



NOTICE OF MEETING
Cochise County, Planning and Zoning Commission

January 11, 2012 at 4:00

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

AGENDA

1. 4:00 P.M. - CALL TO ORDER

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

- 2. ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)
- 3. CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda).
- 4. APPROVAL OF PREVIOUS MONTH'S MINUTES**
- 5. NEW BUSINESS**

Item 1 –Election of Chairman and Vice-Chairman for 2012.

Item 2 – (Page 1) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET SU-11-15 (Turquoise Valley): The Applicant seeks Special Use authorization from the Planning and Zoning Commission in order to legitimize an existing Wireless Communication Facility, per Section 707.14 of the Zoning Regulations. The existing facility is a 65-foot tall cedar pole, and is intended for use as a WI-FI transmitter for the Turquoise Valley golf course and RV Park.

ANNOUNCE ACTION TAKEN – (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available this afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the “Permits and Packets” link.)

Item 3 – (Page 22) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET Z-11-02 (Zerkle): The Applicant is requesting to downzone seven parcels of land from TR-36 (Residential, 1 dwelling per 36,000 square feet) to RU-4 (Rural, 1 dwelling per 4 acres) to facilitate the Applicants desire to use the County Owner-Builder Amendment, which allows owner-builders to opt out of residential building code inspections.

ANNOUNCE ACTION TAKEN (If the Commission makes a recommendation, the docket will be on the agenda for the January 24, 2012 Board of Supervisors meeting at the same location as the Commission meeting.)

Item 4 – (Page 35) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET SU-11-13 (Rainbow Solar Energy): The Applicant is requesting a Special Use Authorization to construct and operate a 20 MW Solar Energy Power Plant using photovoltaic technology, per Cochise County Zoning Regulations, Section 607.50.

ANNOUNCE ACTION TAKEN (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available this afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the “Permits and Packets” link.)

Item 5 – (Page 71) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET SU-11-14 (Enriquez): The Applicant seeks Special Use authorization from the Planning and Zoning Commission in order to change the use of an existing six-bed Residential Care Home to a Residential Care Institution, per Section 806.09 of the Zoning Regulations, to add one additional resident to the home.

ANNOUNCE ACTION TAKEN (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available this afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the “Permits and Packets” link.)

Item 6 – (Page 99) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET R-11-09: Proposed amendments to Article 20 of the Cochise County Zoning Regulations regarding legal non-conforming or “grandfathered” uses.

ANNOUNCE ACTION TAKEN (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors meeting at the same location as the Commission meeting.)

Item 7 – (Page 111) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET R-11-08 (Bylaws and Ordinance): Commission will continue to review, update, and suggest revisions to the Bylaws and Rules of Procedures for County Planning and Zoning Commission, Cochise County, Arizona. The Commission will also review and may possibly make recommendations to the Board of Supervisors to update the County Planning Commission Ordinance, dated November 20, 1969.

ANNOUNCE ACTION TAKEN (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors meeting at the same location as the Commission meeting.)

6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS

7. PENDING AND RECENT MATTERS

- A) FUTURE AGENDA ITEMS/DOCKETS**
- B) BOARD OF SUPERVISORS'S ACTIONS**

8. CALL TO COMMISSIONERS ON RECENT MATTERS

9. ADJOURNMENT

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 DEPARTMENT
Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner *LD*
For: Michael Turisk, Interim Planning Director *MT*
SUBJECT: Docket SU-11-15 (Turquoise Valley Golf Course and RV Park)
DATE: January 3, 2012 for the January 11, 2012 Meeting.

REQUEST FOR A SPECIAL USE

Docket SU-11-15 (Turquoise Valley): The Applicant seeks Special Use authorization from the Planning and Zoning Commission in order to legitimize an existing Wireless Communication Facility, per Section 1205.12 of the Zoning Regulations. The existing facility is a 65-foot tall cedar pole, and is in use as a WF-FI transmitter for the Turquoise Valley golf course and RV park.

The project site, located on Parcel No. 102-57-220, is located along the South side of Newell Street in Naco, AZ. The Applicant is Turquoise Valley Golf Course (TVGC), LLC, represented by contractor Milt Jensen of TWN Corporation.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

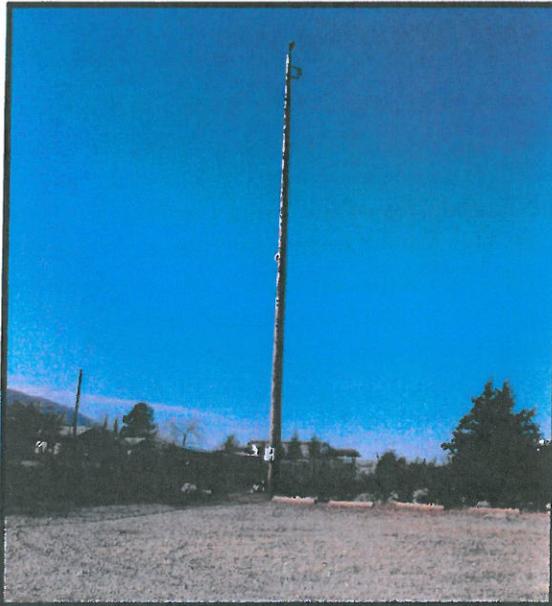
Size: 1.27 Acres
Zoning: GB – General Business
Growth Area: Category C (Rural Community Growth Area)
Plan Designation: Business (Retail and Service)
Area Plan: Naco Community Plan
Existing Uses: Overflow parking for TVGC; Existing wireless communication facility
Proposed Uses: Unchanged

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	TVGC Golf Course
South	TR-9	San Pedro Railroad ROW
East	TR-36	TVGC Parking
West	GB	TVGC Parking

II. PARCEL HISTORY

There are no permits for the subject parcel. In July 2011, County staff issued a violation for installing the pole and equipment without a permit. The Special Use request is intended to correct the violation.



Southeast view of the existing utility pole.

III. SPECIAL USE REQUEST AND BACKGROUND

This Special Use request is intended to correct the zoning violation referred to above. The Applicant installed a 65-foot tall wireless communication facility without a permit. The wireless equipment and parking lot light fixture are affixed to a standard wooden utility pole, and provides WI-FI coverage for the Turquoise Valley resort.

Although the Zoning Regulations classify this installation as a Wireless Communication Facility, subject to a Special Use process as well as the site development standards required of such uses per Section 1813. It should be noted that the facility bears little similarity to wireless communication facilities as normally understood in the Zoning Regulations. The facility in this case more resembles, in character and appearance, a common utility pole. Rather than providing cellular phone coverage or radio transmission services, this installation provides wireless internet services to a single business on the same site. As such, the requirement per Section 1813 that the Applicant demonstrate existing facilities in the area cannot accommodate the equipment is not relevant here. As a provider of complimentary WI-FI services for TVGC customers, the installation fills a demand common in contemporary businesses. The difference here is that whereas a hotel or restaurant may meet this demand with off-the-shelf consumer electronics sufficient to cover the interior of such a space, the Turquoise Valley business spans an area of over 100 acres, including an RV park, restaurant and golf course. Thus, the use of a utility pole fitted with the WI-FI transmitter allows for coverage of a much wider area than would be necessary in a smaller setting.

IV. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend

approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Six of the 10 criteria apply to this request. With the requested modifications to development standards, the project as submitted would comply with each of the six applicable factors.

A. Compliance with Duly Adopted Plans: Complies

The special use is consistent with master development plans, transportation plans or other land use plans if any have been adopted for the area encompassing the special use.

The project site is within the boundaries of the *Naco Community Plan*, and is designated under the latter as a "Business" area. The *Naco Community Plan* does include seven policies attendant to the Business-designated areas, but these are mostly concerned with the establishment of new businesses, and the types of businesses to be encouraged under the plan. The Special Use request in this case concerns a supplemental use for an existing business, and as such, the policy statements do not directly address the type of use under current consideration. However, as a supplement to an existing land use that is regarded as critical to the local economy, the request could be said to generally comply with the Area Plan policies.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed special use shall comply with one or more of the purposes stated in the "Purpose" section of the applicable zoning district and harmonious with existing development.

Although the purpose statements in Article 12 do not directly address this type of land use, Section 1201.03 states that the General Business District is intended "to encourage concentrated development of commercial activities or the convenience of the public."

C. Development Along Major Streets: Complies

The development limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

The project site takes access from Newell Street in Naco. As a utility pole in the Southwest corner of the parcel, which is used primarily as an overflow parking lot for Turquoise Valley, the parcel is already equipped with an access to this street. As such, no new points of access would be needed, and no traffic would be generated as a result of this use.

D. Traffic Circulation Factors: Not Applicable

- 1. The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102B3 (a-g) of the Comprehensive Plan.*
- 2. The special use does not result in the use of any residential street for non-residential through traffic.*
- 3. Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements, if warranted.*

The installation causes no change in existing traffic volumes either on the parcel or in the neighborhood.

E. Adequate Services and Infrastructure: Not Applicable

The following factors are used to determine if there are adequate services and infrastructure to serve the special use:

- 1. The applicant has provided adequate information to evaluate the impacts on roads, other infrastructure and public facilities. The applicant must demonstrate that there are adequate provisions to address the impacts identified; the applicant shall provide data supporting the estimated traffic volume as part of the application.*
- 2. If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the applicant has proposed a method to address these problems.*
- 3. The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.*
- 4. The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.*

This use does not require any additional infrastructure. It could be said that the existing wireless equipment here provides infrastructure and a service to TVGC customers, rather than requiring adequate services in order to function.

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

The special use adequately addresses the significant applicable site development standards, including development in or near a floodplain. The applicant has adequately justified any waivers requested from site development standards.

