# EXHIBIT "A" R-14-08 Zoning Regulations Update

## Article 6 - RU, Rural Zoning Districts

### 605 Permitted Accessory Uses

Accessory uses are permitted in RU Zoning Districts provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure, unless otherwise stated, provided that all other site development standards are met. Winery Tasting Rooms are permitted accessory uses to a Farm Vineyard, Farm Winery, Small Production Winery, or Large Production Winery, uses may be exempted if conditions are met ~~per Article 17~~ per definition of Agricultural Processing Services, On-Site. For residential uses, the following additional accessory uses and buildings shall be permitted:

**Comment [d6]:** Verbiage deleted/added as the information was moved from Article 17 to Definitions on a previous update.

## Article 16 – Light Pollution

### ARTICLE 16

### LIGHT POLLUTION CODE

**Comment [d7]:** The Cochise County Light Pollution Code has been inserted into the vacant Article 16 as it was approved by the Board of Supervisors on September 9, 2014.

**Comment [d8]:** Throughout Article 16 all verbiage has been changed from "Code" to "Article" since this is now in our Zoning Regulations as an Article instead of its stand alone Code.

### Contents of Article 16

Description	Section
Purpose	1601
Administration	1602
Definitions	1603
Procedures for Lighting Compliance	1604
General Requirements	1605
Prohibitions	1606
Signage	1607
Permanent Exemptions	1608
Temporary Exemptions	1609
Special Activities	1610
Enforcement	1611

**Comment [d9]:** Throughout Article 16 all of the old section numbers were renumbered with the new Article 16 numbering format.

## EXHIBIT "A" R-14-08 Zoning Regulations Update

### ~~1601.01~~ Purpose

**1601.01** To achieve effective and efficient lighting, while preserving the safety, security, and well-being of County residents and visitors.

**1601.02** 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.

**1601.03** 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.

**1601.04** 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.

### ~~1602 Section 1-~~ Administration

#### ~~1602.01 1-02~~ Conformance with Applicable Codes

All outdoor electric illuminating devices shall be installed in conformance with ~~the all~~ provisions of ~~this Code, the these 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 Article~~, the most restrictive shall govern.

#### ~~1602.02 1-03~~ Approved Material and Methods of Installation

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

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

#### ~~1602.03 1-04~~ Applicability

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

The requirements of this ~~Code Article~~ 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 Article~~. 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.

**Comment [d10]:** Throughout Article 16 all verbrage has been changed from "this Code" to "these Zoning Regulations" and "Light Pollution Code" to "Article"

## EXHIBIT "A" R-14-08 Zoning Regulations Update

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 Article](#) 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 Article](#), 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 Article](#) 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 [16032](#), then all outdoor lighting shall be reviewed and brought into compliance with all provisions of this [Code Article](#) before the use is resumed.

**Comment [d11]:** Updated to reflect newly numbered section

### 1602.04 1.05 Special Use Authorization Requirements

Any application or lighting installation not meeting all requirements of this [Code Article](#), including, but not limited to height, shielding, curfew, or lumen caps shall require a Special Use Authorization pursuant to Article 17. At the time of Special Use Authorization submittal, 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 Article](#).

### 1603 Section 2- Definitions

**Abandonment** - The discontinuation of use for a period of 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.

**Correlated Color Temperature (CCT)** - This temperature best indicates the colors of light shining from a bulb or lamp. CCT is listed with all new lighting sources (lamps and bulbs), and by standard, the temperature is given in degrees Kelvin. Low Kelvin numbers represent "warm light and higher numbers represent "cool light".

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

**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.

**Foot-candle** - A unit of illumination produced on a surface. For the purpose of this [code Article](#), one foot candle is equivalent to one lumen.

## EXHIBIT "A" R-14-08 Zoning Regulations Update

**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.

**IESNA** - Illuminating Engineering Society of North America.

**Illuminance** - The amount of light striking a surface area, measured in footcandles or lux. 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, Fully Shielded** - A light fixture constructed, 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 1605 D1 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.

**Comment [d12]:** Updated to reflect newly numbered section

**Lumen** - A unit used to measure the total amount of light that is produced by a 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.

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

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

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

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

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

## EXHIBIT "A" R-14-08 Zoning Regulations Update

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

**Residential Lighting** - Residential refers to outdoor lighting for single household dwellings.

**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 [CodeArticle](#), 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 dwelling units.

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

### 1604 Section 3: Procedures for Lighting Compliance

#### 1604.013.04 Applications

- A Any individual applying for a building or use permit under the [se Geehise 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 this [CodeArticle](#).
- B All other individuals intending to install, replace or improve any outdoor light fixture shall comply with the provisions of this [CodeArticle](#), and if a permit is required by the [se Geehise County Zoning Regulations](#) or Building Codes, submit an application to the County Zoning Inspector providing evidence that the proposed work will comply with this [CodeArticle](#).

#### 1604.023.02 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 [CodeArticle](#). 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.

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### 1604.03 ~~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~~ these Zoning Regulations for decisions of the County Zoning Inspector shall apply in the event of any dispute as to the application of this ~~Code~~ Article.

### 1604.04 ~~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 ~~1604.02 ~~3.02~~~~ of this ~~Article~~ Code.

Comment [d13]: Updated to reflect newly numbered section

### 1604.05 ~~3.05~~ Accessibility for Inspections

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

## 1605 Section 4: General Requirements

### 1605.01 ~~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-lumens as measured with 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.

### 1605.02 ~~4.02~~ Height

- A. Residential Sites: The overall height of lighting fixtures (including the base) shall not exceed 20-feet above ground level, except for residential sites with a minimum parcel size of four-acres or larger, lighting fixtures which are located 50-feet or more from any property line shall not exceed 30-feet in height (including the base) above ground level. Digital signs shall meet all requirements per Section 1907.02B of ~~Article 19~~ 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 ~~Article 19~~ the Cochise County Zoning Regulations.

Comment [d14]: Deleted to reflect actual Article in these Z-Regs

Comment [d15]: Deleted to reflect actual Article in these Z-Regs

### 1605.03 ~~4.03~~ Lighting Types, Shielding and Curfew Requirements

#### A. Lighting Types

1. All street lights shall be fully shielded.

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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 uplighting 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 uplighted at any time.
  - b. Low voltage or solar landscape lighting not exceeding 150 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 is not considered ~~residential~~ 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 luminaries.

### D. Shielding and Curfew Requirements for Non-Residential Uses

1. All ~~non~~Non-residential Residential light fixtures except for unshielded signs shall be fully-shielded.
2. Any Class 1 (Color Rendition), Class 2 (General Illumination), or Class 3 (Decorative Illumination) lamp type shall be shielded in accordance with Table ~~16.14-1~~.
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-lumen incandescent lamps shall be permitted from Thanksgiving to January 15.
  - b. Low voltage landscape lights rated at 150 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.

**Comment [d16]:** Updated to reflect newly numbered table

### 1605.04 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 ~~16.14-1~~. 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.

**Comment [d17]:** Updated to reflect newly numbered table

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- B. Shielded flood lights, properly aimed down, at no more than 45 degrees, 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 16.14.4. These maximums are referred to as lumen caps.

**Comment [d18]:** Updated to reflect newly numbered table

**Comment [d19]:** Updated to reflect newly numbered table

Table 16.14.4  
**MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS LUMEN CAPS**

<b>All Uses in Commercial and Industrial Zoning Districts</b>	
<b>(NB, GB, LI, HI)<sup>5</sup></b>	
Total shielded	150,000-lumens per acre of developed site <sup>1, 4, 5</sup>
Total Unshielded	3,000-lumens per acre of developed site <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 of developed site <sup>1, 4, 5</sup>
Unshielded	3,000-lumens per acre of developed site <sup>2, 3, 5</sup>
<b>Residential Uses in Residential and Rural Zoning Districts</b>	
<b>Lots one acre or larger</b>	
Shielded	20,000-lumens per acre of developed site <sup>5</sup>
Unshielded	2,000-lumens per acre of developed site <sup>2, 3</sup>
<b>Residential Uses in Residential and Rural Zoning Districts</b>	
<b>Lots less than one acre</b>	
Shielded	10,000-lumens per residence
Unshielded	2,000-lumens per residence <sup>2, 3</sup>
<b>Digital Signs</b>	
Limited to one sign per developed site with a maximum of 200-nits per site	
<b>Correlated Color Temperature (CCT)</b>	
Maximum CCT of 3,000K permitted for non-residential lamps	

<sup>1</sup> Lumens for all signs are to be included in these caps except as provided in Section 16.07.02~~16.02~~

**Comment [d20]:** Updated to reflect newly numbered section

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

<sup>3</sup> Does not include the 2,000 lumen lighting exception for flagpoles (Section 16.05.034-038-2) and floodlights on a motion sensor (16.05.044-048).

**Comment [d21]:** Updated to reflect newly numbered section

<sup>4</sup> All lighting except for safety lighting (Class 2) shall be extinguished between 11 p.m. (or close of business, whichever is later) and sunrise.

**Comment [d22]:** Updated to reflect newly numbered section

<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.

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### 1606 Section 5: Prohibitions

#### 1606.01 5.01 Searchlights, Laser Lights

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

#### 1606.02 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.

#### 1606.03 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.

### 1607 Section 6: Signage

#### 1607.01 6.01 External Illumination

External illumination for signs shall conform to the shielding restrictions and lumen caps of Table ~~16.14.1~~. All upward-directed sign lighting is prohibited.

Comment [d23]: Updated to reflect newly numbered table

#### 1607.02 6.02 Internal Illumination

- A. Outdoor internally illuminated signs are considered unshielded and shall be adequately sealed and maintained to prevent light leakage.
- B. Neon signs shall be treated as internally illuminated signs for the purpose of this CodeArticle. 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 ~~16.14.1~~.
- C. Digital Signs

Comment [d24]: Updated to reflect newly numbered table

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 ~~16.14.1~~ of this CodeArticle. 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 ~~16.14.1~~ of this CodeArticle.

Comment [d25]: Updated to reflect newly numbered table

Comment [d26]: Updated to reflect newly numbered table

#### 1607.03 6.03 Other Illuminated Panels

Other internally-illuminated panels or decorations not considered to be signage according to ~~Cede~~this Article, 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 ~~16.14.1~~.

Comment [d27]: Updated to reflect newly numbered table

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### 1607.04 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 Coconino County Zoning Regulations Article 19.~~

### 1608 Section 7: Permanent Exemptions

#### 1608.01 7.01 Nonconforming Fixtures

Except as provided in Section ~~1602.031-04~~, all outdoor light fixtures existing and legally installed after March 3, 1982 and prior to December 1, 2005, with the exceptions found in Section ~~1606.026-02~~ (curfew for outdoor recreation facilities) and ~~1608.038-03~~ (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 Article~~.

**Comment [d28]:** Updated to reflect newly numbered section

**Comment [d29]:** Updated to reflect newly numbered section

**Comment [d30]:** Updated to reflect newly numbered section

#### 1608.02 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 Article~~.

#### 1608.03 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.

#### 1608.04 7.04 Federal and State Facilities

Those facilities and lands owned, 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 Article~~ at those facilities is encouraged.

**Comment [d31]:** Deleted to required political subdivisions such as schools and fire departments to comply with the Light Pollution

#### 1608.05 7.05 Emergency Lighting

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. 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.

#### 1608.06 7.06 Agricultural operations

Those agricultural operations that meet the minimum requirements for zoning exemption are also exempt from this ~~Code Article~~.

#### 1608.07 7.07 Special Exemption

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The Zoning Inspector may grant a special exemption to the requirements of this Code Article 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.

### 1609 Section 8: Temporary Exemptions

#### 1609.01 8.01 Requests for Temporary Exemptions

Any individual as defined herein may submit a written request to the County Zoning Inspector for a "temporary exemption" to the requirements of this Code Article. Such exemption will be valid for 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 Article 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.

#### 1609.02 8.02 Appeals for Temporary Exemptions

The County Zoning Inspector, within 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 determinations.

#### 1609.03 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 Article within 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 30 days of notification of the property owner.

### 1610 Section 9: Special Activities

#### 1610.01 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.

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- 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 [CodeArticle](#):
  - 1. A Special Use Authorization is required. As part of the Special Use [Authorization 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 [CodeArticle](#), and shall be installed and maintained so as to minimize uplight and offsite light trespass, and with aiming angles that permit no greater than five-percent of the light emitted by each fixture to project above the horizontal.
- E. Off-site Trespass: The facility shall limit off-site 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 [16054](#) of this [CodeArticle](#).

**Comment [d32]:** Added/Deleted to be in compliance with our Z-Regs Verbiage

### 1610.02 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 [CodeArticle](#).
- D. If meeting all [Code](#) requirements is infeasible, pursuant to Section [1602 0-1-05](#) a Special Use Authorization is required. As part of the Special Use [Authorization 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 [CodeArticle](#).
- 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 [CodeArticle](#), including the lumen caps in Table [16 14-4](#).
- F. Off-site trespass: The facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties

**Comment [d34]:** Updated to reflect newly numbered section

**Comment [d35]:** Added/Deleted to be in compliance with our Z-Regs Verbiage.

**Comment [d36]:** Updated to reflect newly numbered table

### 1610.03 9.03 Service Station Under Canopy Lighting

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Lighting for service station canopies shall be considered Class 1 lighting (Color rendition) and shall be subject to the curfew requirements in Section ~~1605.03 4.03(G)-2~~ of this ~~CodeArticle~~.

Comment [d37]: Updated to reflect newly numbered section.

- 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.
- 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 of the lumens from fully shielded outdoor lighting fixtures installed under canopies shall be counted toward the lumens caps in Table ~~16.14.1~~.
- C. Illuminated canopy margins shall be considered Class 3 (Decorative) lighting.

Comment [d38]: Updated to reflect newly numbered table.

### 1610.04 9.04 Wireless Communications Towers

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

### 1611 Section 10: Enforcement

#### 1611.01 10.01 Violations Deemed a Nuisance

Any outdoor lighting established or maintained in violation of the ~~Code Article~~ 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.

#### 1611.02 10.02 Action to Enforce Regulations

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

#### 1611.03 10.03 Jurisdiction of Hearing Officer

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

#### 1611.04 10.04 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 Article~~.

#### 1611.05 10.05 Remedies

All remedies concerning this ~~Code Article~~ shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of

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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 Article~~ may institute, in addition to any other appropriate remedy or preceding an action for injunction, mandamus, or proceeding to prevent, abate, or remove such unlawful outdoor lighting fixture.

### 1611.06 ~~40.06~~ Penalties

- A. Any person, firm or corporation whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this ~~Code Article~~ 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 Article~~ is committed, continued, or permitted.
- B. Paragraph A notwithstanding, each violation of this ~~Code Article~~ 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 and heard by a duly appointed Hearing Officer, pursuant to the written rules of procedure for such hearings, as approved by the Board of Supervisors. Each day the violation continues, a separate violation will be incurred. Maximum fines are \$750.00 for individuals and \$10,000.00 for an enterprise, defined as a corporation, association, labor union, or legal entity.

Comment [d39]: Typo, changed to "and"

## Article 17 – Administration

### 1715.02 Eligible Lot Development Standards

- A. The following site development standards may be eligible for a ~~reduction-modification~~ of up to 25-percent: minimum setbacks, maximum site coverage, maximum building/structure height and minimum required parking spaces.
- B. The minimum site area may be reduced as follows:
  1. For any lots that are in a Zoning District with a minimum site area of one-acre or smaller, the minimum site area may be reduced up to 10-percent.

Comment [d40]: Deleted/added to clarify

For any lots that are in a Zoning District with a minimum site area of more than one-acre, the site area may be reduced up to 4-percent.

### 1716.03 Procedures for Issuance of a Special Use Permit

- A. The Applicant for a special use shall participate in an informal pre-application meeting with staff, to provide a general overview of the proposed project, to obtain information as to the issues that will need to be addressed in the formal application and to discuss the proposed process for citizen notification.
- B. Prior to submitting the formal application to the Community Development Department, the Applicant shall notify property owners, homeowners' and community associations in accordance with the Citizen Review Process specified in Article 22.

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C. The Applicant for a special use permit shall file an application for a special use on a form provided by the County Zoning Inspector, a Citizen Review Report in accordance with Article 22, the required fee as provided for in the adopted Planning and Zoning Fee Schedule, and a concept plan ~~and if not the owner of the site, a letter of permission to apply for the Special Use Authorization~~. The concept plan shall be submitted and reviewed by the Planning Commission as a means to determine whether the special use request will be able to meet the essential site development standards set forth in these Zoning Regulations. Note: Any anticipated waivers of the site development standards, such as setbacks, screening, etc., must be requested, justified and approved by the Planning Commission prior to building permit issuance. The Concept Plan, at a minimum, shall include:

**Comment [d41]:** Verbiage added to ensure proper authorization is received from the property owner.

### 1717.01 Applications

Applications for an accessory living quarter shall be made on forms supplied by the Community Development Department and shall include ~~all information required for processing a building or use permit, accompanied by the appropriate fee a concept or site plan showing all structures, including the proposed Accessory Living Quarter~~.

**Comment [d42]:** Deleted/added verbiage to allow the applicant to apply for an ALQ without having to spend a lot of money on plans (construction/site plans) that may not be needed if the ALQ is not approved.

## Article 18 – Site Development Standards

### 1802.12 ~~Reserved for future use Outdoor Lighting, see Section 1810~~

**Comment [d43]:** Entire section deleted as the Light Pollution Code is now Article 16.

### 1804.02 Basic Requirement for Off-Street Parking

- A. Off-street parking shall be provided for any new building constructed or for any new use placed on a site. Parking must be established prior to operation and shall be maintained for the duration of the use.
- B. Whenever the use or area of an existing building is changed, additional off-street parking for the increased area or the use shall be provided in conformance with the standards set forth in Section 1804.
- C. The owner or occupant of an existing or proposed building or use subject to off-street parking requirements shall not discontinue or reduce any existing required parking area without first having established other parking space which meets all requirements of these Zoning Regulations.
- D. The use of any off-street parking space as required under these Zoning Regulations, for the storage of merchandise, vehicles for sale or rent, or for repair of vehicles, shall be prohibited.