The Applicant has provided an itemized list of requested modifications with the reasons for each request (See Attachment D). The modifications being requested are, briefly, as follows:

- A modification to Section 1813.04.B, which requires a setback equal to the height of the pole, which is situated on the Southern property line (zero-foot setback);
- 1813.06, which requires anti-climbing devices and a security fence;
- 1810.03.B, which allows a maximum height of 30 feet for light fixtures on non-residential sites (light is 65' in height, at the top of the pole); and
- 704.07, which requires non-residential uses to be screened from abutting residentially-zoned properties.

G. Public Input: Complies

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

H. Hazardous Materials: Not Applicable

I. Off-site Impacts: Complies

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights or storm water run-off.

The use itself would generate no off-site impacts, however, the lamp mounted near the top of the pole would cause some off-site light impacts. The type of lamp fixture utilized is a standard street light type, and this type of light fixture complies with the Cochise County Light Pollution Code. In the Applicant's request for modifications, it is indicated that the light in the overflow parking area is used only during special events: "[t]he normal lighting in the overflow parking area is turned on only when there is a large function at the Golf Course which requires use of the overflow parking area. This is to save energy."

J. Water Conservation: Not Applicable

V. PUBLIC COMMENT

Staff mailed notices to property owners within 1,000 feet of the subject property, posted the property as required, and published a legal notice on December 22, 2011. To date, correspondence relative to this Docket has been limited to a letter from staff on Fort Huachuca expressing that the Fort has no objection to the use.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use

1. The use generally conforms to the Naco Community Plan, the General Business District purpose statements, and complies with each of the six applicable Special Use analysis factors;
2. The addition of WI-FI services for Turquoise Valley patrons adds strength and value to a business that is of major importance to the local economy.

Factor Against Approval

1. The Special Use request is intended to rectify a zoning violation for installing and operating a wireless communication facility without a permit.

VII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use request, subject to the following conditions:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. The Applicant shall apply for a building/use permit for the project within 30 days of approval, such application to include a completed joint permit application. A permit must be issued within 90 days of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant; and

2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-11-15, with the conditions of approval as recommended by Staff and the modifications to development standards as requested by the Applicant; with the factors in favor of approval constituting findings of fact."*

VIII. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

The Applicant has requested a number of modifications and waivers to development standards. These are discussed in Section IV-F, above, and are attached as Attachment D of this Report. Staff supports the requested modifications due to the benign nature of the project and its impact on the land and adjacent properties.

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan and Illustrations
- D. Applicant's Request for Modification of Development Standards
- E. Citizen Review



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
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COCHISE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED) AB

TAX PARCEL NUMBER: 102-57-217, 218, 219, 220, 221, 274. ZONING DISTRICT ~~_____~~

APPLICANT: Turquoise Valley, Inc.

MAILING ADDRESS: P.O. Box 727, Naco, AZ 85620

CONTACT TELEPHONE NUMBER: 520-432-3091

PROPERTY OWNER (IF OTHER THAN APPLICANT): TWN by Mitt Jensen

ADDRESS: 208 Richmond Ave
Virden, NM 88045-8012

DATE SUBMITTED: _____

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

707.14

3165
6/30/14

PART ONE - REQUIRED SUBMITTALS

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

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

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

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

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

PART TWO - QUESTIONNAIRE

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

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

1. What is the existing use of the property? Overflow Parking Lot

2. What is the proposed use or improvement? 65' pole AGH Supporting
Wi-Fi antennas for Turquoise Valley RV Park &
Security light for overflow parking area.

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? Set Pole & install
equipment. None.

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

Wireless Internet service to Turquoise Valley
RV Park and surrounding area.

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.

Already Installed

7. Provide the following information (when applicable):

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

B. Number of employees: Initially: ___ 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.
0

(2) Total trucks (e.g., by type, number of wheels, or weight)
0

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

(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

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

Estimated total gallons of water used: per day N/A per year _____

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

F. Does your parcel have permanent legal access*? Yes X No ___
If no, what steps are you taking to obtain such access?

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

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

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

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

Attached _____ NA X

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>N/A</u>	
Sewer/Septic	<u>N/A</u>	
Electricity	<u>APS</u>	<u>Completed</u>
Natural Gas	<u>N/A</u>	
Telephone	<u>N/A</u>	
Fire Protection	<u>N/A</u>	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

N/A

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

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)

Existing Parking Lot

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.) N/A

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

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

N/A

2. How many acres will be cleared? N/A
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

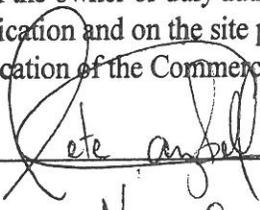
Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the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

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

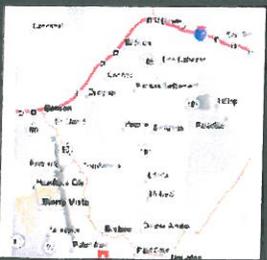
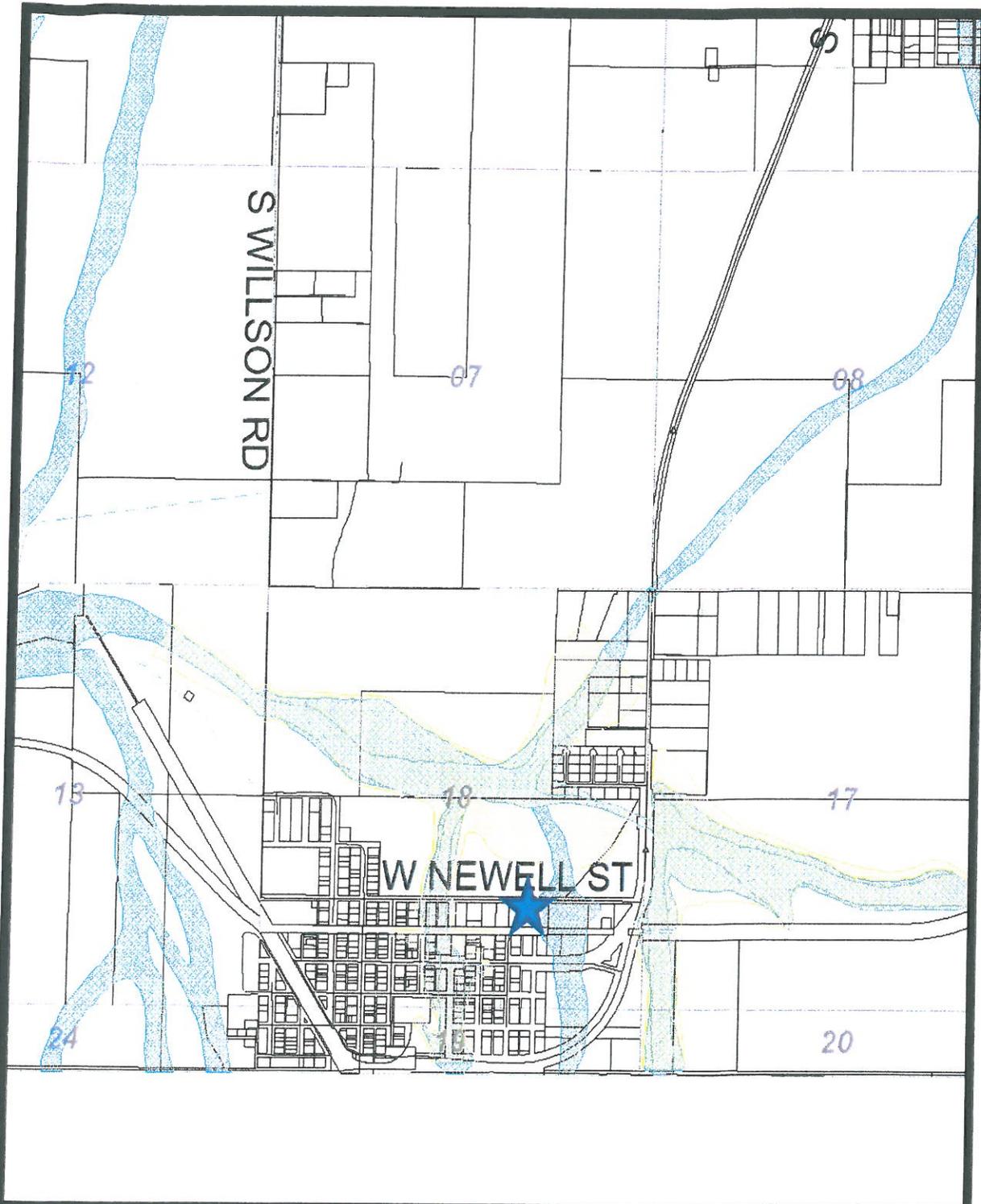
Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous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

SECTION E - Applicant's Statement

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

Applicant's Signature 

Date signed Nov. 8, 2011

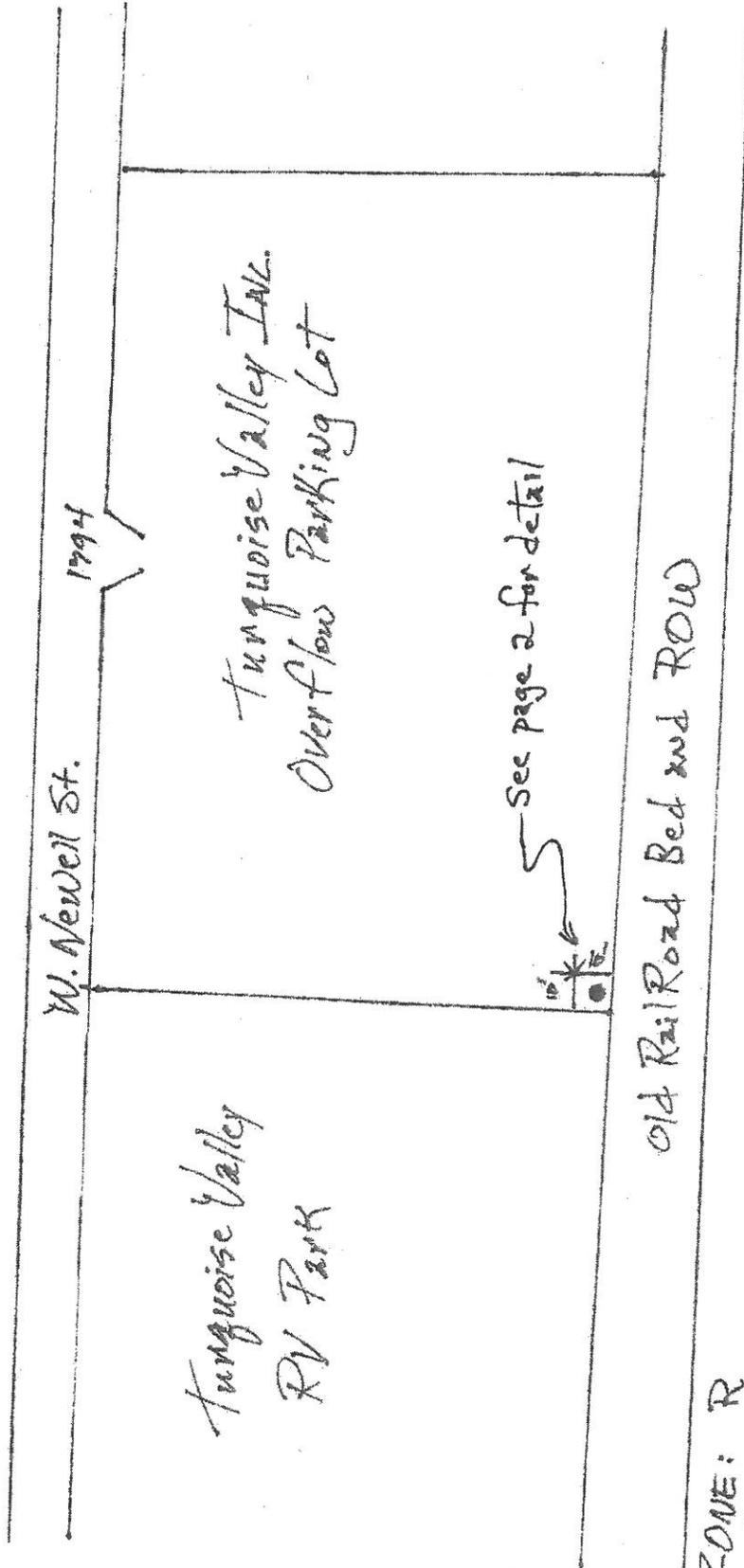


Docket SU-11-15
Turquoise Valley
Location Map

This map is a product of the
Cochise County GIS



Turquoise Valley Golf Course



ZONE: R

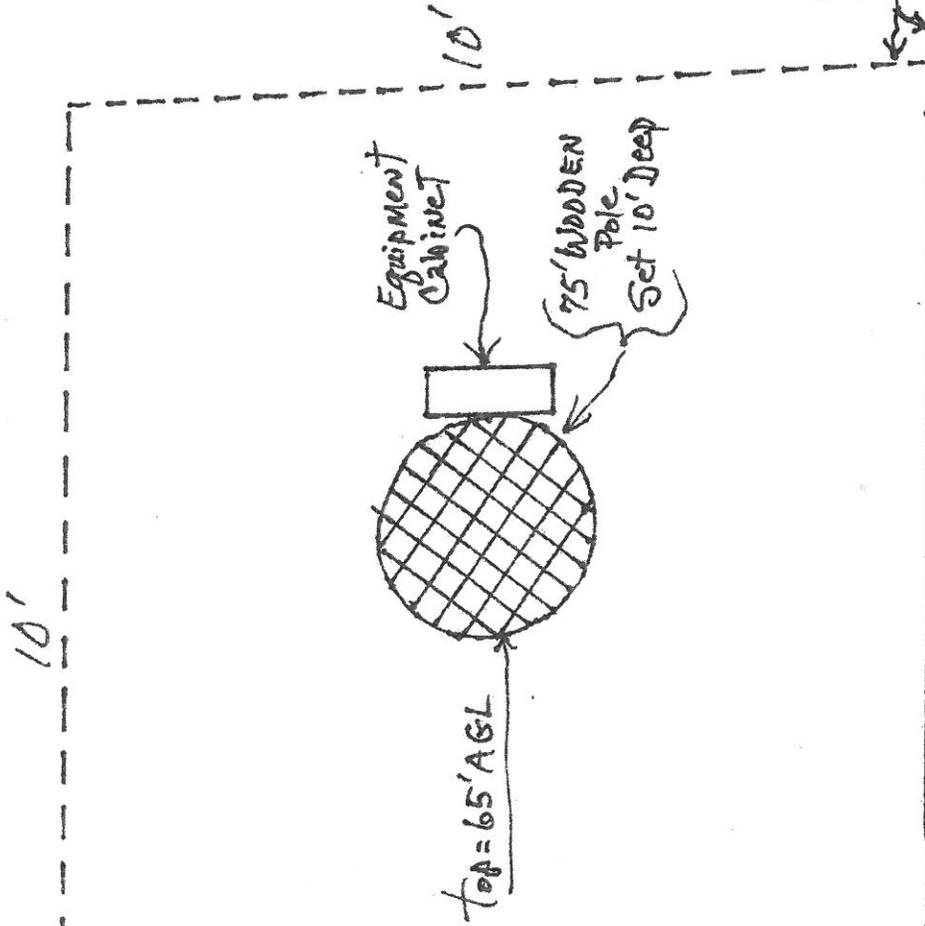
Site Area: 100 58. ft.

Turquoise Valley Inc., Overflow Parking, Naco, AZ
Parcel # 102-57-217, 218, 219,
220, 221, 274



Scale: 1" = 240'

Turquoise Valley Inc.
Overflow Parking Lot



Existing
Chain Link
Fence

Turquoise
Valley
RV Park

Existing
Chain Link
Fence



Scale: 1" = 4'

Zone: R - Site area: 100 Sq. Ft. - Turquoise Valley Inc., Overflow Parking, NACD, AZ
Parcel # 102-57, 217, 518, 219, 220, 221, 274



17

ARTICLE 18, Site Development Standards

1813, Site Development Standards for Wireless Communications Facilities

1813.01 Co-location

- A. No existing towers exist.
- B. N/A
- C. N/A
- D. N/A
- E. N/A

1813.02 Design

- A. Attached
- B. N/A
- C. N/A

1813.03 Certification

- A. Attached
- B. Attached
- C. Attached
- D. N/A

1813.04 Setbacks

- A. N/A
- B. Request for Modification. Pole is set in corner of property to not take away from the prime purpose which is parking. Pole is a proven structure to be set on narrow ROW at property edges.

1813.05 Minimum Site Area Requirements

N/A

1813.06 Security Fencing/Anti-Climbing Devices

The pole is bare wood for 18' AGL. Request for modification for no fencing.
The site is already enclosed in a fenced, secure area.

1813.07 Maximum Height

Request height of 65' AGL.

Page 2:

1813.08 Parking

Request for Modification. Site is currently an overflow parking lot for Turquoise Valley. There is plenty of room for temporary parking of a service vehicle at the pole location.

1813.09

N/A

1813.10 Removal of Abandoned Wireless Communication Facility

N/A

ADDITIONAL STANDARDS TO BE ADDRESSED

1810.03 The maximum height above ground level for mounting of security lighting fixtures is 30 feet. The normal lighting in the overflow parking area is turned on only when there is a large function at the Golf Course which requires use of the overflow parking area. This is to save energy.

The purpose of the installation of the pole is two fold. 1. to support the antennas for the Wi-Fi service to the park, and 2. to provide a support for a single, full time security light in the overflow parking area.

The overflow parking area measures 265' x 295'. A security light mounted at only 30' AGL does not provide adequate coverage of the entire parking area.

The single, low cutoff security light mounted at ~65' AGL does provide adequate coverage of the entire parking area.

Therefore a Request for Modification of the height AGL for the single security light to be mounted at ~65' is respectfully made a portion of this Site Development Standard.

Page 3:

704.07 Screening

Other than the pole structure with the antennas and security light mounted high above ground, the only item near ground level is the equipment cabinet. The existing fencing and bushes in the fence lines are already screening the bottom of the pole and the equipment cabinet. Please see the attached photo.

Therefore, a Request for Modification of the screening requirement is made a portion of this Site Development Standard.

Naco, AZ
16 Nov 2011

Dear Neighbor of Turquoise Valley Golf and RV Park,

You are receiving this letter according to Cochise County notification requirements.

Turquoise Valley has installed a 75' wooden pole in the RV Park overflow parking area for the purpose of providing Wi-Fi Internet service to the occupants of the RV Park and Internet service to the general Naco area by Turquoise Valley's provider, TransWorld Network Corp. A security light is also installed upon the pole.

The exact location of the pole can be seen on the accompanying property plat map and Google Earth image.

The Internet equipment is FCC type accepted and uses frequencies similar to those of Cellular telephones and home Internet wireless routers.

If you desire to make a written approval or protest of this use by Turquoise Valley, you may do so by sending your response by US Mail to the following addresses.

Turquoise Valley Golf and RV Park
ATTN: Pete Campbell, Manager
P. O. Box 727
Naco, AZ 85620

Cochise County Planning Dept.
ATTN: Beverly Wilson
1415 Melody Lane
Bisbee, AZ 85603

It is anticipated that the Cochise County Planning and Zoning Commission meeting at which the Turquoise Valley Application to consider the issuance of a **Special Use Permit** for the wooden pole and Wi-Fi operation will be held on

Wednesday, January 11th, 2012, at 4:00 PM
1415 Melody Lane
Board of Supervisors Room, Building G
Bisbee, AZ 85603

You are cordially invited to attend the meeting and provide input into the decision making process during the "Call to the Public" portion of the meeting.