~~E. Parking areas used for activities operating during hours of darkness shall be lighted and all lighting must comply with this Article.~~

**Comment [d44]:** Section "E" was added here as it was previously in section 1810.03 which was deleted since we inserted the light pollution code into Article 16.

### 1810 ~~Reserved for Future Use Outdoor Lighting Standards~~

**Comment [d45]:** Entire section deleted as the Light Pollution Code is now Article 16.

#### 1810.01 Purpose

~~Outdoor lighting regulations are designed to prevent safety hazards and nuisances to surrounding properties and public rights-of-way caused by the improper installation and placement of outdoor light fixtures, and to promote the purpose of the Cochise County Light Pollution Code.~~

#### 1810.02 Compliance With Light Pollution Code

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Installation of all outdoor lighting fixtures shall comply with the standards of the Cochise County Light Pollution Code in addition to any specific requirements set forth within these Zoning Regulations. Any light fixture, permit application, or installation of outdoor lighting which does not comply with all aspects of the Cochise County Light Pollution Code shall require a Special Use Permit pursuant to Article 17.

### 1810.03 Additional Lighting Requirements

- A. ~~Residential Lighting: All on-site residential outdoor light fixtures shall be installed no higher than 20 feet above ground level, except:~~
- ~~1. For residential sites located in the RU, SR and SM Zoning Districts with a minimum required parcel size of four acres or larger, lighting fixtures which are located 50 feet or more from any property line shall not exceed 30 feet in height (including the base) above ground level.~~
  - ~~2. Lighting for properly approved Outdoor Recreational Facilities shall not exceed 40 feet in height.~~
  - ~~3. All residential lighting fixtures shall be shielded in accordance with the Cochise County Light Pollution Code and shall be arranged so as to reflect light away from and prevent glare to adjoining residential properties and public rights-of-way.~~
- B. ~~Non-Residential Sites~~
- ~~1. All outdoor lighting fixtures shall be placed and shielded as necessary so as to reflect light away from adjoining residential sites, and to prevent direct beams of light or glare from interfering with traffic on public rights-of-way.~~
  - ~~2. Parking areas used for activities operating during hours of darkness shall be lighted.~~
  - ~~3. The overall height of lighting fixtures shall not exceed 30 feet above grade, including base, except:~~
    - ~~a. In the GB, LI and HI Zoning Districts, height of lighting fixtures located at least 100 feet from any property line shall not exceed 35 feet in height (including the base).~~
    - ~~b. Lighting for Outdoor Recreational Facilities and Outdoor Display Lots shall not exceed 40 feet in height (including the base).~~
    - ~~c.a. Fixtures shall be so constructed and arranged as to reflect light away from any adjacent property. Lighting shall be located and protected as necessary to prevent interference with vehicular traffic.~~

**Comment [d46]:** This verbiage was added to section 1804 D2 E

### Article 19 - 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/Article 16~~, 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.

**Comment [d47]:** Verbiage changed from "Cochise County Light Pollution Code" to "Article 16" since we inserted the Code into Article 16

### 1907.02

#### 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:

## EXHIBIT "A" R-14-08 Zoning Regulations Update

- a. The illumination emitted by the sign, together with any other unshielded lighting on the site, do not exceed the maximum allowed in Table ~~16.14.1 of the County Light Pollution Code~~ Article 16 for unshielded lighting;
- b. The lighted text on the sign is red or green on a black background; and,
- c. Complies with all other provisions of ~~the Light Pollution Code and County these~~ 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 ~~16.14.4 of this Code~~ Article 16.

**Comment [d48]:** Updated to reflect newly numbered table

**Comment [d49]:** Verbiage changed from "Cochise County Light Pollution Code" to "Article 16" since we inserted the Code into Article 16. Also noted the same below in section "c"

**Comment [d50]:** Updated to reflect newly numbered table

### 1908.12 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~~ Article 16, and shall not include any exposed light source.

**Comment [d51]:** Verbiage changed from "Cochise County Light Pollution Code" to "Article 16" since we inserted the Code into Article 16

## Article 20 – Exemptions, Exceptions and Nonconformances

### 2002.02 Essential Services Exemptions

~~The following~~ Although these uses are exempt from the Zoning Regulations, ~~however, where indicated below, they are not exempt from the Building Code. In addition,~~ these uses may be subject to other governmental regulations adopted by Cochise County and other governmental agencies such as Health, Highway and/or Floodplain Departments. The following uses do not require a building/use permit under these Zoning Regulations:

**Comment [d52]:** Verbiage added to clarify when building code review is required

**Comment [d53]:** Added the departments that may require review, as section "D" was deleted below

- A. Rights-of-way for streets, alleys, drainageways and other public and non-public rights-of-way.
- B. Transmission lines for the distribution of franchised public or private utilities, to include meter boxes, pipes, poles, wires, hydrants or similar installations necessary to distribute utilities such as water, gas, wastewater, electricity, telephone, telegraph, television and radio. More substantial structures with a potential to impact the surrounding community, such as substations, booster stations, buildings, water tanks, communication equipment, and communication towers, are not exempt and must be located so as to minimize any adverse impacts generated by that structure. All such structures, however, are exempt from minimum site area requirements of the applicable Zoning District, provided that there is an adequate site area to minimize any adverse impacts of such use. The County Zoning Inspector may waive or modify site development standards for more substantial structures approved as part of a subdivision review process provided that adverse impacts are minimized.

C. Essential governmental services of public agencies (local, state and federal) ~~including schools~~ and special districts such as drainage, flood control, irrigation, fire, ~~school~~ and sanitation, and including facilities, attendant appurtenances and accessories used by such agencies. Shared uses by public agencies and private parties shall not be exempt unless determined by the County Zoning Inspector that the proposed use by a public agency meets the intent of an essential governmental service. Only public agencies shall be deemed essential government services. [The building code does apply to this class of uses.]

**Comment [d54]:** Rearranged as schools are exempt from zoning because they are a political subdivision of the state per ARS, they are not special districts

**Comment [d55]:** Language added to ensure only actual essential government services are exempt

**Comment [d56]:** Verbiage added to affirm building code permits are required

~~D. Uses determined to be exempt under this Section which requires review by the Health or Highway and Floodplain Department shall be required to file for an Informational Permit pursuant to Article 17.~~

**Comment [d57]:** Section deleted as it was inserted above in section "2002.02"

## EXHIBIT "A" R-14-08 Zoning Regulations Update

### Article 22 – Amendments

**2204.01** An application to amend these Zoning Regulations shall include:

**Comment [d58]:** Added the number "2" to the section number as it was previously omitted

### Article 23 –Enforcement

#### 2303 Remedies

All remedies concerning these Zoning Regulations 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 buildings, structures, or improvements 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 these Zoning Regulations may institute, in addition to any other appropriate remedy or proceeding an action for injunction, mandamus, or proceeding to prevent, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

If a property is in violation ~~for building without a permit~~ the County Zoning Inspector may shorten the length of the permit to complete the project.

**Comment [d59]:** Removing verbiage will allow a permit length to be shortened for any type of violation on the property, such as operating a business without a permit or placing a structure such as a shed or manufactured home on the property without a permit



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner I  
**FOR:** Beverly J. Wilson, Planning Director *bw*  
**SUBJECT:** Docket SU-14-18 (Hill)  
**DATE:** October 31, 2014 for the November 12, 2014 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to operate a concrete and aggregate business on the subject property, a use considered Contract Construction Services. The proposed use is considered a Special Use in the Rural Zoning Districts under Section 607.14 of the Zoning Regulations. The subject parcel (401-10-019B) is located at 14393 S. Highway 191 in Elfrida, AZ. The Applicants are Pat and Leo Hill.

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

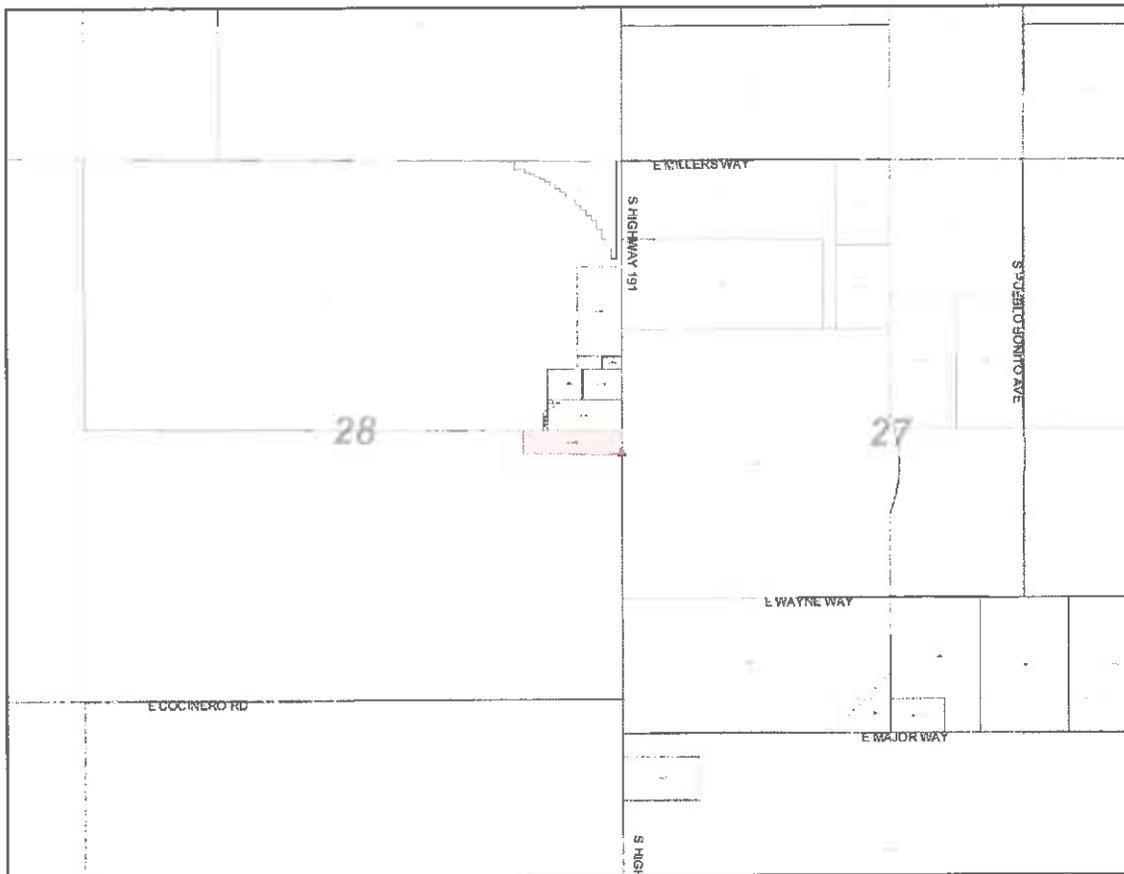
Parcel Size: 4.99 Acres  
Zoning: RU-4 (Rural; one dwelling per 4-acres)  
Growth Area: Category D (Rural)  
Comprehensive Plan Designation: Rural  
Area Plan: None  
Existing Uses: None  
Proposed Uses: Contract construction services

#### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Recycling Center/Auto Repair/Retail Sales
South	RU-4	Ranch Land
East	State Highway/RU-4	Highway 191/Ranch Land
West	RU-4	Ranch Land

### II. PARCEL HISTORY

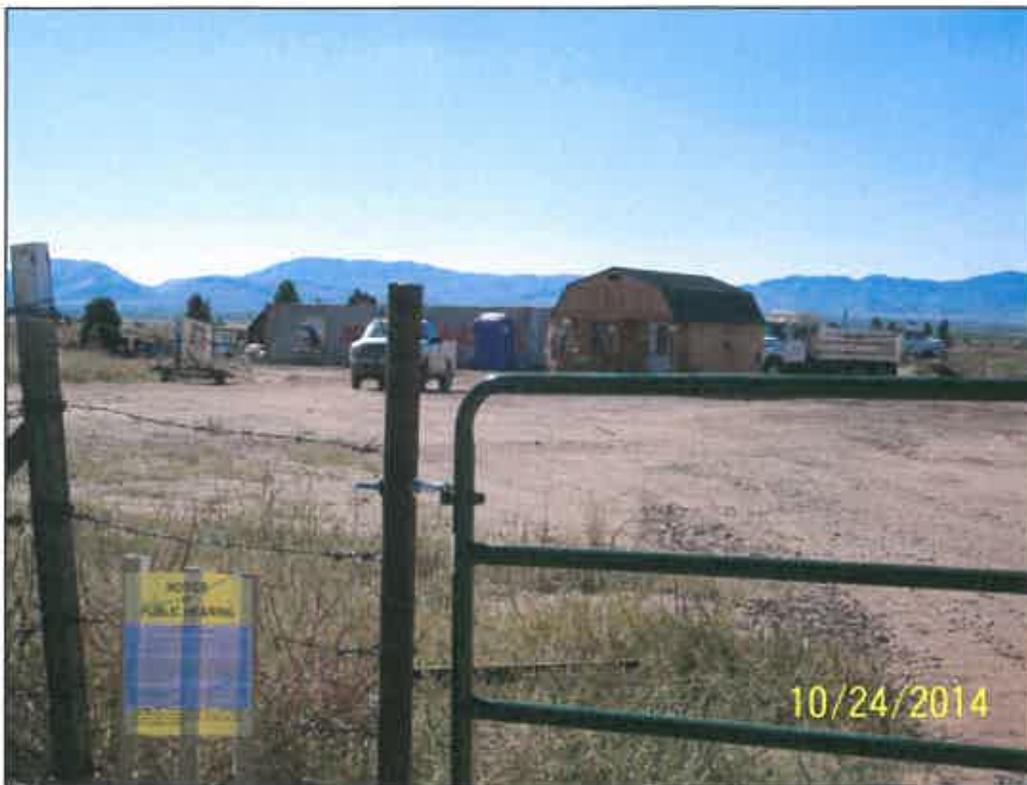
None



*The property is north of Elfrida, at mile post 35.*

**III. NATURE OF REQUEST**

The Applicants have requested Special Use authorization to relocate their existing concrete and aggregate business from the parcel to the north onto the subject parcel. While the Applicant is not moving the actual batch plant, new bins will be built to contain various ground cover materials, and in the future stockpiles of the various aggregate materials needed to produce concrete will be placed behind the office trailer. In addition, the name of the business will be changing from “Chiricahua Building Supplies” to “Chiricahua Rock and Sand”. The project site is north of Elfrida, in a cluster of commercial and industrial sites in a predominately agricultural area.



*View of subject property.*

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

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

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

The project site is not within the boundaries of any area plan. The Comprehensive Plan permits potentially intensive uses such as the proposed concrete and aggregate business in the Rural areas.

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

Section 601.07 of the Zoning Regulations establishes that the Rural Districts may include “...some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/ suburban areas.”

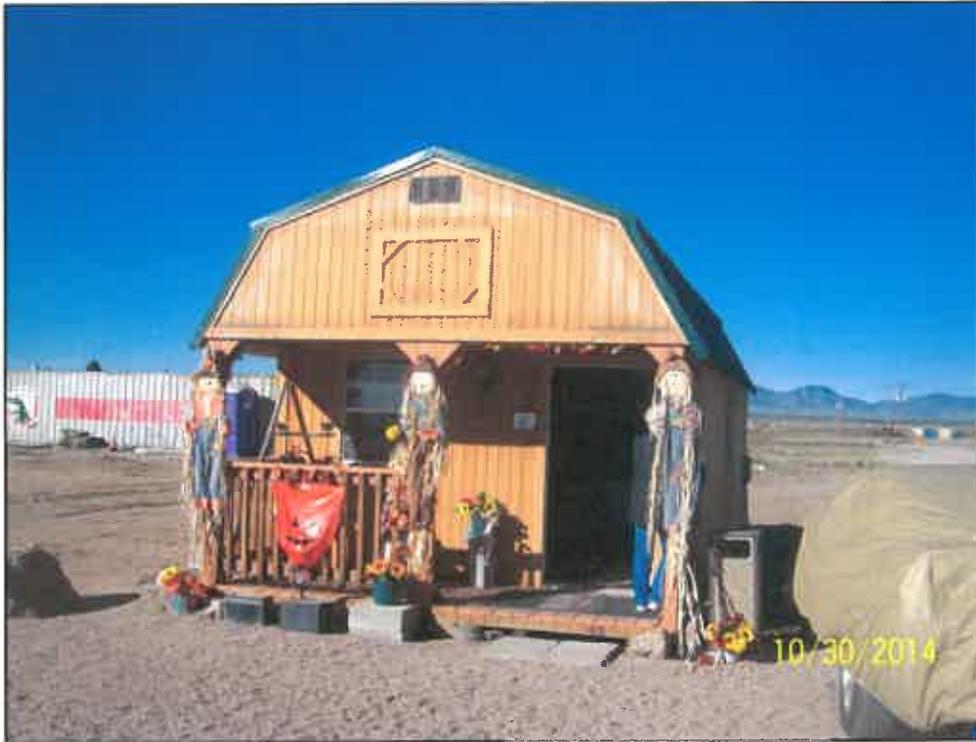
##### **C. Development Along Major Streets: Complies**

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

**D. Traffic Circulation Factors: Complies**

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

**E. Adequate Services and Infrastructure: Does Not Comply**



*View of new office.*

The project site currently shares a private well with the adjoining parcel, which the Applicants own. Per Arizona Administrative Code, this parcel will require a sanitary sewer system; prior to the Non-Residential Use permit issuance.

**F. Significant Site Development Standards: Does Not Complies**

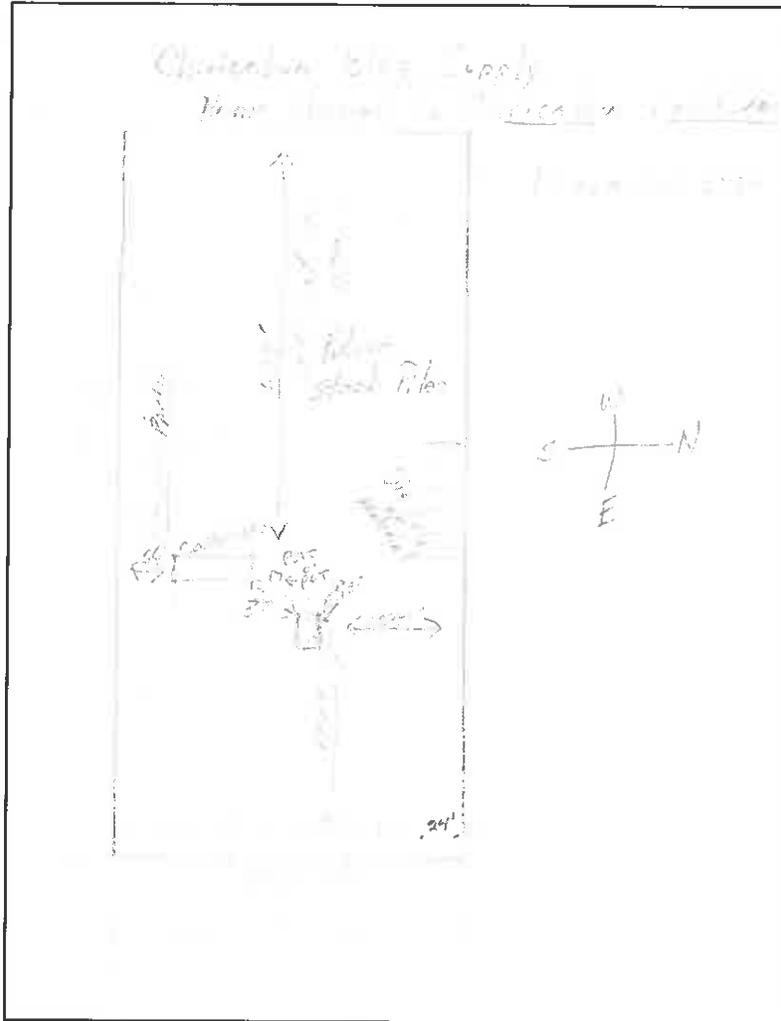
Per the Applicant, the site will be improved with gravel on driveways and parking areas. An ADA accessible parking space will be required as well as all other required site development standards.



*View of storage on the property.*

**G. Public Input: Complies**

The Applicants sent letters to all property owners within 1,500-feet of the parcel. Positive feedback was received from one nearby owners.



Concept Plan.

**H. Hazardous Materials: Not Applicable**

Per the Applicants, no storage of hazardous materials would take place on the property

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

The greatest potential for off-site impacts associated with the proposed business is traffic, noise, and dust. Based on the active agricultural, commercial, and industrial uses in the area, Staff is confident that there will be no negative impacts on surrounding properties.

**J. Water Conservation: Not Applicable**

No new water use is proposed.

**V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within one-mile of the subject property. Staff posted the property on October 24, 2014 and published a legal notice in the *Bisbee Observer* on October 23, 2014. Staff received one favorable comment from a property owner.

**VI. SUMMARY AND CONCLUSION**

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

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

1. With the recommended Conditions of Approval, the proposed use would comply with each of the eight applicable Special Use factors used by staff to analyze such requests;
2. The request is supported by the Comprehensive Plan and the Zoning Regulations;
3. The Proposed use provides a service to the local community; and
4. One neighbor has expressed support for the request in writing to Staff.

**Factors Against Allowing the Special Use**

1. None apparent

**VIII. RECOMMENDATION**

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards, except as modified, and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional Conditions that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. 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: *Mdm. Chair, I move to approve Special Use Docket SU-14-18, with the Conditions of Approval to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

**IX. ATTACHMENTS**

- A. Special Use Questionnaire
- B. Location Map
- C. Concept Plan
- D. Citizen Comment



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

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

TAX PARCEL NUMBER 401-10-019B  
APPLICANT Pat Hill + Leo Hill  
ADDRESS 14393 S. Hwy 191 Elfrida, Az 85610  
CONTACT TELEPHONE NUMBER 520-642-5730 or 520 507-0334  
EMAIL ADDRESS: —

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

ADDRESS \_\_\_\_\_  
\_\_\_\_\_

DATE SUBMITTED \_\_\_\_\_

Special Use Permit Public Hearing Fee (if applicable) \$ \_\_\_\_\_  
Building/Use Permit Fee \$ \_\_\_\_\_  
Total paid \$ \_\_\_\_\_

### 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? Vacant  
\_\_\_\_\_
2. What is the proposed use or improvement? Concrete Batch Plant  
\_\_\_\_\_  
\_\_\_\_\_
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? \_\_\_\_\_  
Processing and selling concrete and aggregate
4. Describe all intermediate and final products/services that will be produced/offered/sold.  
Concrete, aggregate  
\_\_\_\_\_  
\_\_\_\_\_

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

Pre fabricated

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

Currently Onsite

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 2-5 Hours (from 7:30 AM to 5 PM)

B. Number of employees: Initially: 2 Future: \_\_\_\_\_   
 Number per shift Seasonal changes \_\_\_\_\_

C. Total average daily traffic generated:

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

2-3

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

2-3

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

Equally North and South on 191

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

N/A

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

Constant

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

D. Estimated total gallons of water used: per day 10 per year \_\_\_\_\_

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

Yes  No  Show the septic tank, leach field and 100% expansion area on the site plan.

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

\_\_\_\_\_

\_\_\_\_\_

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

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

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private	
Sewer/Septic	Adjacent Parcel	
Electricity	SSVEC	
Natural Gas	None	
Telephone	Cellular/Valley	
Fire Protection	None	

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

1. Describe any activities that will occur outdoors.

Processing aggregate and concrete

\_\_\_\_\_

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. None proposed

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

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

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

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

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

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

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

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

None

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

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

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

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

No substantial Development

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

**SECTION D - Hazardous or Polluting Materials**

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

Does the proposed use have any activities involving such materials?

Yes \_\_\_ No  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 Pat Hill

Print Applicant's Name PAT Hill

Date signed 10-1-14



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

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

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

Pat Hill 10-1-14  
 Signature Date  
Pat Hill  
 Print Name/Firm  
 Owner  Agent

# Special Use Project Guide

Effective January 1, 2013

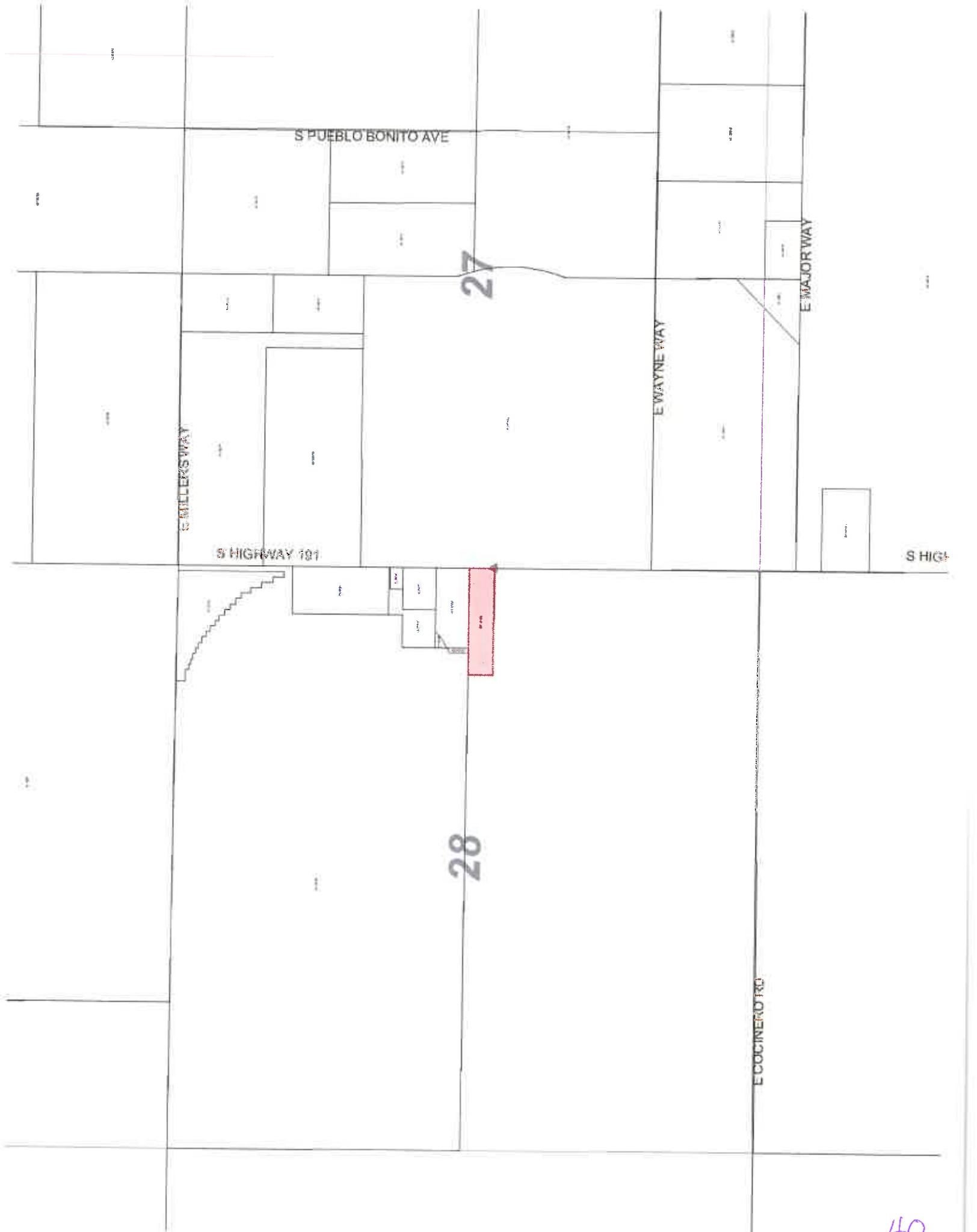
## Submittal Review Timelines

Overall review time will be 130-business days.

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

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

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



S PUEBLO BONITO AVE

E MILLEK'S WAY

S HIGHWAY 101

E WAYNE WAY

E MAJOR WAY

S HIGHWAY 101

E COCHINELO TR

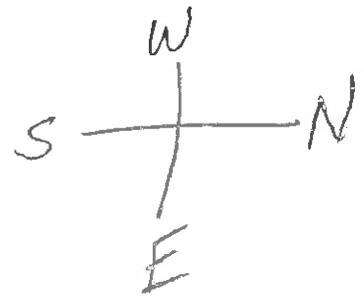
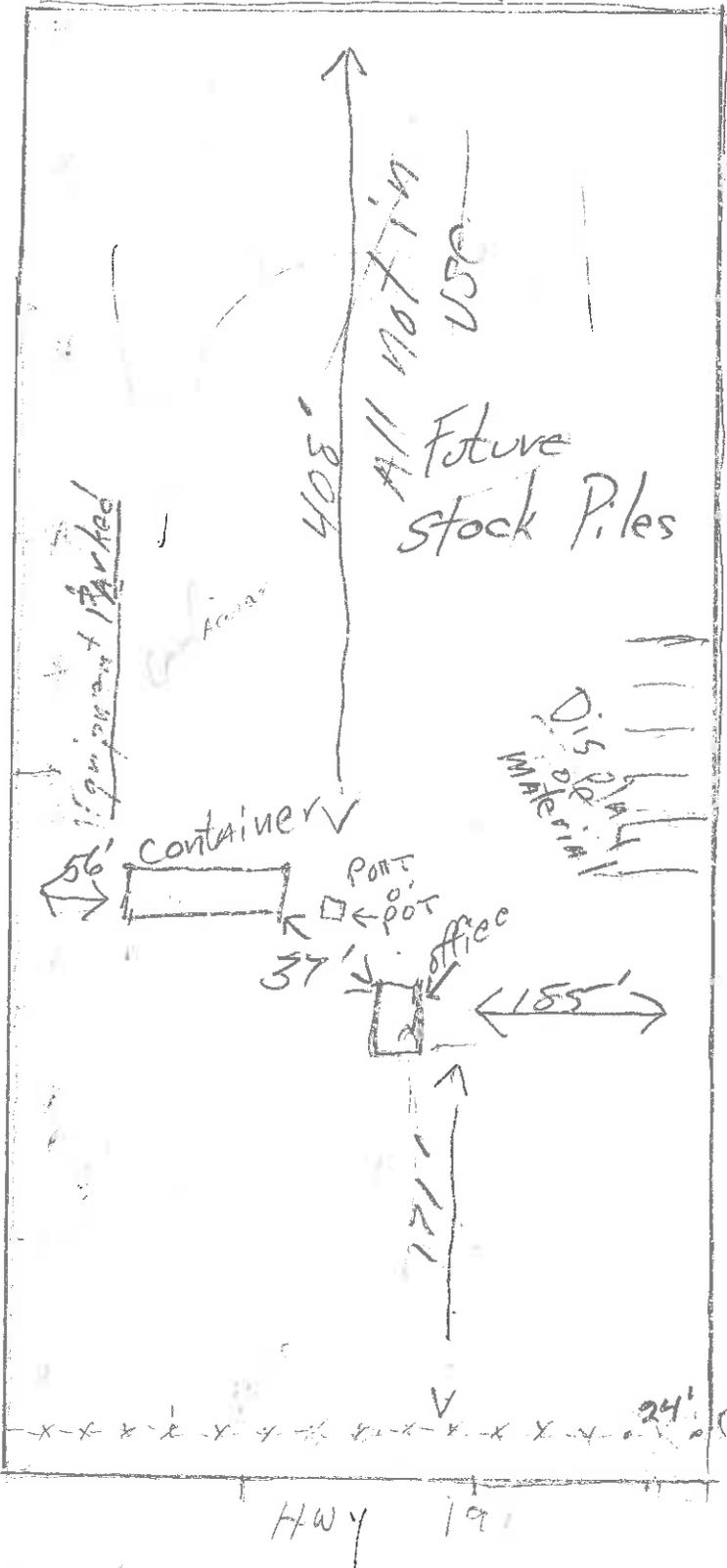
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# Chiricahua Bldg Supply

Name change to Chiricahua Rock & Sand

Ph 520-642-3730



### Special Use: Docket SU-14-18 (Hill)

YES, I SUPPORT THIS REQUEST  
Please state your reasons:

*They have run a good business + been good neighbors at this site for a long time.*

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

(Attach additional sheets, if necessary)

PRINT NAME(S): J Homer Doell

SIGNATURE(S): *J Homer Doell*

YOUR TAX PARCEL NUMBER: 401-10-064A 0 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Wednesday, October 29, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above.**  
**NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Peter Gardner, Planner I  
Cochise County Planning Department  
1415 Melody Lane, Building F.  
Bisbee, AZ. 85603

NOTE: ... statement at the public hearing listed above.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Jesse Drake, Planner II JD  
**FOR:** Beverly J. Wilson, Planning Director BW  
**SUBJECT:** Docket SU-14-15 (HPAZ Nevada)  
**DATE:** October 30, 2014 for the November 12, 2014 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve the addition of commercial radio antennas to be used for internet service on an existing 40-foot high tower on a residential property. The proposed use as a communications tower is considered a Special Use in the Rural Zoning Districts under Section 607.40 of the Zoning Regulations. The subject parcel (104-31-019M) is located at 9470 E. Nevada Drive in Hereford, AZ. The Applicant is HPAZNET LLC.

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

Parcel Size: 4.54 Acres  
Zoning: RU-4 (Rural; one dwelling per 4-acres)  
Growth Area: Category D (Rural)  
Comprehensive Plan Designation: Rural  
Area Plan: None  
Existing Uses: Rural Residential  
Proposed Uses: Same, with antennas on existing tower

#### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	Private Road and RU-4	E. Nevada Road/ Low Density Rural Residential
South	RU-4	Low Density Rural Residential
East	RU-4	Low Density Rural Residential
West	RU-4	Low Density Rural Residential

### II. PARCEL HISTORY

- 1988 – Permit issued for a workshop building.
- 2001 – Permit issued for a 300-square foot front porch addition to an existing Mobile Home.
- 2003 – Permit issued for a porch addition to an existing Mobile Home.

**III. NATURE OF REQUEST**

The Applicant is requesting a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing 40-foot high tower located to the east of a residential home in an RU-4 rural zoning district.

The existing ham radio tower is permitted in Article 20 of the Zoning Ordinance, Section 2002.03 Height Exceptions, which states in part: “Height regulations established elsewhere in these Zoning Regulations shall not apply to the following in any district: ...amateur radio and residential antennas and related structures...” As such, the existing ham radio tower is permitted in the RU-4 district as an accessory use to the residential use, regardless of its height.

The application of the HPAZNET LLC antennas and equipment however, is a commercial use in on a residential parcel and therefore requires a Special Use permit per Article 6 of the Zoning Ordinance, Section 607.40 which states that “communications towers exceeding 30-feet in height, subject to site development standards in Article 18” require Special Use Authorization in the RU-4 district.