Thank you in advance for your positive consideration of this addition that will provide an option of service, and better service to the Turquoise Valley facility.

Sincerely,
Pete Campbell, Mgr.
Turquoise Valley Golf and RV Park

E 21



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Senior Planner *KD*

For: Mike Turisk, Interim Planning Director *MT*

SUBJECT: Docket Z-11-02 (Zerkle)

DATE: January 3, 2012 for the January 11, 2012 Meeting

APPLICATION FOR A REZONING (DOWNZONING)

The Applicants seek to “downzone” seven parcels of land from TR-36 (Residential, minimum lot size 36,000 square feet) to RU-4 District (Rural, minimum lot size 4-acres). The parcels are: 301-42-116A, 301-42-140 through 143, 147A, and 151A. All but one of these parcels are undeveloped. Parcel 151A is developed as a single-family rural residential lot.

The Applicants are Thomas Zerkle, Sam Zerkle, and M. Stella Laferriere.

Note that this item is scheduled for action by the Board of Supervisors at their regular meeting of Tuesday, January 24, 2012.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

- Size: 21.27 Acres
- Zoning: TR-36 (Residential, 1 Dwelling per 36,000 square feet)
- Growth Area: Category D (Rural Growth Area)
- Area Plan: None Applicable
- Plan Designation: Rural
- Existing Uses: Rural Residential, Undeveloped Land
- Proposed Uses: Unchanged

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	Undeveloped Land
South	TR-36	Undeveloped Land
East	RU-4	Undeveloped Land
West	TR-36	Undeveloped Land

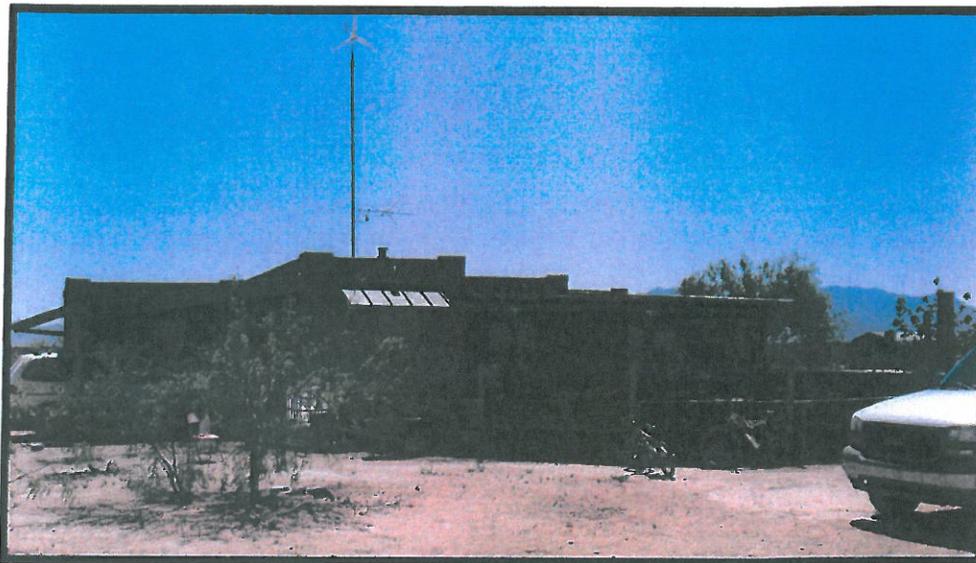
II. PARCEL HISTORY

The originating parcel for this Docket, now called 301-42-151A, was cited in September 2010 for building without a permit. At that time, the property consisted of eight contiguous parcels.

Through this process, the owner decided to apply to have the property downzoned, as discussed in Section III of this Memo. To facilitate this, the Applicant had the eight parcels combined in December of 2010.

There are no records of permits for this or any of the parcels subject to the request.

III. NATURE OF THE REQUEST



Southward view of the Zerkle Residence.

In the summer of 2010, the County Assessor became aware that Parcel 301-42-151A had been developed with a single family residence. This prompted Community Development staff to cite the owner for building the residence without a permit.

Because the home is already constructed, building code inspections might entail “destructive” measures, such as unearthing the footings to ensure compliance, or creating holes in walls in order to inspect existing wiring.

The Applicant, owner Thomas Zerkle, is aware that the County allows owner-builders to opt out of building code inspections if located in a Zoning District with a minimum lot size of four or more acres (Owner Builder Amendment or “Opt-Out”). The Applicant, having built the home himself, sought to take this route, but as the property is within a TR-36 District, was precluded from doing so.

The Applicant therefore sought to “downzone” the property from TR to RU-4, the latter carrying the four-acre minimum for the Owner-Builder Amendment to the County Building Code.

During the site visit and consultation with staff, it became apparent that the Applicant's brother and other neighbors might benefit from involvement in the current downzoning process. A Rural District was determined to be a more appropriate zoning designation for this area; most of the area is already so designated. In addition to the Owner-Builder Amendment options available, Rural property owners may construct outbuildings such as barns or other accessory buildings without first establishing a principal use. Such structures may also be larger than the principal use if desired. None of these options are available in Residential Districts such as TR. Note that the Application states a desire to rezone to SM-174, but after this consultation decided to pursue an RU-4 rezoning.

Subsequently, the Applicant consulted with his brother, Sam Zerkle, and an additional property owner, M. Stella Laferriere, and the proposed new RU-4 District expanded to include six additional parcels.

Although the range of permitted and Special Uses is greater in the Rural District relative to the Residential, the minimum lot size in the Residential District is smaller, such that the density of residential development is greater in the TR District. The RU-4 District allows one dwelling per four acres, whereas the current designation allows one dwelling per 36,000 square feet. Thus, if the rezoning were approved by the Board of Supervisors, Parcels 301-42-140 through 143 would have to be combined in order to be developed. As such, the proposal is considered to be a rezoning to a less-intensive District, commonly referred to as a "downzoning." The process for a rezoning to a less-intensive District is simpler. A Citizen Review is not required, for instance, and fees are less than would be required for rezonings to more intense Districts.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance.

The subject property lies within a Category "D"—Rural Growth Area and is considered a "Rural" land use designation area. Section 402 of the County Zoning Regulations permits owners of property lying within "Rural" land use areas to request a rezoning to RU-4.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Eight of the criteria are applicable and are listed below. The Applicant's request complies with seven of the eight applicable criteria.

1. Provides an Adequate Land Use/Concept Plan. Does Not Comply.

There is, at this time, no concept plan nor any proposal for new development on any of the properties associated with the rezoning request.

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

All but one of the parcels under consideration are undeveloped at this time. It is anticipated that, particularly with the more rural development standards allowed in the RU District, future development on the properties would be able to meet those standards.

3. Adjacent Districts Remain Capable of Development – Complies.

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

4. Limitation on Creation of Nonconforming Uses—Complies.

The proposal would not create any potential for non-conforming uses.

5. Compatibility with Existing Development –Complies.

When built out, development on the properties would be in keeping with the character of development in the area. A downzoning from a TR District to RU may be characterized as more compatible with the character of the rural area.

6. Rezoning to More Intense Districts—Not Applicable.

As discussed, the proposal is for a less-intense District.

7. Adequate Services and Infrastructure – Complies.

The Applicants have chosen these properties in order to live in a rural, off-the-grid setting. The parcels are not served by any utilities, although they are within the Bowie Volunteer Fire Department jurisdiction boundary. For the type of development that may occur on these properties, the area roads and infrastructure are adequate.

8. Traffic Circulation Criteria – Complies.

The proposal would result in development considered within the capacity of the transportation network. The area is characterized by unimproved dirt farm roads.

9. Development Along Major Streets—Not Applicable.

The property does not border or access any major street.

10. Infill—Not Applicable.

The Applicant does not propose a rezoning to GB, LI or HI.

11. Unique Topographic Features – Not Applicable.

This Factor only applies to rezonings to more intense districts, and not to downzonings.

12. Water Conservation—Not Applicable.

This criterion is applicable only to rezonings associated with Master Development Plans, or within the Sierra Vista Sub-Watershed.

13. Public Input—Complies.

A Citizen Review process is not required for downzoning requests. Public input is further discussed in Section V of this Memo.

14. Hazardous Materials – Not Applicable.

No hazardous materials are proposed as part of the proposal.

15. Compliance with Area Plan – Not Applicable

The property is not within the boundaries of any Area Plan.

V. PUBLIC COMMENT

The Department sent the required notice to neighboring property owners within 1,500 feet, posted the property as required, and published a legal notice on December 22, 2011. To date, staff has received one letter from a neighboring property owner in support of the request.

VI. SUMMARY

Factors in Favor of Approval

1. The properties under consideration are within a now defunct subdivision (Apple Valley Ranches). The area is unlikely to develop as 36,000 square foot lots, and the Rural District uses and development standards are more appropriate for this area;
2. The project complies with seven of the eight applicable rezoning evaluation factors; and
3. Two neighboring property owners have expressed support for the proposal.