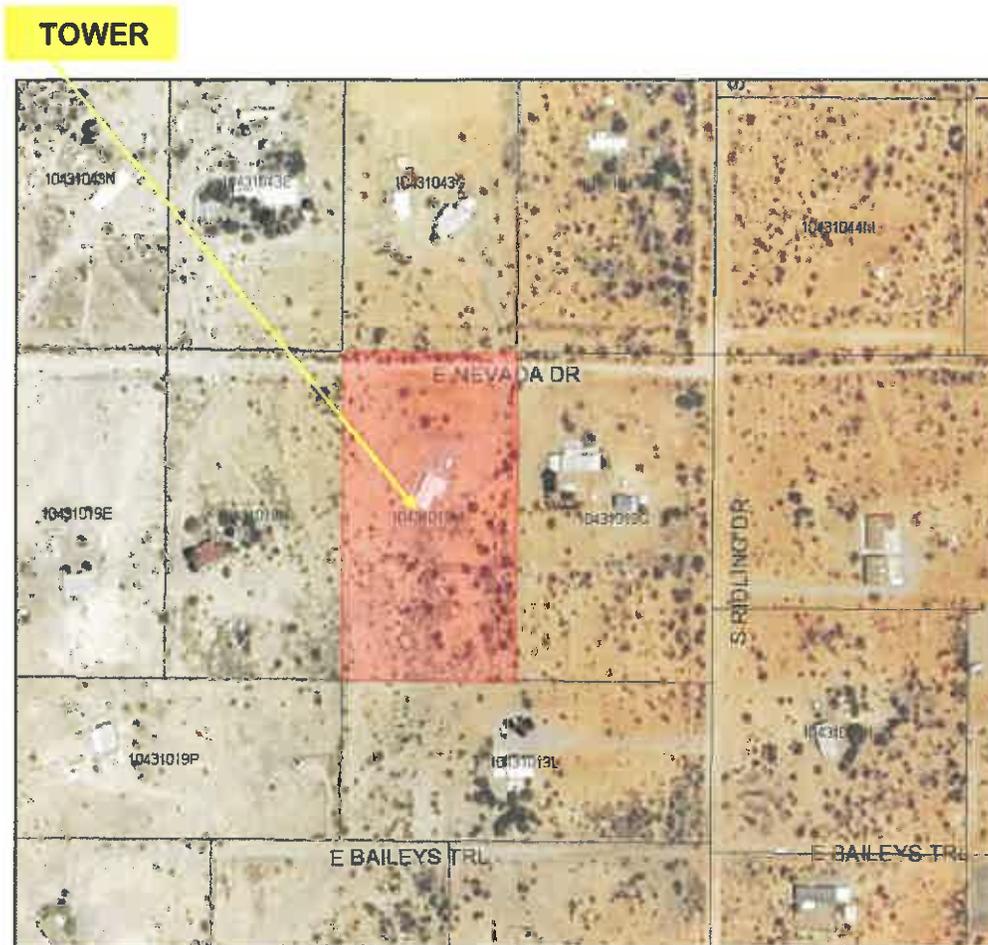
Commercial towers are regulated in Article 18, Section 1813 of the Zoning Ordinance. The antennas on the existing tower meet the requirement in Section 1813.01 in that the antennas co-locate on the existing ham radio tower. The antennas are exempt from the requirements in 1813.03 A and B, as no existing towers are nearby. The requirement in Section 1813.03.C for a certificate, report or plan from an Arizona-Registered Professional Engineer regarding tower safety will be a condition for approval and will also be a Building Permit requirement. The towers meet the setback requirements as specified in 1813.04. The remaining site development standards in section 1813 are not applicable to this submittal.

The project site is located in Hereford on a 4.54-acre parcel that currently has a mobile home and a 40-foot high ham-radio tower. The site is surrounded by low-density single family residential lots.

Five antennas have been installed on the existing tower. They are:

<b>Antenna Name</b>	<b>Installed Height</b>	<b>Antenna Weight</b>	<b>Antenna Dimensions</b>	<b>Radio Frequency</b>
M525	20 feet	5.07 lbs	15.7” diameter	5540 Mhz
AF24	30 feet	23.0 lbs	25” x 16” x 12”	24.1 Ghz
Air Grid 5	35 feet	3.0 lbs	24” x 18”	5840 Mhz
5G 120° Sector	40 feet	2.4 lbs	14.8” x 2.5” x 1.6”	5280 Mhz
5G 90° Sector	40 feet	2.4 lbs	14.8” x 2.5” x 1.6”	5785 Mhz

The Community Development Department has confirmed that none of these frequencies would interfere with Public Safety communications traffic. The applicant has also installed a 23” x 14” x 12” equipment box at the base of the tower that provides power support and routers. No additional structural supports will be needed or added. The applicant has provided letters stating that the towers are exempt from FAA lighting and marking requirements, the equipment is certified by the FCC for use in these bands, and that all frequencies and power levels are within legal limits. The addition of the antennas extends internet service to the surrounding neighborhood.



*Aerial view of subject property in Hereford, approximately one mile south of Ramsey Road, east of Pinteck Rd.*

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

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Seven of the ten criteria apply to this request and the project, as submitted, complies with six those seven factors; with one other complying if a waiver is granted. The remaining criteria are not applicable to this application.

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

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

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

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

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

The property takes access from East Nevada Road a private road, and no new access points are being proposed.



*A view of the project site showing the driveway, house, tower and antennas.*

**D. Traffic Circulation Factors: Complies**

The applicant provides periodic maintenance to the antennas on the tower once or twice a month as needed for repairs. The Special Use, if granted, will not significantly increase the traffic on East Nevada Road, a non-county maintained roadway.

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

The project site is served by APS; no other utilities are required by the Applicant. The parcel is in the Fry Fire District; increased fire risk is negligible. The site is accessed by E. Nevada Road, a private, non-county maintained roadway.

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

A Single Family Residence is located on this site, and all site development standards will be considered residential except as the Regulations pertain to this tower. The site development standards that will pertain to the tower include access and the Communication Tower standards found in Section 1813 of the Zoning Regulations. Additional regulations regarding signage are in Section 1907.02. Staff is recommending that no signage be allowed for this use.

Section 1804 addresses parking and drive requirements for a communications tower. Staff is recommending that these be waived. A Private Maintenance Agreement is required for non-residential uses located on private roadways. Staff is recommending that this condition also be waived.

The site is not in a designated floodplain.

**G. Public Input: Complies**

The Applicant sent letters to all property owners within 1,500-feet of the tower parcel to notify them of his application and to address any neighbor concerns. His notification did not produce any comment from the property owners.

**H. Hazardous Materials: Not Applicable**

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

The antennas do not generate smoke, noise, lights, or odors. Per the Zoning Regulations, residential towers do not have height limitations; however they do impact the viewshed. Approval or denial of this application of the antennas as a non-residential use will not change or reduce this impact.

**J. Water Conservation: Not Applicable**

No new water use is proposed.

**V. MODIFICATIONS TO DEVELOPMENT STANDARDS**

1. Per Section 1807.02 A of the Zoning Regulations, a Private Maintenance Agreement to maintain the roadway in “passable” condition would be required. Given the distance of this site from a county-maintained roadway and the intermittent and minor vehicle use that this use would create; staff supports the applicant’s written request for a waiver from the Private Maintenance Agreement requirement.
2. Staff recommends that parking and driveway requirements per Section 1804 be waived for this site.

**VI. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1500-feet of the subject property. Staff posted the property on October 21, 2014 and published a legal notice in the *Bisbee Observer* on October 23, 2014. In response to applicant and County mailings, the Department received two letters opposing this request to install a non-residential use near their property. Please note that the RU-4 Zoning District does allow non-residential uses such as this tower.

**VII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing 40-foot high tower on a residential property for approximately three years.

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

1. With the recommended Conditions of Approval, the proposed use would comply with each of the seven applicable Special Use factors used by staff to analyze such requests;
2. The tower is existing and the regulations encourage co-location; and
3. The applicant is providing internet service to the community.

**Factors Against Allowing the Special Use**

1. Two neighboring property owners oppose this request; and
2. These antennas were installed without a permit.

**VIII. RECOMMENDATION**

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards, except as modified, and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional Conditions that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Per Section 1813.07, the Applicant must ensure that the new antennas installed on the existing tower to not emit noise or vibrations;
4. No future co-location or signage will be allowed for this tower; and
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

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

1. A Waiver of the Private Maintenance Agreement requirement for roadway maintenance; and
2. A Waiver of the requirements for parking and driveways.

Sample Motion: *Mdm. Chair, I move to approve Special Use Docket SU-14-15, with the Conditions of Approval and Waivers to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

**IX. ATTACHMENTS**

- A. Application
- B. Parcel map
- C. Agency comment memos
- D. Public comment letters

SU-14-15  
NEVADA



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs. Personal Service."*

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

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

By signing below, I acknowledge that:

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

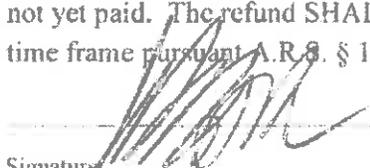
By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

Signature

  
Jeff Grey S. Tyler / HPAZNET LLC

Print Name/Firm

Date

19 SEPT 2014

Owner  Agent



# COCHISE COUNTY COMMUNITY DEVELOPMENT

PLANNING DEPARTMENT • ECONOMIC SERVICES

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

TAX PARCEL NUMBER 10431019, M SECT T23 S R2E  
22

APPLICANT HIPAZNET LLC

ADDRESS PO Box 166, Hereford, AZ 85615 Physical  
6130 S. King Rd  
Hereford, AZ 85615

CONTACT TELEPHONE NUMBER (520) 732-2208

EMAIL ADDRESS: Support@hipaz.net

PROPERTY OWNER (IF OTHER THAN APPLICANT) Eugene Adlington

ADDRESS 9470 E Nevada, Hereford, AZ 85615

DATE SUBMITTED 25 September 2014

Special Use Permit Public Hearing Fee (if applicable)	\$ _____
Building/Use Permit Fee	\$ _____
<b>Total paid</b>	<b>\$ _____</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? Amateur radio tower and residential housing 40' high
2. What is the proposed use or improvement? the addition of radio antennas to be used for internet service
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? periodic maintenance access / no impact on neighbors
4. Describe all intermediate and final products/services that will be produced/offered/sold. internet service to the surrounding community

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

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

project is already complete

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 8:00 AM to 11:59 PM)

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

C. Total average daily traffic generated:

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

1 or 2 (within a month) as needed for repairs

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

1 or 2 (see above) pickup trucks

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

West on East Nevada Rd

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

N/A

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

N/A

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

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

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

Yes          No X Show the septic tank, leach field and 100% expansion area on the site plan.

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

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

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

Attached NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	N/A	N/A
Sewer/Septic	N/A	N/A
Electricity	AP's	none
Natural Gas	N/A	N/A
Telephone	N/A	N/A
Fire Protection	Local Fire Department	none

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

1. Describe any activities that will occur outdoors.

periodic radio maintenance

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

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

4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No  If yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? \_\_\_\_\_
5. Will odors be created? Yes \_\_\_ No  If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? \_\_\_\_\_
6. Will any activities attract pests, such as flies? Yes \_\_\_ No  If yes, what measures will be taken to prevent a nuisance on neighboring properties? \_\_\_\_\_
7. Will outdoor lighting be used? Yes \_\_\_ No  If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes \_\_\_ No  If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.
- A. \_\_\_\_\_ B. \_\_\_\_\_ C. \_\_\_\_\_ D. \_\_\_\_\_
9. Will any new signs be erected on site? Yes \_\_\_ No  If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).
10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?  
 Yes \_\_\_ No
- If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No
- Will washes be improved with culverts, bank protection, crossings or other means?  
 Yes \_\_\_ No
- If yes to any of these questions, describe and/or show on the site plan.
11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)  
 \_\_\_\_\_ none \_\_\_\_\_
12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

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

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

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

N/A

2. How many acres will be cleared? \_\_\_\_\_  
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.) \_\_\_\_\_

N/A

**SECTION D - Hazardous or Polluting Materials**

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

Does the proposed use have any activities involving such materials?

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

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

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

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

**SECTION E - Applicant's Statement**

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

Applicant's Signature

Print Applicant's Name

Date signed

  
JEFFREY S. TYLER  
20 SEP 2014

Eugene Addington  
Property Owner  
9470 E Nevada  
Hereford, AZ 85615  
Tax Parcel Number: 10431019M  
(863)207-7528  
addington.eugene1@gmail.com

### Authorization to Apply for Special Use Permit

I, Eugene Addington, the property owner of 9470 E Nevada, Hereford, AZ 85615 (Tax Parcel # 10431019M), hereby grant my authorization for HPAZNET LLC to apply for a special use permit to rezone my radio tower for commercial use.

Eugene P Addington

Property Owner's Signature

9/24/2014

Date

ALL-PURPOSE ACKNOWLEDGMENT

State of ARIZONA

County of COCHISE

On 24 Sept 2014 before me, GLYNN D RYAN JR  
DATE NAME OF NOTARY PUBLIC

personally appeared Eugene P Addington  
NAME(S) OF SIGNER(S)

personally known to me OR  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), an that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

*[Handwritten Signature]*

Place Notary Seal or Stamp Here

SIGNATURE OF NOTARY

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it may prove valuable to persons relying on this Acknowledgment and could prevent fraudulent reattachment of this certificate to another document.

DESCRIPTION OF ATTACHED DOCUMENT

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT

AUTHORIZATION SPECIAL USE  
TITLE OR TYPE OF DOCUMENT

1  
NUMBER OF PAGES

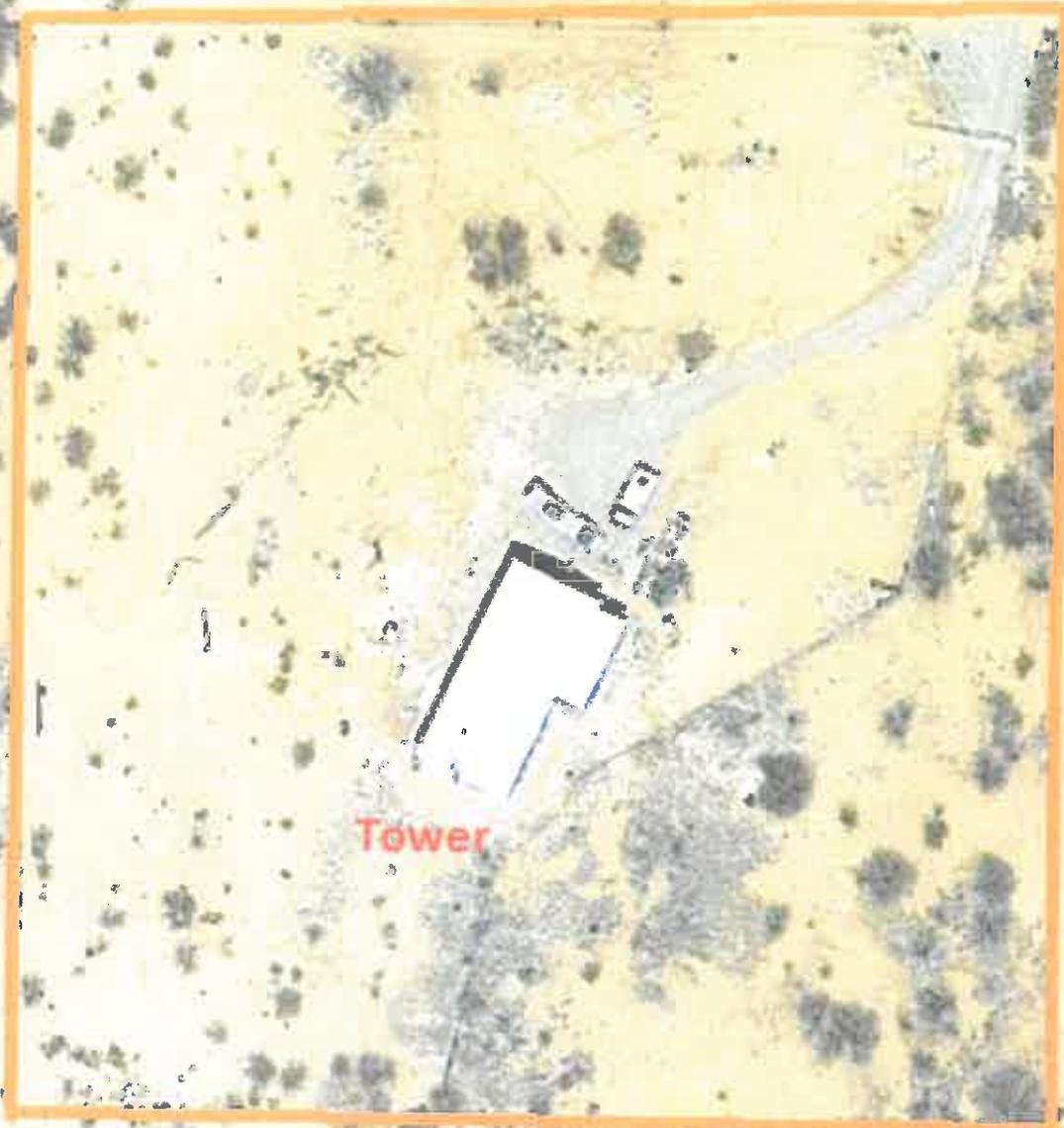
24 SEP 2014  
DATE OF DOCUMENT

N/A  
SIGNER(S) OTHER THAN NAMED ABOVE

9470 E. Nevada Drive Hereford Az

E Nevada Dr

E Nevada I



Tower



PO Box 166  
Hereford, AZ 85615

July 28<sup>th</sup>, 2014

Dear Hereford Neighbor,

I am writing to you to let you know that we (HPAZ.net) intend to ask for a zoning variance for the tower at 9470 E Nevada Dr to allow limited commercial use. We have had our antennas on this tower for about three years now, this variance will simply recognize this.

We use this tower and the antennas on it to provide high quality and low cost Internet service to the Hereford community. The benefits of tower re-use (or co-location as the FCC calls this sort of action) are a reduction in new towers needed to provide increased broadband Internet service to the community.

We are your neighbors, HPAZNET LLC is a Hereford company. We live and work here and it is very important to us to maintain good relations with the entire community, our business depends on it.

If the planning and zoning board grants us this variance nothing will change; the tower will look the same as it does today. There will be no increase in surface access traffic, no lighting changes, etc.

If you have any questions about this requested action, please contact us for more information by the 15<sup>th</sup> of August, 2014. You may reach us via phone at 520-732-2208, via email to [jeff@hpaz.net](mailto:jeff@hpaz.net) or you may send a letter addressed to HPAZNET LLC, PO Box 166, Hereford AZ 85615.

Best Regards,

*Jeff Tyler*

Chief Engineer  
HPAZNET LLC  
(520)732-2208  
[jeff@hpaz.net](mailto:jeff@hpaz.net)



# memorandum

**Date:** October 28, 2014  
**To:** Jesse Drake, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** HPAZNET LLC Tower at Nevada Dr: SU 14-15/Parcel #104-31-019M

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This request is for improvements to an existing residential ham radio antenna to retrofit it for commercial internet and other radio type services. The site is located off of E. Nevada Dr. on private property that takes access from a private, non-maintained roadway. Primary access appears to be from Hereford Rd. to S. Ranch Rd (the nearest county-maintained intersection) and from there through a non-county maintained roadway on E. Nevada Dr. Multiple other access routes are possible on a network of non-county maintained roadways.

There are no long-range transportation implications to adding additional radio antennas for internet service to an existing radio tower. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Given the distance of this site from a county-maintained roadway and the intermittent and minor vehicle use that this use would create this department would support a waiver from the Private Maintenance Agreement requirement, if the applicant chooses to request it.

cc: Docket SU-14-15

Attachment 

**From:** Lopez, Rosa  
**Sent:** Tuesday, October 21, 2014 8:41 AM  
**To:** Drake, Jesse  
**Subject:** RE: Transmittal letter SU-14-15 (HPAZ Nevada)

Hi Jesse,

After reviewing the permit(s) we are requesting additional information for the frequencies of the equipment to be used. And, if any FCC license is in use a copy of the FCC license to be provided for review. The above information is needed for the following three permits:

SU-14-15 (HPAZ Nevada)  
SU-14-16 (HPAZ Burro)  
SU-14-17 (HPAZ Stone Ridge)

Thanks,

Rosa Lopez  
IT Business Operations Mgr.  
Cochise County IT  
P: 520.432.8333  
C: 520.227.1296

---

**From:** Drake, Jesse  
**Sent:** Friday, October 17, 2014 2:55 PM  
**To:** Lambertson, Karen; Izzo, Mike; Flores, Dora; Capas, Carol; Lopez, Rosa  
**Cc:** Wilson, Beverly; Call, Pat; Dist1a; Dist1b; Dist1c  
**Subject:** Transmittal letter SU-14-15 (HPAZ Nevada)

Attached you will find the Transmittal letter, application and plat/aerial for SU-14-15, a request for a Special Use Permit to attach commercial antennas to an existing tower in an RU-4 zone. The aerial in the application was submitted in lieu of a concept site plan. The applicant has yet to provide the citizen comment letter.

Please let me know if you need a hard copy of any of these documents or have any other questions.

Thank you,

*Jesse Drake*

Planner II  
Cochise County Community Development Department  
Planning, Zoning and Building Safety  
1415 Melody Lane, Bldg. E  
Bisbee, AZ 85603  
520-432-9240

Special Use: Docket SU-14-15 (HPAZ Nevada)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Empty lines for providing reasons for supporting the request.

NO, I DO NOT SUPPORT THIS REQUEST: without more information

Please state your reasons:

What type of transmissions will occur Is this a need? Higher tower? I do not want to be exposed by high frequency radiation of this tower. Service is just on light beams and is a "Dumb" broadcast

(Attach additional sheets, if necessary)

PRINT NAME(S):

Bruce H Morris Judith L Morris

SIGNATURE(S):

Handwritten signatures of Bruce H Morris and Judith L Morris.

YOUR TAX PARCEL NUMBER: 104-31-090F0

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

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Wednesday, October 29, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

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

SU-14-15 (HPAZ Nevada) Neighbor Comment letter

October 28, 2014

Received a phone call from a neighbor, Sandra Holleck, who is in opposition to the application since she opposes commercial uses in a residential neighborhood.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Jesse Drake, Planner II *JD*  
**FOR:** Beverly J. Wilson, Planning Director *BW*  
**SUBJECT:** Docket SU-14-16 (HPAZ Burro)  
**DATE:** October 30, 2014 for the November 12, 2014 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve the addition of commercial radio antennas to be used for internet service on an existing 80-foot high tower on a residential property. The proposed use is considered a Special Use in the Rural Zoning Districts under Section 607.40 of the Zoning Regulations. The subject parcel (104-82-025C) is located at 6267 S. Burro Drive in Hereford, AZ. The Applicant is HPAZNET LLC.

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

Parcel Size: 12.50 Acres  
Zoning: RU-4 (Rural; one dwelling per 4-acres)  
Growth Area: Category D (Rural)  
Comprehensive Plan Designation: Rural  
Area Plan: None  
Existing Uses: Rural Residential  
Proposed Uses: Same, with antennas on existing tower

#### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Low Density Rural Residential
South	RU-4	Low Density Rural Residential
East	RU-4	Low Density Rural Residential
West	Private Road/RU-4	S Burro Drive/Low Density Rural Residential

### II. PARCEL HISTORY

1983 - Permit issued for a single family residential home.  
1984 - Permit issued the existing radio tower.

### III. NATURE OF REQUEST

The Applicant is requesting a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing 80-foot high tower on a residential property.

The existing ham radio tower is permitted in Article 20 of the Zoning Ordinance, Section 2002.03 Height Exceptions, which states in part: “Height regulations established elsewhere in these Zoning Regulations shall not apply to the following in any district: ...amateur radio and residential antennas and related structures...” As such, the existing ham radio tower is permitted in the RU-4 district as an accessory use to the residential use.

The application of the HPAZNET LLC antennas and equipment however, is a commercial use in a residentially zoned district and therefore requires a Special Use permit per Article 6 of the Zoning Ordinance, Section 607.40 which states that “communications towers exceeding 30-feet in height, subject to site development standards in Article 18” require Special Use Authorization in the RU-4 district.

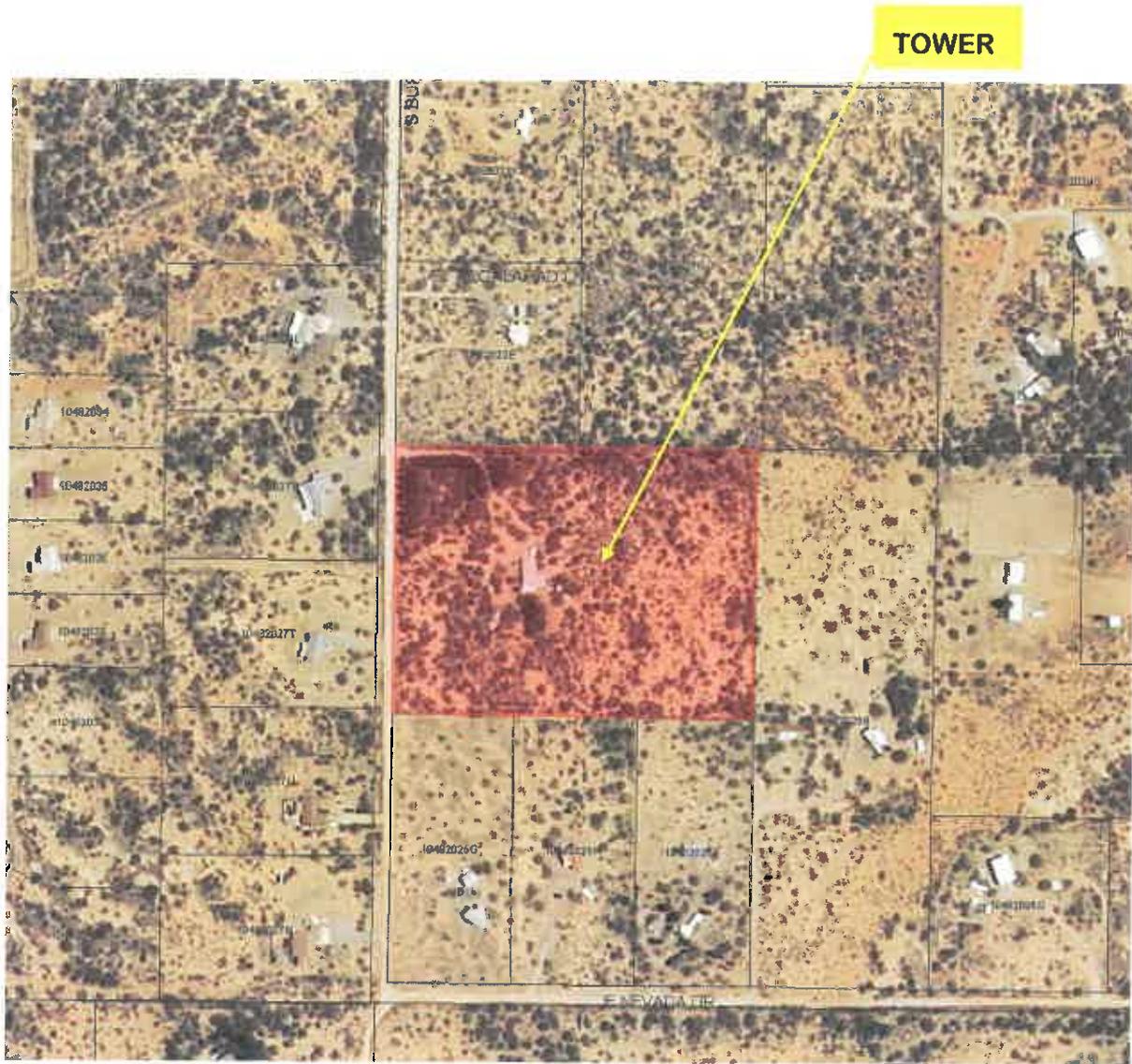
Commercial towers are regulated in Article 18, Section 1813 of the Zoning Ordinance. The antennas on the existing tower meet the requirement in Section 1813.01 in that the antennas collocate on the existing ham radio tower. The antennas are exempt from the requirements in 1813.03 A and B, as no existing towers are nearby. The requirement in Section 1813.03.C for a certificate, report or plan from an Arizona-Registered Professional Engineer regarding tower safety will be a condition for approval and will also be a Building Permit requirement. The towers meet the setback requirements as specified in 1813.04. The remaining site development standards in section 1813 are not applicable to this submittal.

The project site is located in Hereford on a 12.50 acre single-family parcel that currently has a single family residence and a 80-foot high ham-radio tower. The site is surrounded by low-density single family residential lots. Seven antennas have been installed on the existing tower. They are:

Antenna Name	Installed Height	Antenna Weight	Antenna Dimensions	Radio Frequency
Air Fiber	45 feet	23.0 lbs	25” x 16” x 12”	24.1 Ghz
M522	50 feet	4.1 lbs	12.8” diameter	5680 Mhz
M522	65 feet	4.1 lbs	12.8” diameter	5560 Mhz
5G 120° Sector	80 feet	13.0 lbs	25” x 5.3” x 3”	5280 Mhz
5G 120° Sector	80 feet	13.0 lbs	25” x 5.3” x 3”	5500 Mhz
M522	80 feet	4.1 lbs	12.8” diameter	5320 Mhz
Air Grid 5	80 feet	3.0 lbs	24” x 18”	5840 Mhz

The Community Development Department has confirmed that none of these frequencies would interfere with Public Safety communications traffic. The applicant has also installed a 23” x 14” x 12” equipment box at the base of the tower that provides power support and routers. No additional structural supports will be needed or added. The applicant has provided letters stating that the towers are exempt from FAA lighting and marking requirements, the equipment is certified by the FCC for use in these bands, and that all frequencies and power levels are within

legal limits. The antennas are visually non-intrusive. The addition of the antennas extends internet service to the surrounding neighborhood.



*Aerial view of subject property in Hereford, approximately 1.5 miles south of Ramsey Road.*



*A view of the project site showing the tower and antennas.*

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

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Six of the ten criteria apply to this request and the project as submitted complies with those six factors. The remaining criteria are not applicable to this application.

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

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

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

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

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

The property takes access from South Burro Drive a private road, and no new access points are being proposed.

**D. Traffic Circulation Factors: Complies**

The applicant provides periodic maintenance to the antennas on the tower once or twice a month as needed for repairs. The Special Use, if granted, will not significantly increase the traffic on South Burro Drive, a non-county maintained roadway.

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

The project site is served by Sulphur Springs Valley Electric Cooperative; no other utilities are required by the Applicant. The parcel is in the Fry Fire District; increased fire risk is negligible. The site is accessed by S Burro Drive, a private, non-county maintained roadway.

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

A Single Family Residence is located on this site, and all site development standards will be considered residential except as the Regulations pertain to this tower. The site development standards that will pertain to the tower include access and the Communication Tower standards found in Section 1813 of the Zoning Regulations. Additional regulations regarding signage are in Section 1907.02. Staff is recommending that no signage be allowed for this use.

Section 1804 addresses parking and drive requirements for a communications tower. Staff is recommending that these be waived. A Private Maintenance Agreement is required for non-residential uses located on private roadways. Staff is recommending that this condition also be waived.

The site is not in a designated floodplain.

**G. Public Input: Complies**

The Applicant sent letters to all property owners within 1,500-feet of the tower parcel to notify them of his application and to address any neighbor concerns. His notification did not produce any comment from the property owners.

**H. Hazardous Materials: Not Applicable**

**I. Off-Site Impacts: Not Applicable.**

The antennas do not generate smoke, noise, lights, or odors. Per the Zoning Regulations, residential towers do not have height limitations; however they do impact the viewshed. Approval or denial of this application of the antennas as a non-residential use will not change or reduce this impact.

**J. Water Conservation: Not Applicable**

No new water use is proposed.

**V. MODIFICATIONS TO DEVELOPMENT STANDARDS**

1. Per Section 1807.02 A of the Zoning Regulations, a Private Maintenance Agreement to maintain the roadway in “passable” condition would be required. Given the distance of this site from a county-maintained roadway and the intermittent and minor vehicle use that this use would create; staff supports the applicant’s written request for a waiver from the Private Maintenance Agreement requirement.
2. Staff recommends that parking and driveway requirements per Section 1804 be waived for this site.

**VI. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1500 feet of the subject property. Staff posted the property on October 21, 2014 and published a legal notice in the *Bisbee Observer* on October 23, 2014. In response to applicant and County mailings, the Department received three letters opposing this request to install a non-residential use near their property. Please note that the RU-4 Zoning District does allow non-residential uses such as this tower.

**VII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing 80-foot high tower on a residential property for approximately three years.

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

1. With the recommended Conditions of Approval, the proposed use would comply with each of the seven applicable Special Use factors used by staff to analyze such requests;
2. The tower is existing and the regulations encourage co-location; and
3. The applicant is providing internet service to the community.

**Factors Against Allowing the Special Use**

1. Three neighboring property owners oppose this request; and
2. These antennas were installed without a permit.

**VIII. RECOMMENDATION**

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards, except as modified, and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Per Section 1813.07, the Applicant must ensure that the new antennas installed on the existing tower to not emit noise or vibrations;
4. No future co-location or signage will be allowed for this tower; and
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

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

1. A Waiver of the Private Maintenance Agreement requirement for roadway maintenance; and
2. A Waiver of the requirements for parking and driveways.

Sample Motion: *Mdm. Chair, I move to approve Special Use Docket SU-14-16, with the Conditions of Approval and Modifications and Waivers to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

**IX. ATTACHMENTS**

- A. Application
- B. Parcel map
- C. Agency comment memos
- D. Public comment letters

50-14-16  
Beno



COCHISE COUNTY  
COMMUNITY DEVELOPMENT

Special Use Project Application

Applicant's Certification & Acknowledgement

By signing below, I certify that:

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

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

Signature

*Jaffrey S. Tyler*  
Jaffrey S. Tyler / HRAVNET LLC

Print Name Firm

Date

*205-27-2014*

Owner

Agent



COCHISE COUNTY  
COMMUNITY DEVELOPMENT

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

TAX PARCEL NUMBER 1048 ~~77~~ 025C SEC 4 T238 R21E

APPLICANT HPAZNET LLC

ADDRESS PG Box 1166, Hereford, AZ 85615 1150 S. Mirabeau, Hereford, AZ 85615

CONTACT TELEPHONE NUMBER (520) 732-2208

EMAIL ADDRESS: support@hpaaz.net

PROPERTY OWNER (IF OTHER THAN APPLICANT) Jack Taylor

ADDRESS 6267 S. Burro Ln. Hereford, AZ 85615

DATE SUBMITTED 25 September 2014

Special Use Permit Public Hearing Fee (if applicable) \$ \_\_\_\_\_  
Building/Use Permit Fee \$ \_\_\_\_\_  
Total paid \$ \_\_\_\_\_

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? amateur radio tower  
and residential housing 80' HIGH
2. What is the proposed use or improvement? the addition of  
radio antennas to be used for  
internet service
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? periodic  
maintenance access/no impact on neighbors
4. Describe all intermediate and final products/services that will be produced/offered/sold.  
internet service to the surrounding  
community

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

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

project is already complete

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 0:00 AM to 11:59 PM)

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

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.  
load (within a month) as needed for repairs

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

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?  
North on <sup>Byway</sup> Burma Ln

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

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

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

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

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

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

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

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

Attached NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	N/A	N/A
Sewer/Septic	N/A	N/A
Electricity	SSVEC	none
Natural Gas	N/A	N/A
Telephone	N/A	N/A
Fire Protection	Local Fire Department	none

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

1. Describe any activities that will occur outdoors.

periodic radio maintenance

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

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

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

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

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

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

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

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

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

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

\_\_\_\_\_ none \_\_\_\_\_

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

N/A

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**SECTION D - Hazardous or Polluting Materials**

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

Does the proposed use have any activities involving such materials?