Factor Against Approval

1. The rezoning request comes as a result of a Zoning Violation for construction without a permit on Parcel 151A. The Applicant's interest in rezoning the property was prompted by the Owner Builder Amendment options available in the RU-4 District as a means of rectifying the Violation.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Z-11-02 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Sample Motion: *Mr. Chairman, I move to forward Docket Z-11-02 to the Board of Supervisors with a recommendation of conditional approval, with the conditions recommended by staff, with the Factors in Favor of Approval as findings of fact.*

VIII. ATTACHMENTS

- A. Rezoning Application
- B. Statement from Property Owners
- C. Location Map
- D. Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

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

1. Applicant's Name: Zerkle Thomas and Joshlin
2. Mailing Address: PO Box 42 Bowie Az
Bowie Az 85605
City State Zip Code
3. Telephone Number of Applicant: (520) 253-1187
4. Telephone Number of Contact Person if Different: ()
5. Email Address: J.J.Zerkle@hotmail.com
6. Assessor's Tax Parcel Number: 301-42-151 A (Can be obtained from your County property tax statement)
7. Applicant is (check one):
 - Sole owner:
 - Joint Owner: _____ (See number 8)
 - Designated Agent of Owner: _____
 - If not one of the above, explain interest in rezoning: _____
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
 - List attached (if applicable): _____
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
 - If corporation, corporate resolution designating applicant to act as agent: _____
 - If partnership, written authorization from partner: _____
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:
- Copy of deed of ownership: _____
 - Copy of title report: _____
 - Copy of tax notice: _____
 - Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?
- Yes _____ No

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

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No
- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: TR 36

14. Indicate proposed Zoning District for Property: ~~SM 177~~ RU-4

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

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

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

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

17. Describe all structures already existing on the property: House

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: Workshop

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

- No Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

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

Tamarack Road

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? N/A

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 1

23. Identify how the following services will be provided:

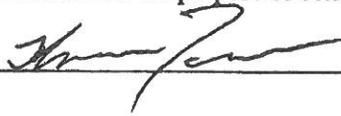
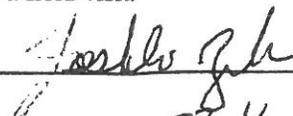
Service	Utility Company/Service Provider	Provisions to be made
Water	Water tank	
Sewer/Septic	Septic	
Electricity	Solar	
Natural Gas	N/A	
Telephone	cell	
Fire Protection		

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

RU-4
 I would like to rezone to ~~SM-174~~ so I can use the owner built Amendment to obtain a permit for my house. The eight tax notices enclosed have been combined into parcel # 301-42-151A and is now over eight acres.

25. AFFIDAVIT

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

Applicant's Signature:  
Date: 3-22-2011 3-22-11

We Consent to rezone the listed Pa
from TR-36 to RU-4

Thomas Zer Kle owner Thomas Zer Kle

301-42-151 A

301-42-140

301-42-147 A

301-42-141

Sam Zer kle owner Sam Zer kle

301-42-143

M. Stella Laferrière
OWNER

M. Stella La

~~301-421-16A~~
116A (A)

B 31

REZONING: Docket Z-11-02 (Zerkle)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I believe that RU-4 is the most appropriate zoning designation for this property due to its remote location.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Justin Allred

SIGNATURE(S):



YOUR TAX PARCEL NUMBER:

301-42-105 et al

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

YOUR ADDRESS

3306 N. Circle I Rd., Willcox AZ 85643

Upon submission of this form or any other correspondence, it 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 December 30, 2011 if you wish the Commission to consider them before the meeting. We can not 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: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

COCHISE COUNTY

DEC 19 2011

PLANNING D. 33

SPECIAL USE: Docket Z-11-02 (Zerkle)

 YES, I SUPPORT THIS REQUEST

Please state your reasons:

I do support this plan.

 NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

ANDREW C. MORAVITZ

SIGNATURE(S):

Andrew C. Moravitz

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

YOUR ADDRESS _____

Upon submission of this form or any other correspondence, it 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 May 24, 2011 if you wish the Commission to consider them before the meeting. We can not 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: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Beverly Wilson, Interim Planning Manager *BW*

For: Michael Turisk, Interim Planning Director *MT*

SUBJECT: Docket SU-11-13 (Rainbow Solar Facility)

DATE: December 29, 2011 for the January 11, 2012 Meeting

REQUEST FOR A SPECIAL USE

Docket SU-11-13 (Rainbow Solar Facility): The Applicant, Rainbow Solar Energy, LLC, seeks a Special Use authorization from the Planning and Zoning Commission to install a 20 mega-watt (MW) Solar Energy Power Plant using photovoltaic (PV) technology. The Cochise County Zoning Regulations permit a Solar Energy Power Plant in an RU-4 Zoning District per Section 607.50, with Special Use authorization.

The subject property (Parcel No. 407-01-005) is located approximately 1-mile East of North Central Highway, approximately 1 1/4-miles North of Highway 80, West of Douglas, AZ. David Bohn of Kinetix Engineering and Consulting represents the Applicant.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 320.79 acres of a 794 acre parcel

Zoning: RU-4 (Rural, minimum lot size of four acres)

Growth Area: Category D (Rural Growth Area)

Plan Designation: Rural

Area Plan: None

Existing Uses: Agricultural grazing lands

Proposed Use: Solar Energy Power Plant

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped Land
South	RU-4	Abandoned air strip (Cochise College is located to the Southwest)
East	RU-4	Undeveloped Land with a ranch home
West	RU-4	Undeveloped Land

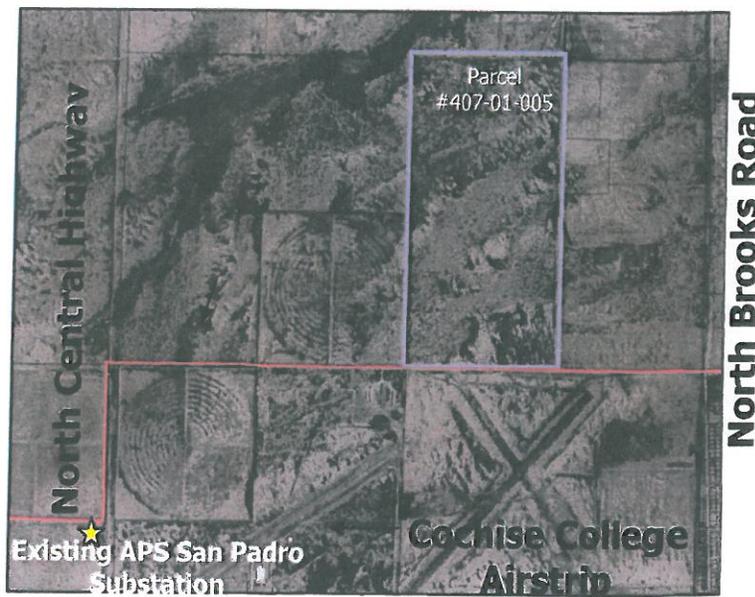
II. PARCEL HISTORY

There is no history of any permit or violation for the subject property.

III. SPECIAL USE REQUEST AND BACKGROUND

The Applicant, Rainbow Solar Energy, LLC, is proposing to construct and operate a solar power electric generating facility using PV technology combined with electronic Direct Current (DC) to Alternate Current (AC) power conditioning equipment (inverters) to produce three-phase, 60 Hz, utility-grade electric power. A site plan was submitted showing the grid-type layout that this facility will require. Each grid is composed of a series of PV modules, mounted on steel support structures that are anchored to or driven into the ground. The PV modules are connected to an inverter, which in turn is connected to an underground electric line which conducts the electricity into the plant's switchyard. There, the electricity produced will be 'stepped-up' to 12kv of electricity through transformers and sent via overhead power lines along the southern property boundary to the existing Arizona Public Service (APS) San Pedro substation, located approximately 1 mile west and ½ mile south of this site (see photo below). The proposed project must be approved by Arizona Public Service which will also approve the Interconnect Agreement, required by the Zoning Regulations prior to commercial permitting. The Applicant has indicated that they are about halfway through the process of obtaining the necessary permissions and documents required from Arizona Public Service.

The Arizona Corporation Commission set a goal to develop these types of alternative energy power plants to provide 15% of Arizona's energy needs by the year 2025. The criteria for these large-scale solar power plants includes large contiguous areas of flat or nearly flat land; compatible zoning; an absence of sensitive resources such as high-quality habitat for sensitive or protected species; and a close proximity to existing electrical substations and transmission infrastructure. The subject parcel meets these criteria and lies in a rural area of southeastern Cochise County.



Substation location

The Applicant notes that this PV project will provide electric power to the grid during daylight hours, from shortly after sunrise until shortly before sunset. Solar power generation peaks later in the morning, and a small amount of power is generated even during overcast conditions. The facility's ability to generate power is also dependent upon the ambient air temperature. The efficiency of the solar modules is reduced somewhat by higher temperatures; while conversely, the lower ambient temperatures produce higher efficiencies and, therefore, higher power output.

The Applicant estimates that construction of the solar power plant will involve up to 50 workers, and may begin near the end of 2012. While the project is anticipated to be completed within one year, an Interconnect Agreement with Arizona Public Service may take longer. Per the Cochise County Zoning Regulations, this agreement must be obtained prior to issuance of a commercial permit. In light of this, Staff is recommending in Condition #1 that the typical deadline for permit issuance be extended from 18 months to three (3) years. Construction will also include the necessary infrastructure to support the power plant, including access roads, transmission lines, and a common service area which will consist of the plant switchyard, an operations and maintenance building, and onsite parking. During the construction period, a water truck will be utilized to minimize dust.

After the initial construction is completed, the Applicant anticipates 2 – 3 employees will be necessary to maintain the site and perform routine cleaning. During the development of this facility, no groundwater use is anticipated. Future groundwater use is unclear from this Application.

IV. ANALYSIS OF IMPACTS

Compliance with Special Use Factors (§1716.02)

Section 1716.02 of the Zoning Regulations provides a list of ten (10) criteria used to evaluate Special Use applications. These criteria are considered factors in the decision whether or not to approve a Special Use Permit, and to determine what conditions may be needed. This request complies with eight factors with proposed conditions and modifications. The remaining three factors are not applicable to this project.

A. Compliance with Duly Adopted Plans: Not Applicable.

This does not apply, as there are no area-specific Comprehensive Plan policies or transportation policies applicable to the area encompassing the subject parcel.

B. Compliance with the Zoning District Purpose Section: Complies.

The proposed use complies with the following purpose statement in Article 6 (RU, Rural) of the Zoning Regulations:

§601.02: To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.