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

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

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

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

**SECTION E - Applicant's Statement**

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

Applicant's Signature

Print Applicant's Name

Date signed

  
\_\_\_\_\_  
Gregory S. Tyler  
\_\_\_\_\_  
20 SEP 2014  
\_\_\_\_\_



ALL-PURPOSE ACKNOWLEDGMENT

State of ARIZONA

County of COCHISE

On 22 Sep 2014 before me, GLYNN D RYAN JR  
DATE NAME OF NOTARY PUBLIC

personally appeared JACK TAYLOR  
NAME(S) OF SIGNER(S)

personally known to me OR  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Place Notary Seal or Stamp Here

GA

SIGNATURE OF NOTARY

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it may prove valuable to persons relying on this Acknowledgment and could prevent fraudulent reattachment of this certificate to another document.

DESCRIPTION OF ATTACHED DOCUMENT

THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT

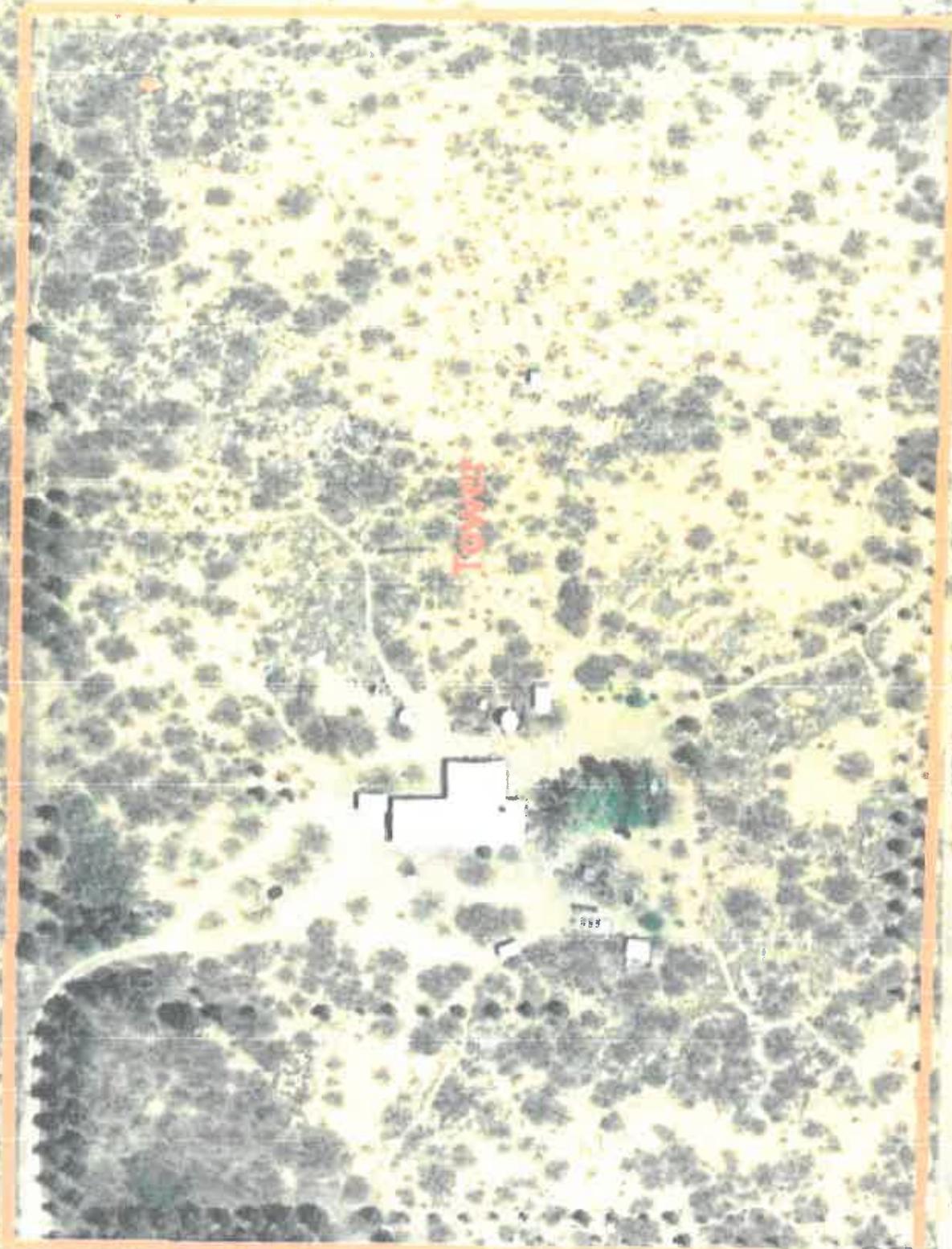
AUTHORIZATION Special Use  
TITLE OR TYPE OF DOCUMENT

1  
NUMBER OF PAGES

22 Sep 2014  
DATE OF DOCUMENT

N/A  
SIGNER(S) OTHER THAN NAMED ABOVE

6267 S. Burro Road Hereford AZ

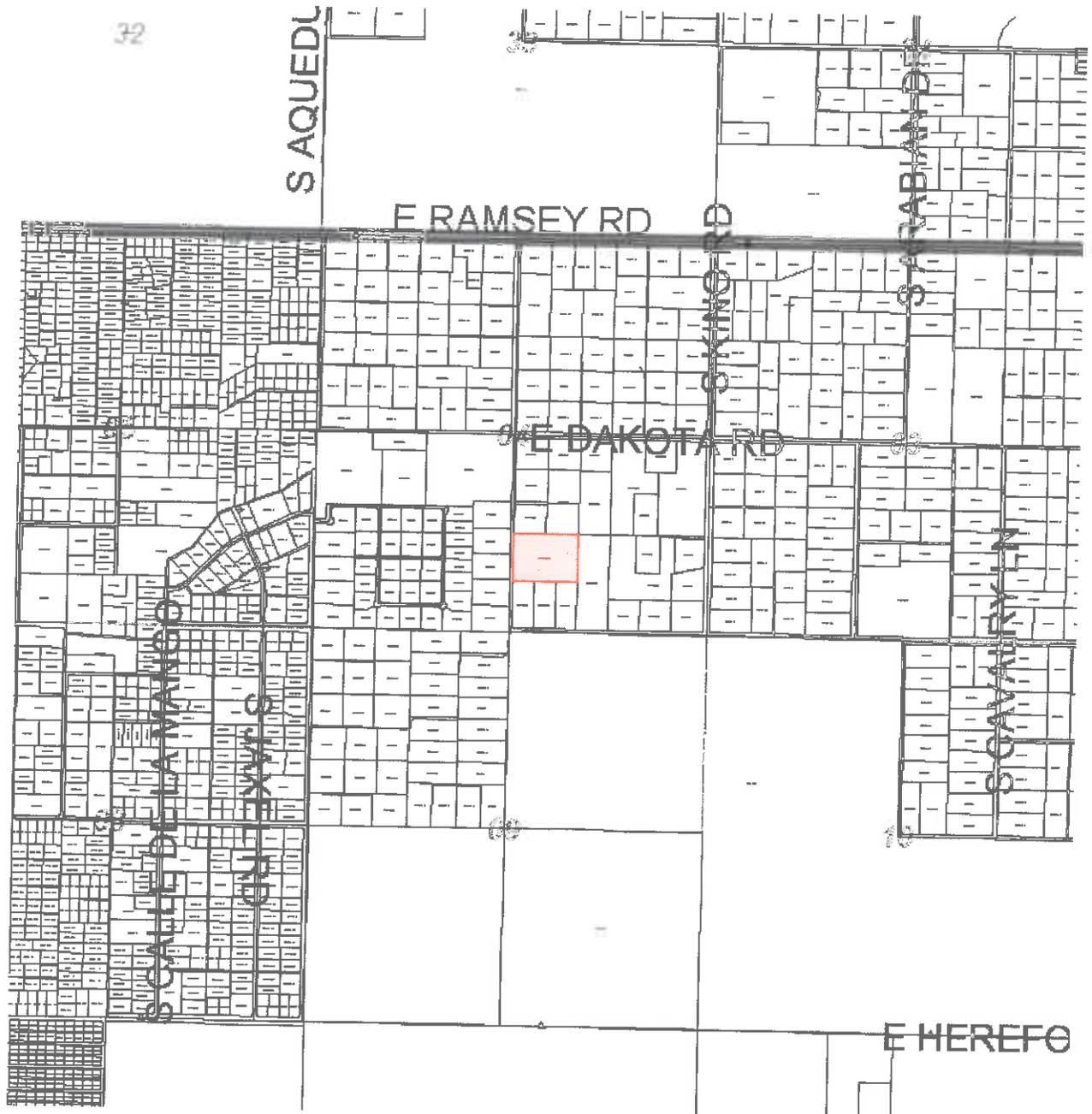


Tower



S Burro Dr

S Burro Dr



# memorandum

**Date:** October 27, 2014  
**To:** Jesse Drake, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** HPAZNET LLC Tower at Burro Dr: SU 14-16/Parcel #104-82-025C

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This request is for improvements to an existing residential ham radio antenna to retrofit it for commercial internet and other radio type services. The site is located off of Burro Dr. on private property that takes access from a private, non-maintained roadway. Primary access is via Highway 92 to E. Linda Vista Dr. and from there through a number of non-county maintained roadways to reach Burro Dr.

There are no long-range transportation implications to adding additional radio antennas for internet service to an existing radio tower. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Given the distance of this site from a county-maintained roadway and the intermittent and minor vehicle use that this use would create this department would support a waiver from the Private Maintenance Agreement requirement, if the applicant chooses to request it.

cc: Docket SU-14-16

Attachment 

**From:** Lopez, Rosa  
**Sent:** Tuesday, October 21, 2014 8:41 AM  
**To:** Drake, Jesse  
**Subject:** RE: Transmittal letter SU-14-15 (HPAZ Nevada)

Hi Jesse,

After reviewing the permit(s) we are requesting additional information for the frequencies of the equipment to be used. And, if any FCC license is in use a copy of the FCC license to be provided for review. The above information is needed for the following three permits:

SU-14-15 (HPAZ Nevada)  
SU-14-16 (HPAZ Burro)  
SU-14-17 (HPAZ Stone Ridge)

Thanks,

Rosa Lopez  
IT Business Operations Mgr.  
Cochise County IT  
P: 520.432.8333  
C: 520.227.1296

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**From:** Drake, Jesse  
**Sent:** Friday, October 17, 2014 2:55 PM  
**To:** Lamberton, Karen; Izzo, Mike; Flores, Dora; Capas, Carol; Lopez, Rosa  
**Cc:** Wilson, Beverly; Call, Pat; Dist1a; Dist1b; Dist1c  
**Subject:** Transmittal letter SU-14-15 (HPAZ Nevada)

Attached you will find the Transmittal letter, application and plat/aerial for SU-14-15, a request for a Special Use Permit to attach commercial antennas to an existing tower in an RU-4 zone. The aerial in the application was submitted in lieu of a concept site plan. The applicant has yet to provide the citizen comment letter.

Please let me know if you need a hard copy of any of these documents or have any other questions.

Thank you,

*Jesse Drake*

Planner II  
Cochise County Community Development Department  
Planning, Zoning and Building Safety  
1415 Melody Lane, Bldg. E  
Bisbee, AZ 85603  
520-432-9240

**Drake, Jesse**

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**From:** Bill Mardon [will2c@hotmail.com]  
**Sent:** Tuesday, October 28, 2014 5:25 PM  
**To:** Drake, Jesse  
**Subject:** Special Use: Docket SU-14-16 (HPAZ Burro)

Jesse Drake, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, Az 85603

October 28, 2014

**Re: Special Use: Docket SU-14-16 (HPAZ Burro)**

Dear Mr. Drake:

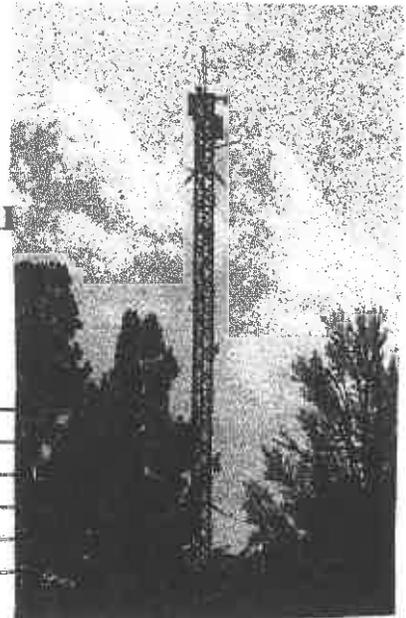
**I DO NOT SUPPORT THIS REQUEST**

As one of the property owners closest to to the property applying for this Special Use Permit, I am against the Applicants Special Use Permit for a Commercial Use Permit in an **RU4 Residential Neighborhood**. **I purchased this property because the area is zoned for Rural Ranches**. The applicant **Should Not** be allowed to Install Commercial Radio Antennas in **My Neighborhood!!** , **So close to my property!!**

**The Characteristics Of My Rural Residential Neighborhood Should Be The First Consideration.**

Sincerely,  
**Property Owner Parcel: 104-82-023G**  
William Mardon

*William Mardon*



Special Use: Docket SU-14-16 (HPAZ Bu

OPPOSE THIS REQUEST  
reasons:

← NO →

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

- o **ZONE RU4: Residential – existing rural neighborhood of homes on 4 acres.**
- o **NOISE: Under windy weather conditions, there is constant, audible whistling noise! This is regulated under Site Standards. (See Noise – 1813.07 Noise or Vibration — No noise or vibration (other than normal vehicular traffic) will be permitted which is discernible on neighboring residential sites to the unaided human senses three-minutes or more duration in any one-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or 30-seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m.)**
- o **FUTURE: HPAZ will expand consumer/business internet service/coverage; this Special Use Permit will set precedent for additional antenna and equipment necessitating additional access to tower and additional traffic.**
- o **POTENTIAL: Adversely impact property value.**

PRINT NAME(S):

Mary Ann Wagner

SIGNATURE(S):

M. A. Wagner

YOUR TAX PARCEL NUMBER: 104-82-023E (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Wednesday, October 29, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

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

# Special Use: Docket SU-14-16 (HPAZ Burro)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

I DO NOT APPROVE OF ANY COMMERCIAL USE OF PROPERTY IN THIS AREA. THIS ~~WILL~~ WOULD ONLY SET A PRECEDENT FOR OTHER SPECIAL USE PERMITS OR TO REZONE.

(Attach additional sheets, if necessary)

PRINT NAME(S):

ROBERT J. OWEN

10/26/2014

LYNDA L. OWEN

SIGNATURE(S):

Robert J. Owen  
Lynda L. Owen

YOUR TAX PARCEL NUMBER: 104-82-025A 3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Wednesday, October 29, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Jesse Drake, Planner II  
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:** Jesse Drake, Planner II JD  
**FOR:** Beverly J. Wilson, Planning Director BW  
**SUBJECT:** Docket SU-14-17 (HPAZ Stone Ridge)  
**DATE:** October 30, 2014 for the November 12, 2014 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve the addition of commercial radio antennas to be used for internet service on an existing 100-foot high tower on a residential property. The proposed use is considered a Special Use in the Rural Zoning Districts under Section 607.40 of the Zoning Regulations. The subject parcel (605-25-001N) is located at 10623 S. Stone Ridge Road in Hereford, AZ. The Applicant is HPAZNET LLC.

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

Parcel Size: 4.01 Acres  
Zoning: RU-4 (Rural; one dwelling per 4-acres)  
Growth Area: Category D (Rural)  
Comprehensive Plan Designation: Rural  
Area Plan: None  
Existing Uses: Rural Residential  
Proposed Uses: Same, with antennas on existing tower

#### Zoning/Use of Surrounding Properties

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

### II. PARCEL HISTORY

2002 - Permit issued for a single family residential home.  
2007 - Permit issued the existing radio tower.

### III. NATURE OF REQUEST

The Applicant is requesting a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing 100-foot high tower on a residential property.

The existing ham radio tower is permitted in Article 20 of the Zoning Ordinance, Section 2002.03 Height Exceptions, which states in part: "Height regulations established elsewhere in these Zoning Regulations shall not apply to the following in any district: ...amateur radio and residential antennas and related structures..." As such, the existing ham radio tower is permitted in the RU-4 district as an accessory use to the residential use, regardless of its height.

The application of the HPAZNET LLC antennas and equipment however, is a commercial use in on a residential parcel and therefore requires a Special Use permit per Article 6 of the Zoning Ordinance, Section 607.40 which states that "communications towers exceeding 30-feet in height, subject to site development standards in Article 18" require Special Use Authorization in the RU-4 district.

Commercial towers are regulated in Article 18, Section 1813 of the Zoning Ordinance. The antennas on the existing tower meet the requirement in Section 1813.01 in that the antennas co-locate on the existing ham radio tower. The antennas are exempt from the requirements in 1813.03 A and B, as no existing towers are nearby. The requirement in Section 1813.03.C for a certificate, report or plan from an Arizona-Registered Professional Engineer regarding tower safety will be a condition for approval and will also be a Building Permit requirement. The towers meet the setback requirements as specified in 1813.04. The remaining site development standards in section 1813 are not applicable to this submittal.