The parcel is located approximately 1-1/4 miles north of Highway 80, 1-mile east of North Central Highway on land that was farmed but is now grazed. There will be a new access road installed to the actual site from North Central Highway. After the initial construction is completed, the site will not be viewable from passing vehicles, but will be near the approach and takeoff from the Cochise County Community College runways. While Kevin Butler of the College has indicated general support for this project, he has discussed his concerns for the

student pilots with the Applicant. Rainbow Solar has indicated that a new site plan reconfiguring the solar panel/inverter grids will be submitted during the commercial permitting process (see Condition #1). This new site plan will address the concerns of the College and address, where possible, the concerns expressed by a neighbor in her protest letter (See Section V, below). The site will not produce any significant noise, lighting, or odors once construction is complete.

C. Development along Major Streets: Not Applicable.

This remote site does not have access from any major streets.



This photo shows the undisturbed nature of the site.

D. Traffic Circulation Factors: Complies.

Section 1716.02 indicates that consideration must be made as to whether a Special Use results in the use of any residential street for non-residential through traffic. This request will not result in such an impact; therefore no off-site improvements are necessary.

E. Adequate Services and Infrastructure: Complies with Condition (see Condition #4).

Water and Septic:

The site has a working well, and an existing water tank is proposed to remain. A septic system will be required for the permanent staff.

Access and Circulation: An access easement will be obtained along the southern boundary of this parcel and parcel #407-01-010, as both parcels have the same owner. This private easement will create a legal means of access for the proposed solar power plant and will be required (see condition #4). Rainbow Solar Energy, LLC, will improve the existing apron from North Central Highway to meet the commercial driveway standards and plans to install 2-inches of gravel on the access road and around the planned maintenance building.

Karen Lamberton, County Transportation Planner, has provided guidance for the Applicants in the attached Memo dated 12.26.11 (See Attachment E.)

F. Significant Site Development Standards: Complies (with Modification/Waiver.)

Setbacks: Complies

The minimum setback for all Special Use Permits is twice the minimum setback allowed for permitted and accessory uses. If approved, the setbacks required for the Solar Energy Power Plant structures and components will be 40-feet. The submitted site plans for this proposed project indicate that minimum setbacks would be 50-feet from property lines, which exceed the minimum setback standard for the Rural zoning districts.

Site Coverage: Complies (with Waiver)

Maximum site coverage in the Rural zoning districts is 25%; however, the nature of a solar power plant requires significantly larger site coverage. Staff is requesting that the Commission waive this development standard for this proposed use.

Landscaping: Not Applicable

The subject parcel is located within a Category D Growth Area, thus is not subject to landscaping requirements, per Section 1806.02A.

Outdoor Storage: Not Applicable

There is no outdoor storage planned for this project.

Screening: Not Applicable

Screening is not required in Category D Growth Areas.

Parking: Complies (with Waiver)

Parking required per Section 1804.05 of the Zoning Regulations would be 1 per employee. Because the access road and the area around the maintenance building will be covered with 2-inches of gravel, Staff is recommending that the requirement for defined parking and drives be waived for this proposed utility.

Signs: Complies.

There are no signs planned for this facility.

Floodplain: Complies.

The Applicant has submitted a grading and drainage plan showing the natural sheet flow across the parcel.

Additional requirements for a Solar Energy Systems and Power Plants are addressed in Section 1823.07 and 1824 of the Zoning Regulations. These include submittal of all electrical plans, copies of the interconnect agreements with the power company, and proof of construction by a licensed contractor. Other requirements that must be met will include submission of foundation plans and a permit from the State Office of Manufactured Housing for use of the mobile office. These requirements will be required prior to issuance of any building permits, and verified through the permitting process.

G. Public Input: Complies.

The Applicant sent correspondence to neighboring parcel owners within 1,500 feet of the property (see Attachment D.) The Applicant received one phone call inquiring as to the nature of this request. The unidentified caller did not express either support or offer protest to this

proposal. The Department also mailed notice to owners within 1-mile of the site, and has received three responses to this Special Use request. Two letters indicate support for this project, while one letter is in protest.

H. Hazardous Materials: Not Applicable.

The applicant has indicated that hazardous materials will not be stored on site.

I. Off-site Impacts: Complies.

The Applicant notes that post construction, there will be no noise generated from this site other than vehicles to transport 2 – 3 employees for routine maintenance. There are no permanent lights planned, other than minimal security lighting, and no odors will be produced. The access road and area around the buildings will be graveled, and native grasses will be allowed to revegetate the site.

J. Water Conservation: Complies (with Condition #3.)

Some utility-scale solar energy technologies require significant water resources for cooling, so water use is a particularly important component of any project, especially in arid environments. The southwest has the highest solar energy potential in the country, yet has the fewest water resources.

This project site is not within the Sierra Vista Sub-Watershed Overlay Zone, so is not required to comply with the water conservation measures directed at uses within the sub-watershed. Per the Applicant, the proposed PV modules do not require water for cooling, unlike other solar thermal technologies like parabolic trough systems, so it represents an excellent option for desert installations (Condition 3 would restrict the Applicant to this technology to ensure the highest degree of water conservation).

However, the PV modules will require water for cleaning accumulated dust, bird droppings, and other debris in order to maintain high efficiency. Water may be drawn from an onsite groundwater well, or this cleaning may be contracted out to a company specializing in cleaning PV modules. If so, any water needed would be brought in from off-site. No wastewater is expected to be generated.

Per the Applicant's estimate, 0.5 acre feet or 162,950 gallons of water per year from low pressure spray devices would be employed to clean this proposed 20-MW field (an acre-foot is defined by the volume of one acre of surface area to a depth of one foot). To put this number into perspective, on average, alfalfa uses 5.5 acre-feet per year *per acre* of cropland or 1,792,450 gallons.

As part of a dust suppression protocol, the Applicant has indicated that water trucks would be employed to regularly wet each site as necessary during construction. However, the Applicant has not offered an estimate on water use for this facet of the projects. The amount of water used solely for dust suppression would likely be significant, but necessary to minimize transient dust in the area during construction phases.

V. PUBLIC COMMENT

As previously stated, the Applicant received one inquiry from an unidentified neighbor. The Department received a letter of support from Mr. Kevin Butler, representing the Cochise County Community College District. Rainbow's End Ranch, LLC has also submitted a letter in support of the project. The comments received show support for renewable energy technologies, generation of clean energy, the environment, and future job potential.

A neighbor whose property borders the project site along the east side, Mrs. Madeline Riggs, has submitted a letter of protest expressing her concerns about the impacts of dust and noise during construction, stormwater management issues, and potential for a decrease in property value. As stated above, dust control will be mitigated through the use of water trucks during construction, and with a 2-inch gravel surface on the access road and around the maintenance building. Native grasses will be allowed to revegetate the site post construction which will help reduce excessive sheet flow.

VI. SUMMARY AND CONCLUSION

Rainbow Solar Energy, LLC has requested Special Use authorization for the construction and operation of a Solar Energy Power Plant in the southeast portion of Cochise County. The 320.79-acre Rainbow Solar Energy Facility would be located east of North Central Highway, north of Highway 80 and west of Douglas, AZ. The facility will be built on privately owned land and would have a power generating capacity at build out of approximately 20 megawatts (MW) of power, enough to power approximately 10,000 homes. The proposed project would utilize grids of non-reflecting passive photovoltaic (PV) modules with inverters to capture solar energy. Transmission lines would carry generated current along the southern boundary of this parcel to the existing Arizona Public Service substation, which is located 1-mile west and ½-mile south of this site. If approved, construction of the Solar Energy Power Plant, from building an access road to commercial operation, is expected to occur from 2012 to and through 2015. While nearby Cochise Community College and the Rainbow's End Ranch have expressed their support for this project, concerns have been expressed by the only neighboring resident.

Factors in Favor of Allowing the Special Use:

1. This utility-scale project would offer a clean and renewable source of energy that would enable Cochise County to participate in achieving the ACC mandate for 15% renewable energy production by 2025;
2. Cochise County enjoys abundant solar resources and offers large tracts of suitable land for this type of development;
3. The project can meet the Solar Energy Power Plant site development standards for the Rural Zoning Districts;
4. The site is ideal from an industry perspective in that it is large, rural, flat, and offers unobstructed solar resources;
5. Post construction traffic would be minimal;
6. The project would offer employment opportunities; and
7. To date, the Department has received two (2) letters of support for the project.

Factors Against Approval of the Special Use:

1. At this time, the Applicant does not have the inter-connect agreement or the power purchase agreements in place;
2. One (1) letter of protest was received for this project.

VII. RECOMMENDATIONS

Based on the factors in favor of approval, Staff recommends **conditional approval**, subject to the following conditions:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. The Applicant shall apply for a building/use permit for the project within one (1) year of approval, such application to include a completed joint permit application and a revised site plan in conformance with all site development standards except those waived below. A permit must be issued within three (3) years of Special Use authorization, and if the Applicant does not demonstrate substantial construction progress on the project within one (1) year from the date of permit issuance, the Special Use authorization shall be considered for revocation at a public hearing before the Planning and Zoning Commission, or 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. Any changes to the approved Special Use (including any change to the solar energy power plant technology to be deployed) shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission; and
4. Prior to permit issuance, a legal means of access for the proposed solar power facility must be obtained.

Staff recommends the following Site Development Standard Modifications:

1. Section 604.04 which requires a maximum 25% site coverage; the Modification will waive the maximum site coverage requirements for this project.
2. Sections 1804.05 and 1804.06F, which requires defined parking and a definable driveway entry and exit; the Modification will waive defined parking stalls and a defined driveway for this project.

Sample Motion: "Mr. Chairman, I recommend approval of Docket SU-11-13, with the conditions of approval and modifications to Site Development Standards as recommended by Staff, with the factors in favor of approval constituting findings of fact."

VIII. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Citizen Review and Public Comment
- E. County Right of Way E-mail dated 12.20.11
- F. Transportation Planner Memo dated 12.26.11

**SPECIAL USE PERMIT
NARRATIVE REPORT
FOR
"RAINBOWS SOLAR ENERGY"**
Located in Cochise County, Arizona

Prepared For:

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Job # 11250
Prepared: December 2011

**NARRATIVE REPORT
"RAINBOWS SOLAR ENERGY"**

TABLE OF CONTENTS		PAGE
A	PURPOSE OF THE REQUEST.....	1
	A.1 Project Location.....	1
B	DESCRIPTION OF REQUEST.....	1
	B.1 Project Technology and Site Plan.....	1
	B.2 Existing and Proposed Uses.....	1
	B.3 Photovoltaic (PV) Technology.....	1
	B.4 PV Process Description.....	2
	B.5 Plant Operations.....	3
	B.6 Construction and Operation Workforce.....	4
C	IMPACTS TO SURROUNDING PROPERTIES.....	4
	C.1 Benefits to the Community Area.....	4
	C.2 Character of Proposed Use and Recent Changes to Support Use.....	5
D	LOCATION AND ACCESSIBILITY.....	5
	D.1 Project Location.....	5
	D.2 Project Accessibility.....	6
E	OUTDOOR ACTIVITIES / OFF-SITE IMPACTS.....	6
	E.1 PV Site Circulation.....	6
	E.2 Off-site Activity.....	6
F	DEVELOPMENT SCHEDULE AND PHASING.....	8
G	COMMUNITY FACILITIES AND SERVICES.....	9
H	PUBLIC UTILITIES AND SERVICES.....	9
I	OTHER INFORMATION.....	9

Attachments

- Exhibit "A" – Vicinity Map
- Exhibit "B" – Site Plan

- Appendix A – Citizen Review

A. PURPOSE OF THE REQUEST

Rainbows Solar Energy, LLC, a Limited Liability Company (“Applicant”) is proposing to construct a solar facility (“Rainbows Solar” or “Project”), on property located in Cochise County, Arizona. At this time, the Applicant is requesting a Special Use Permit for the Project with the understanding that a building permit is required before commencing construction.

The Project is a solar power electric generating facility that will use Photovoltaic (“PV”) technology. The Applicant believes that it is very beneficial to Cochise County and the State of Arizona to permit this solar plant and requests Cochise County’s support. It is expected that this Project will be constructed in one phase within one year of starting construction and there is a possibility of Phase 2 if there is enough capacity at the existing APS San Pedro Substation.

A.1 Project Location

Rainbows Solar is located in the southern portion of Cochise County, more specifically 1.2 miles north of State Highway 80 and 1 mile east of Central Hwy. The legal description for Rainbow’s End Solar is the west half of Section 35 of Township 23 South, Range 26 East of the Gila and Salt River Base and Meridian. The Project is located on approximately 320.79 acres, most of which is vacant grazing land. Equipment and facilities have been arranged for optimum use of the Project property as well as to ensure operability, maintainability and safety. Exhibit “A” depicts the general location of the Project.

B. DESCRIPTION OF REQUEST

B.1 Project Technology and Site Plan

The Applicant is presenting general information pertaining to a solar power electric generating facility that will use Photovoltaic (PV) technology. This document provides a general description of both single-axis tracking and fixed-tilt photovoltaic technologies.

B.2 Existing and Proposed Uses

The existing use of the property is agricultural grazing. The current property owner utilizes the property so that cattle can graze and get water. The proposed use of this property will be a solar energy generating facility, which is a permitted use in current zoning of RU-4 with a Special Use Permit.

B.3 Photovoltaic (PV) Technology – Property Activities

The Project will use proven PV module technology and Inverters, which change direct current (DC) to alternating current (AC), to produce three-phase, 60 Hz, utility-grade electric power directly from the sunlight. The Project will use a PV module and support structure design that is readily scalable to the Project's size. The output power from all of the individual Inverter Blocks will be combined together and stepped up to 12kv on the project site. The power will then be transmitted 1.5 miles via a distribution line to

the existing APS San Pedro Substation. It is anticipated that the Project will be designed to produce a maximum net electrical output of 20 MW AC. The Project will not incorporate energy storage and as a result, the actual power output of the PV Project will fluctuate in proportion to the amount of solar radiation that reaches the surface of the PV modules at any given time. If the average household uses 1000w the Project would supply clean energy for 20,000 homes.

The proposed layout will show the location and size of the equipment and improvements, including access roads, transmission lines and the common services area. Details of the common services area include the plant switchyard, maintenance building, and site parking.

The operations and maintenance building will include space for: Electrical, Supervisory Data Acquisition and Control (SCADA), and communication equipment, Plant maintenance operations, equipment, and Storage Offices.

Solar Photovoltaic Electric Generating System Description

The project will produce up to 20MW AC. The actual number of modules in the PV field will vary depending on the type of module and the number of peak power production hours required. The modules will input DC power into a number of inverters. The PV system's maximum AC output is limited to the sum of the rated outputs of each inverter in the system, minus transformer and wiring inefficiencies. Thus, the maximum AC output of the entire system will not exceed 20MW AC at the point of interconnection.

The project will consist of PV modules mounted on steel support structures that are anchored to or driven into the ground. The anchoring may be done with poured concrete piers, driven metal piers, augured metal piers, or at-grade concrete ballast blocks, depending on soil conditions.

B.4 PV Process Description

This section describes the power generation process employed by the PV Project. The power generating system consists of:

- PV modules
- Module supporting structures
- Fused combiner boxes
- DC-to-AC power Inverters
- AC Switchgear to combine the inverter outputs
- Step-up transformer(s)
- Associated wiring and circuit protection

The project will use the PV conversion process, described as follows:

Process 1 - DC System: PV modules have cells that convert the photon energy of the sunlight into DC electrical energy. The PV cells are an electrically connected series similar to the battery cells in a flashlight (positive to negative, positive to negative). Each

PV module has a positive and a negative wire exiting a junction box on the back of the module. A number of modules are wired together in series into a group called a "string". The length of the string is determined by the output voltage of the combined PV modules and the working input voltage range of the DC-to-AC inverter. Strings of modules are fused and combined together inside Combiner Boxes. Groups of Combiner Boxes are then wired to the inputs of the Inverters. The number of Combiner Boxes wired together is determined by the Inverter's rated input capacity.

Process 2 - DC to AC conversion: An inverter is a solid-state power conditioning device designed for use with solar PV modules. It uses high frequency switching technology to build a sinusoidal AC output waveform from a DC input. The Inverter uses the AC utility grid as a voltage reference and then generates AC current in parallel to the reference. The Inverter does not generate its own voltage reference. Therefore, the Inverter must have the grid available at all times in order to operate. Should the Inverter lose the grid reference, the inverter shuts off. When the grid returns, the Inverter reconnects to the grid reference, waits a pre-programmed delay time before startup, and then ramps up its power output to the level of the DC input power available. The Inverter is fully automatic and has only one mode of operation, namely Grid Export Mode, where it exports power to the grid when the DC output from the solar array is available. Inverters are grouped together in Inverter Blocks, surrounded by their associated PV modules.

Process 3 - Each Inverter's AC output voltage is stepped-up to a medium voltage intermediate step-up transformer (IST) for economical transfer of power from the Inverter Blocks across the Project site to the point of aggregation. The IST will be a medium voltage oil-filled or dry-type transformer. In the case of oil-filled transformers, the oil will be contained in the case of a spill or leak by a concrete containment area. The power output of the inverter blocks is transmitted in underground cable to medium voltage switchgear located in or adjacent to the operations and maintenance building.

B.5 Plant Operations

PV Plant Operations

The PV Project will provide electric power to the grid during daylight hours, from shortly after sunrise until shortly before sunset. Solar power generation follows the intensity of the solar radiation. Therefore, power production is generally a bell curve with a peak that is from late morning to early evening, which is typically the periods of peak grid electrical load. As previously mentioned, no energy storage alternatives are included in the PV system design, so it is not able to have extended run times nor can it shift energy to the peak system load periods. There is no back-up source of generation. The PV Project is powered only by the available sunlight.

The number of operating hours for a PV system is dependent on the local solar radiation available. The PV Project will operate up to 4,300 hours per year; just slightly less than the total number of daylight hours in a year. Facility generation capabilities vary throughout the year with the most significant impacts caused by ambient temperature and sun incidence angle. Higher ambient temperatures will reduce the efficiency of the solar modules and will therefore reduce the Project's output. Lower ambient

temperatures will increase module efficiency, but the Project's output is limited to the sum of the Inverter's rated power outputs. Cloud cover, rain, or airborne particulates will reduce the amount of sunlight reaching the solar modules and will therefore reduce the Project's output power at that time, but a small amount of power will be generated even during overcast conditions. The actual annual operating hours and electricity produced by the Project will be determined by the local weather conditions.

B.6 Construction and Operation Workforce

B.6.a PV Construction

Sufficient number of laborers, skilled craft, and startup personnel will be required to complete construction of the Project including overall Project and site management. To the extent possible, skilled craft and laborers will be drawn from the local area with construction management and startup functions. During construction, it is anticipated that there will be over 50 workers.

B.6.b PV Operation

There will be a few operational and maintenance jobs for the life of the Project. It is intended that the operation of this facility will consist of all daylight hours, or approximately 5 am to 7 pm, depending on the season. Operation of the facility might necessitate 2-3 employees for maintenance and cleaning purposes.

C. IMPACTS TO NEIGHBORING PROPERTIES

C.1 Benefits to the Community Area and Services Provided

The Project will benefit the public in several ways. There will be socioeconomic benefits derived from the Project. In the short term, construction will provide employment opportunities and the construction work force will increase revenues in the retail and service sectors of the economy. There will also be a handful of permanent jobs created for the operations and maintenance of the facility.