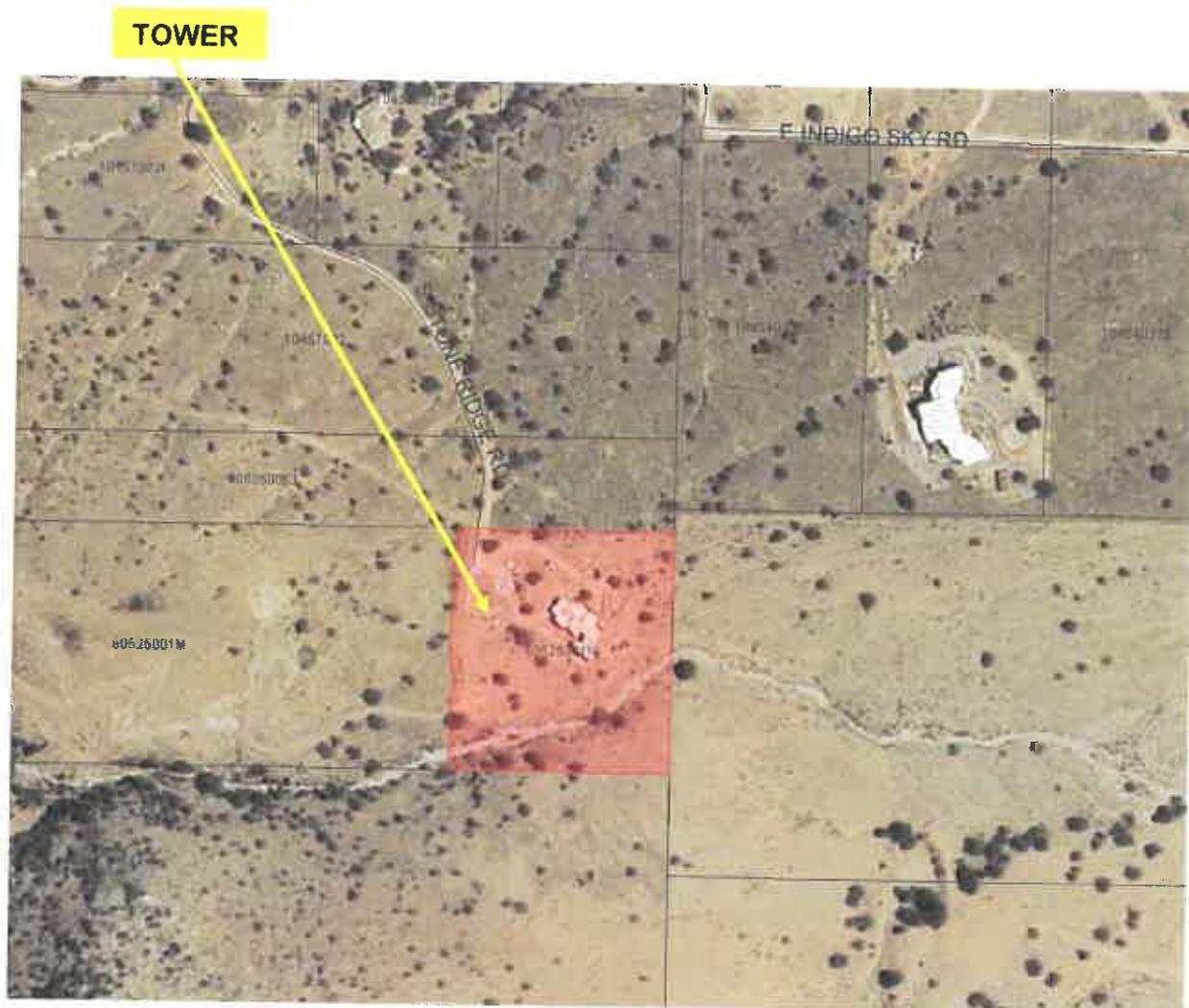
The project site is located in Hereford on a 4.01 acre single-family parcel that currently has a single family residence and a ham-radio tower. The site is surrounded by vacant RU-4 zoned lots. Eight antennas have been installed on the existing tower. They are:

Antenna Name	Installed Height	Antenna Weight	Antenna Dimensions	Radio Frequency
M522	18 feet	4.1 lbs	12.8" diameter	51600 Mhz
AF 24	23 feet	23 lbs	25" x 16" x 12"	24.1 Ghz
M525	26 feet	5.07 lbs	15.7" diameter	5280 Mhz
5G 120° Sector	32 feet	13 lbs	25" x 5.3" x 3"	5680 Mhz
M522	40 feet	4.1 lbs	12.8" diameter	5320 Mhz
AF 24	42 feet	23.0 lbs	25" x 16" x 12"	24.2 Ghz
M522	45 feet	4.1 lbs	12.8" diameter	5540 Mhz
5G 120° Sector	52 feet	2.4 lbs	14.8" x 2.5" x 1.6"	5300 Mhz

The Community Development Department has confirmed that none of these frequencies would interfere with Public Safety communications traffic. The applicant has also installed a 23" x 14" x 12" equipment box at the base of the tower that provides power support and routers. No additional structural supports will be needed or added. The applicant has provided letters stating that the towers are exempt from FAA lighting and marking requirements, the equipment is certified by the FCC for use in these bands, and that all frequencies and power levels are within

legal limits. The antennas are visually non-intrusive. The addition of the antennas extends internet service to the surrounding neighborhood.

Section 1813.04.B of the Zoning Ordinance states “In RU and R districts, communication facilities must be setback from all parcel boundaries and rights-of-way a distance equal to at least the height of the tallest structure in the facility, measuring from its base. No setbacks are required between communication facilities located on the same parcel.” Since the existing 100-foot tower is within sixty feet of the west property line, the applicant will need a waiver of the setback requirement for the antennas installed at this location.



*Aerial view of subject property in Hereford, approximately one half mile south of Hwy 92.*



*A view of the project site showing the tower and white antennas.*

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

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Seven of the ten criteria apply to this request and the project, as submitted, complies with six those seven factors; with one other complying if a waiver is granted. The remaining criteria are not applicable to this application.

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

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

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

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

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

The property takes access from South Stone Ridge Road a private road, and no new access points are being proposed.

**D. Traffic Circulation Factors: Complies**

The applicant provides periodic maintenance to the antennas on the tower once or twice a month as needed for repairs. The Special Use, if granted, will not significantly increase the traffic on South Stone Ridge Road, a non-county maintained roadway.

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

The project site is served by Sulphur Springs Valley Electric Cooperative; no other utilities are required by the Applicant. The parcel is not in a fire district; however the increased fire risk is negligible. The site is accessed by S. Stone Ridge Road, a private, non-county maintained roadway.

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

A Single Family Residence is located on this site, and all site development standards will be considered residential except as the Regulations pertain to this tower. The site development standards that will pertain to the tower include access and the Communication Tower standards found in Section 1813 of the Zoning Regulations. Additional regulations regarding signage are in Section 1907.02. Staff is recommending that no signage be allowed for this use.

Section 1804 addresses parking and drive requirements for a communications tower. Staff is recommending that these be waived. A Private Maintenance Agreement is required for non-residential uses located on private roadways. Staff is recommending that this condition also be waived. The setback requirement for a communications tower in RU districts cannot be met. The applicant has requested a waiver of this requirement and staff is supporting the request for the waiver.

The site is not in a designated floodplain.

**G. Public Input: Complies**

The Applicant sent letters to all property owners within 1,500-feet of the tower parcel to notify them of his application and to address any neighbor concerns. His notification did not produce any comment from the property owners.

**H. Hazardous Materials: Not Applicable**

**I. Off-Site Impacts: Not Applicable.**

The antennas do not generate smoke, noise, lights, or odors. Per the Zoning Regulations, residential towers do not have height limitations; however they do impact the viewshed. Approval or denial of this application of the antennas as a non-residential use will not change or reduce this impact.

**J. Water Conservation: Not Applicable**

No new water use is proposed.

**V. MODIFICATIONS TO DEVELOPMENT STANDARDS**

1. Per Section 1807.02 A of the Zoning Regulations, a Private Maintenance Agreement to maintain the roadway in "passable" condition would be required. Given the distance of this site from a county-maintained roadway and the intermittent and minor vehicle use that this use would create; staff supports the applicant's written request for a waiver from the Private Maintenance Agreement requirement.
2. Staff recommends that parking and driveway requirements per Section 1804 be waived for this site.
3. Per Section 604.03 the setback for the ham radio tower in an RU-4 district is 20-feet and the tower meets that criteria. However, per Section 1813.04.B a communications tower in an RU-4 district must be setback from the parcel boundary by a height at least equal to the tallest structure in the facility. The tower is 100-feet high and is set back 60 feet from the property boundary so does not meet this requirement. Staff supports the applicant's written request for a waiver of this requirement.

**VI. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1500-feet of the subject property. Staff posted the property on October 21, 2014 and published a legal notice in the *Bisbee Observer* on October 23, 2014. In response to applicant and County mailings, the Department received two letters in support of this request and one letter opposing this request to install a non-residential use in an RU-4 district. Please note that the RU-4 Zoning District does allow non-residential uses such as this tower.

**VII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing 100-foot high tower on a residential property for approximately three years.

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

1. With the recommended Conditions of Approval, the proposed use would comply with each of the seven applicable Special Use factors used by staff to analyze such requests;
2. The tower is existing and the regulations encourage co-location;

3. The applicant is providing internet service to the community; and
4. Two property owners are in support of this request.

**Factors Against Allowing the Special Use**

1. One neighboring property owner opposes this request; and
2. These antennas were installed without a permit.

**VIII. RECOMMENDATION**

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards, except as modified, and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional Conditions that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Per Section 1813.07, the Applicant must ensure that the new antennas installed on the existing tower to not emit noise or vibrations;
4. No future co-location or signage will be allowed for this tower; and
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

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

1. A Waiver of the Private Maintenance Agreement requirement for roadway maintenance;
2. A Waiver of the requirements for parking and driveways; and
3. A Waiver of the setback requirements of Section 1813.04.B of the Zoning Ordinance.

Sample Motion: *Mdm. Chair, I move to approve Special Use Docket SU-14-17, with the Conditions of Approval and Modifications and Waivers to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

**IX. ATTACHMENTS**

**A. Application**

- B. Parcel map
- C. Agency comment memos
- D. Public comment letters

Parcel Map 605-25-001N 10623 S. Stone Ridge Road, Hereford



## MEMORANDUM

**Date:** October 27, 2014  
**To:** Jesse Drake, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** HPAZNET LLC Tower at Burro Dr: SU 14-16/Parcel #104-82-025C

---

This request is for improvements to an existing residential ham radio antenna to retrofit it for commercial internet and other radio type services. The site is located off of Burro Dr. on private property that takes access from a private, non-maintained roadway. Primary access is via Highway 92 to E. Linda Vista Dr. and from there through a number of non-county maintained roadways to reach Burro Dr.

There are no long-range transportation implications to adding additional radio antennas for internet service to an existing radio tower. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Given the distance of this site from a county-maintained roadway and the intermittent and minor vehicle use that this use would create this department would support a waiver from the Private Maintenance Agreement requirement, if the applicant chooses to request it.

cc: Docket SU-14-16

Attachment B

50-14-17  
Stone Ridge



# COCHISE COUNTY COMMUNITY DEVELOPMENT

Public Programs Personal Service

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

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

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

Signature

*Jeffrey S. Tyler*  
Jeffrey S. Tyler / HIPAZNET LLC

Print Name Firm

*20 SEP 2014*

Date

Owner

Agent



COCHISE COUNTY  
COMMUNITY DEVELOPMENT

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

TAX PARCEL NUMBER 60525001 N 505 T24 S R21E

APPLICANT HPAZNET LLC  
ADDRESS <sup>Mail</sup> P.O. Box 166, Hereford, AZ 85645 <sup>Physical</sup> 6130 S King Rd, Hereford, AZ 85615

CONTACT TELEPHONE NUMBER (520) 732-2208

EMAIL ADDRESS: support@hpaaz.net

PROPERTY OWNER (IF OTHER THAN APPLICANT) David Gilbert

ADDRESS 10623 S. Stone Ridge Rd.  
Hereford, AZ 85645

DATE SUBMITTED 25 September 2014

Special Use Permit Public Hearing Fee (if applicable) \$ \_\_\_\_\_  
Building/Use Permit Fee \$ \_\_\_\_\_  
Total paid \$ \_\_\_\_\_

**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? Concrete radio tower  
and residential housing 60' high
2. What is the proposed use or improvement? the addition of radio  
antennas to be used for internet  
service.
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? periodic  
maintenance access / no impact on neighbors
4. Describe all intermediate and final products/services that will be produced/offered/sold.  
internet service to the surrounding  
community

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

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

Project is already complete

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 8:00 AM to 4:30 PM)

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

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.  
1 or 2 (within amount) as needed for repairs

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

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?  
North on Stone Bridge Dr.

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

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

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

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

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

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

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

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

Attached NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	N/A	N/A
Sewer/Septic	N/A	N/A
Electricity	SSVEC	none
Natural Gas	N/A	N/A
Telephone	N/A	N/A
Fire Protection	Local Fire Department	none

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

1. Describe any activities that will occur outdoors.

periodic radio maintenance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

none

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

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

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

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. How many acres will be cleared? \_\_\_\_\_  
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.) \_\_\_\_\_

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION D - Hazardous or Polluting Materials**

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

Does the proposed use have any activities involving such materials?

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

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

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

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

**SECTION E - Applicant's Statement**

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

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

Print Applicant's Name \_\_\_\_\_

Date signed \_\_\_\_\_

  
Jeffrey S. Tyler  
9/24/14

David Gilbert  
Property Owner  
10623 S Stone Ridge  
Hereford, AZ 85615  
Tax Parcel Number: 60525001N  
(520)678-1803  
xdavid@cis-broadband.com

### Authorization to Apply for Special Use Permit

I, David Gilbert, the property owner of 10623 S Stone Ridge, Hereford, AZ 85615 (Tax Parcel # 60525001N), hereby grant my authorization for HPAZNET LLC to apply for a special use permit to rezone my radio tower for commercial use.



Sept 23, 2014

Property Owner's Signature

Date

**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of Arizona  
County of Cochise } ss.

On this the 23 day of September, 2014, before me,  
Michelle Williamson, the undersigned Notary Public,  
personally appeared David A. Albert

- personally known to me - OR -
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal.



[Signature]  
Signature of Notary Public

Cochise AZ

23/9/2014  
Any Other Required Information  
(Printed Name of Notary, Expiration Date, etc.)

Place Notary Seal/Stamp Above

**OPTIONAL**

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

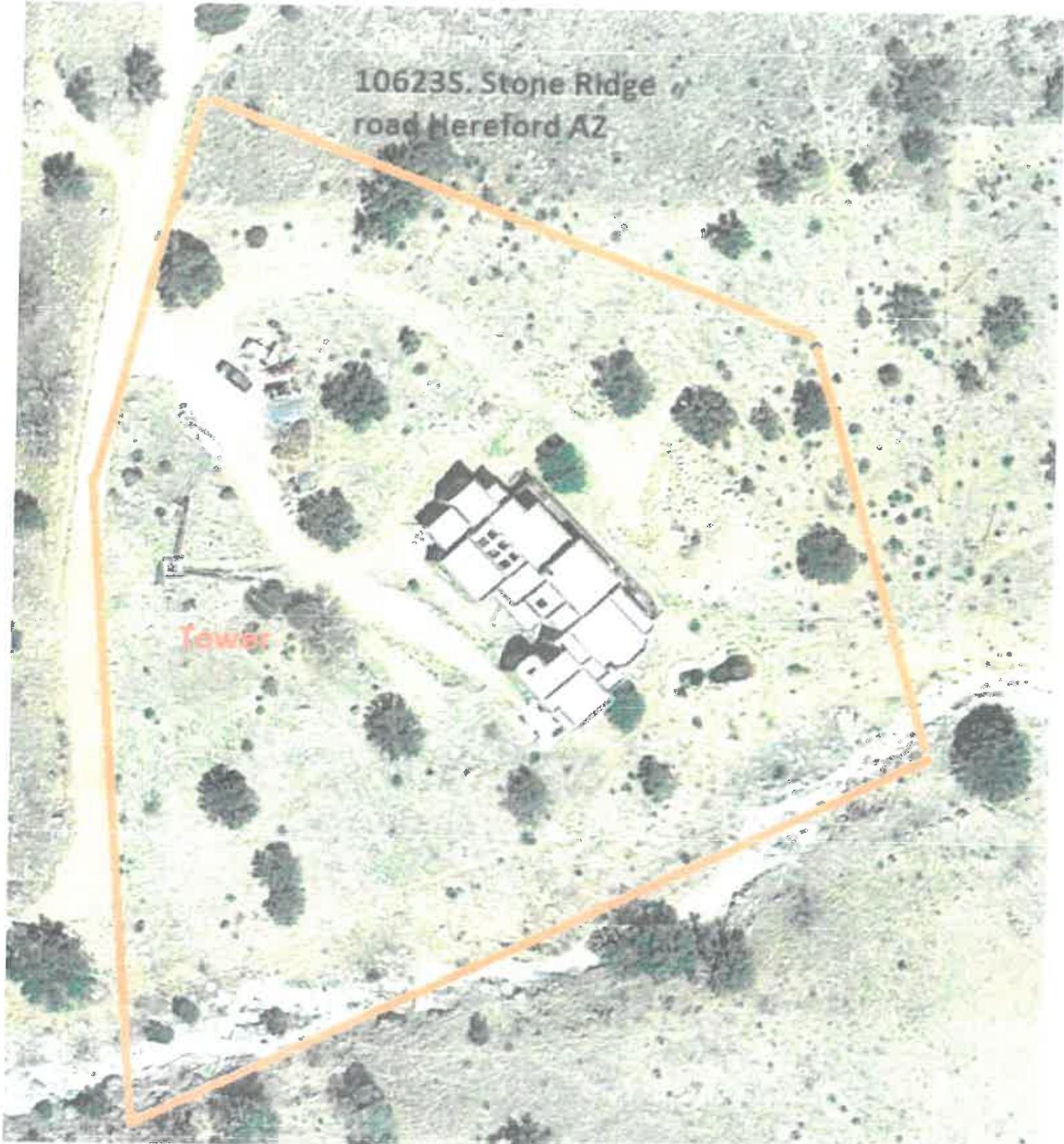
Title or Type of Document: Authorizations to Apply for Special Use Permit

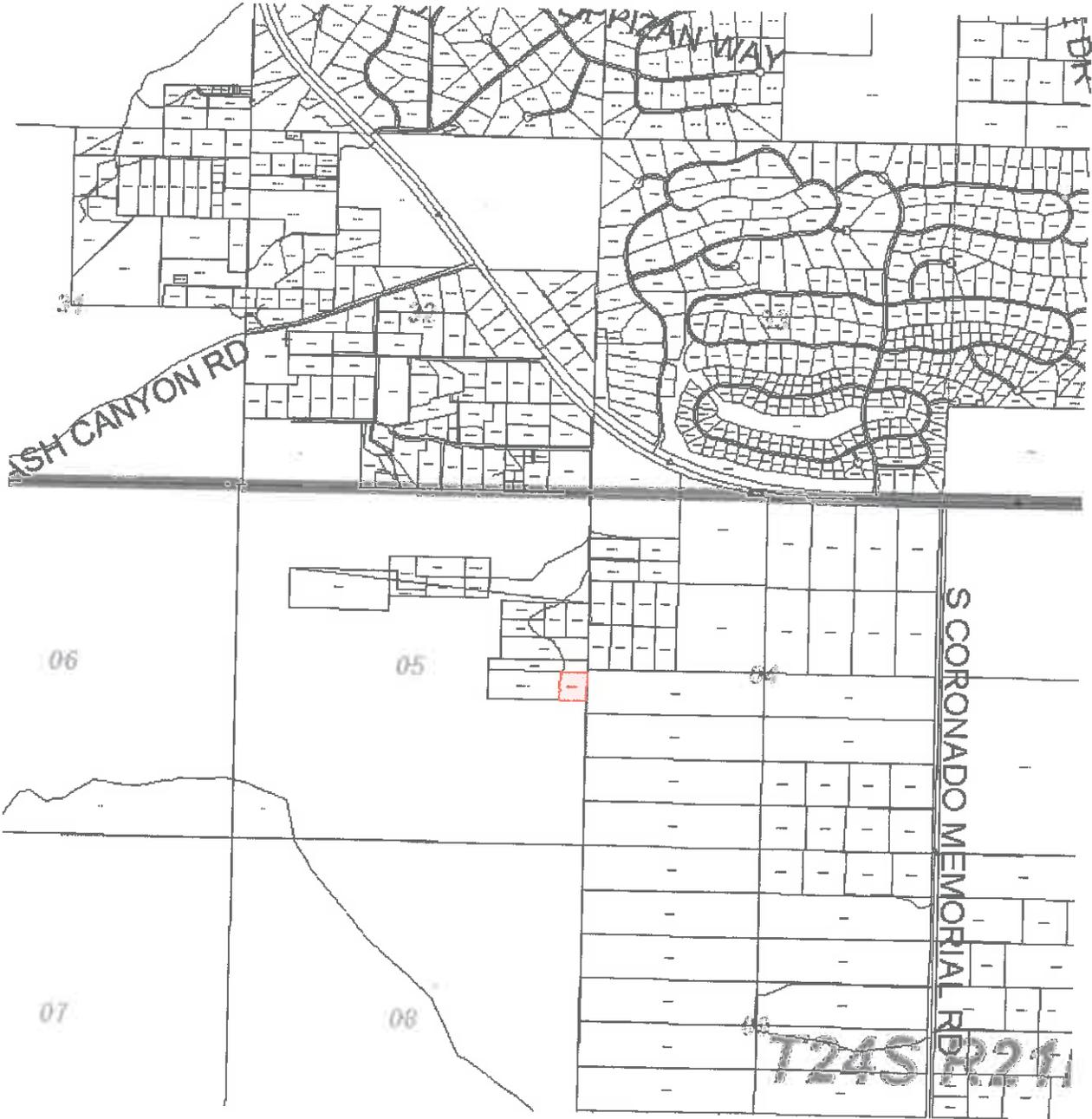
Document Date: 9/23/2014 Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

106235. Stone Ridge  
road Hereford AZ

Tower





# MEMORANDUM

**Date:** October 27, 2014  
**To:** Jesse Drake, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** HPAZNET LLC Tower at Burro Dr: SU 14-16/Parcel #104-82-025C

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This request is for improvements to an existing residential ham radio antenna to retrofit it for commercial internet and other radio type services. The site is located off of Burro Dr. on private property that takes access from a private, non-maintained roadway. Primary access is via Highway 92 to E. Linda Vista Dr. and from there through a number of non-county maintained roadways to reach Burro Dr.

There are no long-range transportation implications to adding additional radio antennas for internet service to an existing radio tower. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Given the distance of this site from a county-maintained roadway and the intermittent and minor vehicle use that this use would create this department would support a waiver from the Private Maintenance Agreement requirement, if the applicant chooses to request it.

cc: Docket SU-14-16

Attachment 3C

**From:** Lopez, Rosa  
**Sent:** Tuesday, October 21, 2014 8:41 AM  
**To:** Drake, Jesse  
**Subject:** RE: Transmittal letter SU-14-15 (HPAZ Nevada)

Hi Jesse,

After reviewing the permit(s) we are requesting additional information for the frequencies of the equipment to be used. And, if any FCC license is in use a copy of the FCC license to be provided for review. The above information is needed for the following three permits:

SU-14-15 (HPAZ Nevada)  
SU-14-16 (HPAZ Burro)  
SU-14-17 (HPAZ Stone Ridge)

Thanks,

Rosa Lopez  
IT Business Operations Mgr.  
Cochise County IT  
P: 520.432.8333  
C: 520.227.1296

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**From:** Drake, Jesse  
**Sent:** Friday, October 17, 2014 2:55 PM  
**To:** Lamberton, Karen; Izzo, Mike; Flores, Dora; Capas, Carol; Lopez, Rosa  
**Cc:** Wilson, Beverly; Call, Pat; Dist1a; Dist1b; Dist1c  
**Subject:** Transmittal letter SU-14-15 (HPAZ Nevada)

Attached you will find the Transmittal letter, application and plat/aerial for SU-14-15, a request for a Special Use Permit to attach commercial antennas to an existing tower in an RU-4 zone. The aerial in the application was submitted in lieu of a concept site plan. The applicant has yet to provide the citizen comment letter.

Please let me know if you need a hard copy of any of these documents or have any other questions.

Thank you,

*Jesse Drake*

Planner II  
Cochise County Community Development Department  
Planning, Zoning and Building Safety  
1415 Melody Lane, Bldg. E  
Bisbee, AZ 85603  
520-432-9240

**Special Use: Docket SU-14-17 (HPAZ Stone Ridge)**

**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

- THIS ANTENNA ASSISTS THE COMMUNITY AS IT PROVIDES INTERNET SERVICE TO CUSTOMERS IN THIS AREA
- THE CURRENT ANTENNA IS NICELY CAMOUFLAGED AND DOES NOT LIMIT VIEWS OF MOUNTAINS IN ANY WAY

**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

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(Attach additional sheets, if necessary)

PRINT NAME(S):

EDWARD A. CERUTTI

SIGNATURE(S):

Edward A. Cerutti

YOUR TAX PARCEL NUMBER: 105-42-008P 4 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Wednesday, October 29, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

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

ATTACHMENT D

# Special Use: Docket SU-14-17 (HPAZ Stone Ridge)

## YES, I SUPPORT THIS REQUEST

Please state your reasons:

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## NO, I DO NOT SUPPORT THIS REQUEST

Please state your reasons:

These unsightly structures are a blight on this upscale area and have compromised marketability of adjacent parcels. The structures ruin the natural beauty of the land and have caused considerable grief among residents. We are told Mr Gilbert receives revenue from the vendors for using the tower. It is not the intent of the CC&R for Stone Ridge to allow commercial activities.

Who approved the existing tower and antennas? We were not advised or given an opportunity to non concur.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Bryant & Debbie Ballard

SIGNATURE(S):

*Bryant Ballard* *Debbie Ballard*

YOUR TAX PARCEL NUMBER:

605-25-001M 2

(the last number from the Assessor's Office)

(the eight-digit identification number found on

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 5:00 PM Wednesday, October 29, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read material at that time. Your cooperation is greatly appreciated.

RETURN TO: Jesse Drake, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building 1  
Bisbee, AZ 85603

# Special Use: Docket SU-14-17 (HPAZ Stone Ridge)

**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

*We have no objection for the use.*

**NO, I DO NOT SUPPORT THIS REQUEST:**

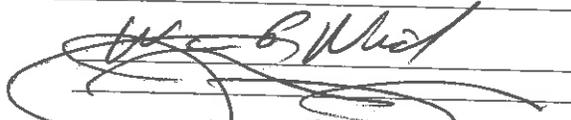
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

*Warren & Judith Wick*

SIGNATURE(S):



YOUR TAX PARCEL NUMBER:

*104-54-032 L*

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

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Wednesday, October 29, 2014 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

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

COCHISE COUNTY

OCT 29 2014

PLANNING



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner I  
 For: Beverly J. Wilson, Planning Director  
**SUBJECT:** Docket Z-14-07 (Bloomgarden)  
**DATE:** October 31, 2014, for the November 12, 2014 Meeting

### APPLICATION FOR A REZONING

The Applicant has requested a rezoning from R-36 (Residential; minimum lot size 36,000-square feet) to R-18 (Residential; minimum lot size 18,000-square feet). The subject parcel is approximately 21,750-square feet in size, and is non-conforming regarding the minimum lot size required in the R-36 zoning districts. Rezoning to R-18 would reduce the minimum lot size, which would render the parcel conforming and would allow replacement of the existing home at a later date. The subject parcel, 107-68-050B, is located at 4401 E. Camino Segundo in Sierra Vista. The Applicant is Bloomgarden Living Trust.

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

Size: 21,746.09-square feet (0.5-acres)  
 Current Zoning: R-36 (Residential; 1 dwelling per 36,000-square feet)  
 Requested Zoning: R-18 (Residential; 1 dwelling per 18,000-square feet)  
 Growth Area: Category B—Community Growth Area  
 Area Plan: None  
 Comprehensive Plan Designation: Neighborhood Conservation  
 Existing Uses: Single Family Residence  
 Proposed Uses: Same

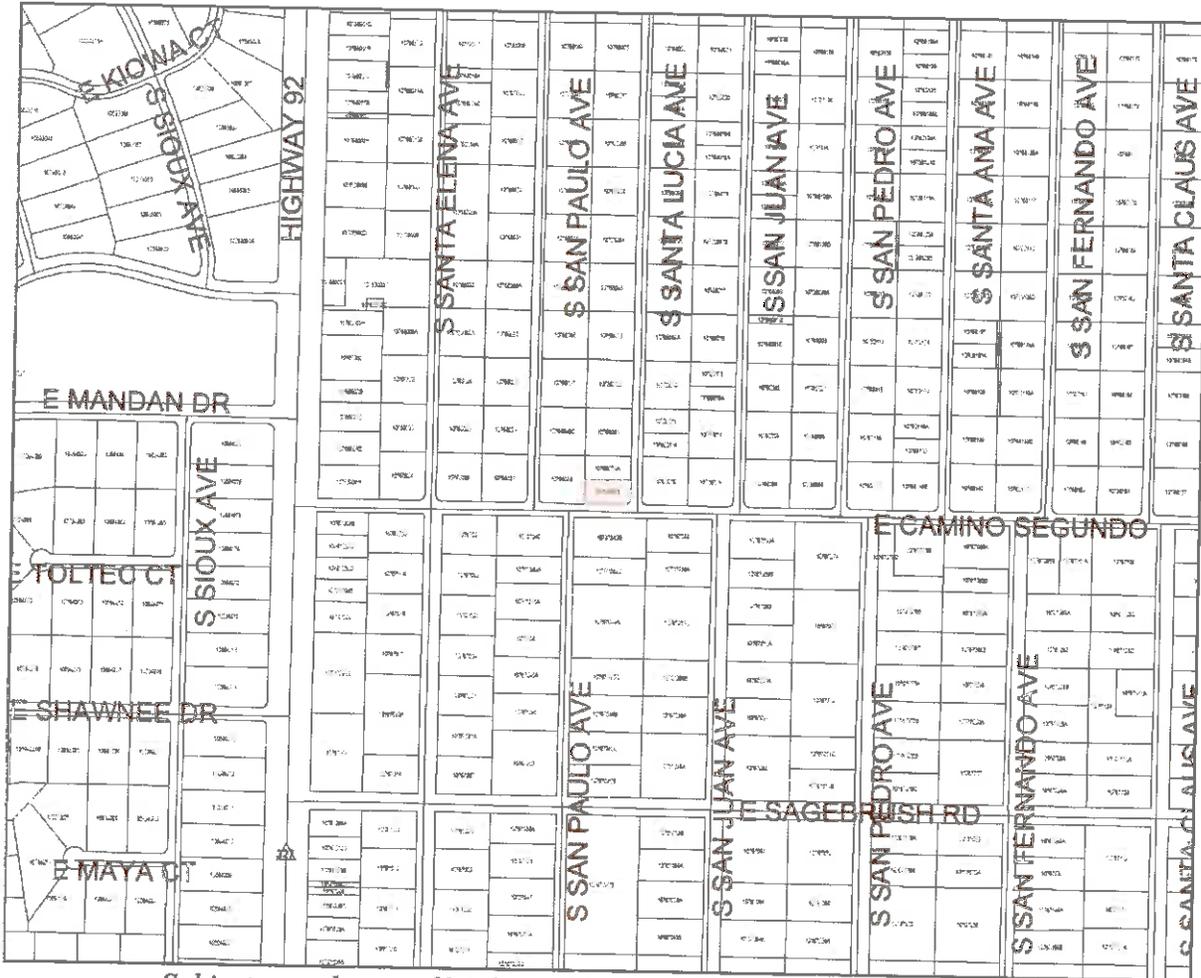
### Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single Family Residences
South	County Maintained Road/R-36	E. Camino Segundo/Single Family Residences
East	County Maintained Road/R-36	S. Santa Lucia Avenue/Single Family Residences
West	R-36	Single Family Residences

### II. PARCEL HISTORY

1995 – Variance BA1-95-07 approved to permit replacement of both homes on parent parcel (Two dwellings on 43,560-square feet of TR-36)

- 1995– Permit issued to replace mobile home on subject parcel with a site built home.
- 1997– Rezoning Z-97-12 from R-36 to R-18 denied.
- 1998 – Parent parcel split into -050A & -050B in contravention of Zoning.
- 1999 – Applicant purchased the subject parcel in its current state.



Subject parcel, east of Highway 92, south of incorporated Sierra Vista.

**III. NATURE OF REQUEST**

The Applicant purchased the home as-is and now wishes to sell the property. Since the property is non-conforming, and Staff may not issue building permits save for fencing and minor repairs, lenders will not finance the parcel since the home cannot be rebuilt if it is destroyed.

**IV. ANALYSIS OF IMPACTS**

**Mandatory Compliance**

The subject property lies within a Category B–Community Growth Area. Section 402 of the Zoning Regulations allows owners of property lying within this Plan Designation to request a rezoning to R-18.

**Compliance with Rezoning Criteria**

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

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

The request is not connected to any new construction. The rezoning is requested for the purpose of legitimizing the property to facilitate sale.

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

The property meets all site development standards in the R-18 zoning district.



*View of the site from the corner of E. Camino Segundo and Santa Lucia Avenue.*

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

The proposed rezoning would not affect the development prospects of any neighboring property. All surrounding properties are currently developed.

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

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

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

The area is characterized by dense residential development. There are several other similar parcels in the surrounding blocks that have been split and have single family homes on them.

These parcels were split prior to the adoption of zoning in 1975, and are therefore legal non-conforming, with reduced site development standards.

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

While small, isolated rezonings to more intense districts are generally discouraged, the fact that the parcel and the surrounding area are completely developed precludes this rezoning from harming the neighboring properties. The current development is not proposed to be enlarged, which also will not cause harm to the adjoining parcels.

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

The site is currently developed and served by all necessary infrastructure.

**8. Traffic Circulation Criteria: Complies**

No new construction is proposed, nor would an additional residence be permitted if the rezoning request is approved.

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

While E. Camino Segundo is classified as a Collector Road, the access point currently exists, and the rezoning will not create any additional access points.

**10. Infill: Not Applicable**

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

**11. Unique Topographic Features: Complies**

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

**12. Water Conservation: Does not apply at this time.**

The property is within the Sierra Vista Sub-watershed, but is currently developed and no new construction is proposed. If the rezoning is approved and the home is replaced in the future, all appropriate water conservation measures required by the zoning regulations will apply.



*Looking northeast toward the subject property.*

*The mobile home on the adjacent undersized parcel is visible on the left.*

**13. Public Input: Complies**

The Applicant completed the required Citizen Review process and received one phone inquiry regarding the location of the subject parcel. Staff posted the property on October 21, 2014, and published a legal notice in the *Bisbee Observer* on October 23, 2014. The Department also mailed notices to property owners within 1,500-feet of the site. To date, staff has not received any statements for or against the request.

**14. Hazardous Materials: Not Applicable**

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

**15. Compliance with Area Plan: Not Applicable**

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

**V. SUMMARY**

The request is to rezone a 0.5-acre parcel from R-36 to R-18 in the Sierra Vista Estates area located south of incorporated Sierra Vista. The rezoning is necessary in order for the Applicant to proceed with a sale of the property by rendering the property conforming and therefore rebuildable. Staff's recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval:

**Factors in Favor of Approval**

1. Allowing the rezoning and subsequent residential use would not alter the overall character of development in the area; and