The Project will provide tax revenues to the County and State. The Project will interconnect to the electric grid providing a more robust and reliable electric service system. It will also help meet the demand for renewable energy and lower the dependence on fossil fuels.

With the region's excellent solar radiation, the State of Arizona has been actively encouraging development of large scale solar energy projects. Siting solar energy projects can be difficult and requires consideration of other characteristics to ensure that a project is commercially viable. Some of those factors include:

- Large contiguous areas of flat or nearly flat land.
- Compatible zoning or land use designations on project lands and nearby lands. Absence of sensitive resources such as high quality habitat for sensitive or protected species or other wildlife.
- Proximity to existing electrical substations and transmission infrastructure.

Consideration of all these criteria significantly reduces the areas where commercially viable solar energy development is possible which, in turn, highlights the importance of allowing these developments on lands where these criteria are all satisfied. Allowing this use in an area that already has electric power facilities to tie into would provide an excellent location for solar development and would constitute an improvement to the Land Use because the subject lands have the necessary characteristics that make them very suitable for solar energy generation. Furthermore, it would make better use of the subject lands than their current use, which is vacant grazing land.

The general area contains significant local electrical infrastructure including transmission lines, substations, and switchyards. The existence of the existing transmission lines and a nearby substation will allow the proposed solar energy facility to be plugged into the regional electrical system without the development of significant new transmission.

Development of the subject property for a Solar Energy facility would take advantage of these key elements associated with the subject lands. In addition, the development of solar energy resources on these lands also will help the State of Arizona meet their stated goals for increasing the percentage of the State's power provided by renewable resources such as solar. This is referred to as the Renewable Portfolio Standard (RPS). In 2006, the Arizona Corporation Commission (ACC) indicated that the goal was for 15 percent of Arizona's energy to be provided by renewable sources by 2025. The development of Industrial solar Energy facility on the subject lands will contribute to meeting the State's goal for renewable energy.

C.2 Character of Proposed Use and Recent Changes to Support Use

The properties adjacent to the Project are rural residential designated areas. There are also linear facilities such as distribution power lines that traverse the overall area.

The Project Site supports the use and was selected for the following reasons:

The majority of the Project site is located on private land which is currently vacant. The existing APS substation is close to the site (1.5 miles) avoiding the need for the project to construct a long generation tie line.

In summary, the proposed use of the Property for the Project will not conflict with existing or allowed land uses in the area.

D. LOCATION AND ACCESSIBILITY

D.1 Project Location

The Rainbow's End Solar is located in the southern portion of Cochise County, approximately 1¼ miles north of State Highway 80, and 1 mile east of Central Highway. The Project is located on approximately 320.79 acres, most of which is vacant grazing

land. The legal description for Rainbow's End Solar is the west half of Section 35 of Township 23 South, Range 26 East.

D.2 Project Accessibility

The off-site access to the Project will be from Central Highway to the Southwest portion of the project area. The access road will be used by construction personnel during the construction of the facility and by operations and maintenance crews during the operational life of the plant. This road will be maintained and improved as needed for the implementation of this project. It is anticipated that the traffic generated by the employees of the facility during the operation period will be 1 or fewer trips per day on average, with peak in the mornings and afternoons, which may consist of small maintenance trucks. Thus the traffic impact is expected to be negligible. Traffic may increase during or after periods of excessive rain and dust, but the total number of trips will remain minimal.

E. OUTDOOR ACTIVITIES / OFF-SITE IMPACTS

E.1 PV Site Circulation

The access and interior roads will be gravel surfaced. The solar field will remain unpaved. Circulation will be simple and consist of entering and exiting the site through easements off of Central Highway. Construction and maintenance personnel will enter and exit the site at the same location.

E.2 Off-Site Activity

Outdoor activities include periodic cleaning and maintenance of the facility. Storage of the equipment and materials will be in the maintenance building.

Outdoor lighting is not proposed at this time, but can be incorporated in the future if needed.

Offsite improvements may/will include roadway improvements and utility installation (power lines and poles) and any necessary upgrades to the existing APS San Pedro substation.

Access to the Project will connect from Central Highway to the southwest corner of the project area and will provide access and circulation to and from the site.

Construction

All equipment, permanent materials, and commodities for the Project will be transported to the site via roadways.

Initially, there will be construction activity which will occur as part of the proposed use. After construction, there will be minor maintenance by solar facility employees to clean and maintain the property. During construction, there is a potential for dust and noise. This noise will be created mostly by large vehicles delivering the equipment. The actual construction is not anticipated to create a significant increase in noise. There will be no

vibrations produced and no odors created or felt on the neighboring properties from the onsite activities.

There are no activities which will attract the pests, such as flies or mosquitoes to the neighboring properties. There are no existing buildings and all existing structures consist of fencing and a water tank located along the western boundary. Fencing will be removed as needed and the water tank will remain. There are no signboards which presently exist on the property.

It is anticipated that the surface used for driveways, parking and loading areas will be the same as what is currently used, which is gravel. It is not proposed at this time to improve or upgrade the existing access roads except to comply with Cochise County minimum roadway standards and as needed by the project vehicular demands.

Truck deliveries of equipment and materials will occur during the entire construction period and to a limited extent over the plant operating life. Initial truck deliveries will include haul trucks for importing engineered fill materials, as required, followed by concrete trucks for installation of major foundations, and deliveries of reinforcing steel. Piping materials for buried piping will be delivered to the Project Site early in the construction period corresponding to approximately the time frame for foundation installation. Deliveries of large major equipment will commence at about midpoint of the construction period.

Deliveries of mounting structures and PV modules will commence at regular intervals after a significant portion of the grading plan has been completed.

The onsite drainage will be in the form of sheet flow and does not change the natural flow pattern on the site. PLEASE SEE THE SITE PLAN AND GRADING & DRAINAGE PLAN FOR DETAILS.

Traffic Impacts

Construction lay down and parking needs will exist throughout the duration of construction of the Project. However, the areas required to serve those needs will decrease as the Project nears completion. The Project will locate construction parking and lay down within the limits of the Project, and not require lands outside the limits of the Project. Initially, a parking and lay down area will be located near the switchyard section of the Project. Additional designated lay down and parking areas may be located elsewhere within the Project limits to facilitate the staging of labor, equipment and materials.

F. DEVELOPMENT SCHEDULE AND PHASING

It is the intent of the Applicant to obtain all pre-construction permits within 1 year of SUP approval. The EPC contractor will prepare and submit construction specific permits prior to the start of construction. The Applicant is anticipating starting construction by the end of 2012. The sections below include discussions of the construction schedule and phasing of the Project

PV Development Schedule

The Project is expected to be constructed in one phase, however if phasing is used, the objective is to build portions of the proposed Project that can be interconnected with the grid and be fully operational while the remaining phases are constructed. The first segment of the Project would include construction of access roads, grading and drainage improvements, the common services area, the security system, the switchyard, etc.

The Project will be constructed by construction contractor(s) who will typically perform the engineering, procurement, and construction (EPC) of the Project. The EPC contractor(s) will be responsible for the complete design of the Project and procurement of the equipment.

Temporary construction lay down, construction trailers and parking areas will be provided within the Project Site. Due to the size of the Project Site, the solar field lay down area will be relocated periodically as the Solar Field is built. The construction sequence for power plant construction includes the following general steps:

Site Preparation: This includes detailed construction surveys, mobilization of construction staff, grading, and preparation of drainage features. Exhibit "B" depicts the Site Plan details of the project. Grading for the solar field, inverter blocks, and hydrology mitigation will be completed during the first six to nine months of the construction schedule.

Foundations: This includes excavations for large equipment (GSU, Inverter Block foundations, etc.), footings for the solar field, and other foundations for maintenance equipment and buildings.

Major Equipment Installation: Once the foundations are complete the larger equipment will be installed. The solar field components will be assembled onsite and installed on their foundations.

Basic Operations: With the major equipment in place, the remaining field work will be piping, electrical, and smaller component installations.

Testing and Commissioning: Testing of subsystems will be done as they are completed. Major equipment will be tested once all supporting subsystems are installed and tested. The field construction schedule from site mobilization to commercial operation of the Project is expected to be less than 18 months. Depending on equipment fabrication and delivery durations, detailed engineering and procurement activities are initiated up to nine (9) months in advance of site mobilization to assure that equipment deliveries occur to support the construction schedule.

G. COMMUNITY FACILITIES AND SERVICES

Community facilities and services will not be applicable to the Project because the Project will not generate the need for additional schools, parks, recreational facilities or other amenities within the area.

The positive economic benefits from the Project will help support the County's school and recreational system, will have a strong positive fiscal impact which (through taxes and other revenues), will help pay for a variety of community facilities and services. Neither the type of use or intensity of the use would trigger the need for additional public services such as parks, schools, or other amenities.

H. PUBLIC UTILITIES AND SERVICES

The proposed development is an extensive solar energy facility that will produce electricity to be incorporated into the existing system. Depending on the current demand and capacity experienced by APS, there is a possibility that the Applicant will be required to improve the existing electrical infrastructure. Such improvements may include transmission lines, substation expansion, etc. These improvements shall be determined by the Applicant's appointed electrical engineer and APS.

Other than that developed by Cochise County Community College, there are limited developed infrastructure and services in the immediate Project area. There is no developed water system, except for private wells and distribution lines, and currently sanitary sewer is limited to on-site septic systems with no municipality infrastructure established.

This Project will not be dependent upon the County for water, sewer or other utilities, facilities or services, except for law enforcement through the County Sheriff's Office and fire protection through Douglas Fire. There will not be a need for additional public utilities, facilities and services, thus this Project has no demand on these non-existent facilities. The positive economic and fiscal benefits of this development will help support public infrastructure.

I. OTHER INFORMATION

Water Conservation and Land Clearing

It is important to the Applicant that all potential environmental impacts of the Project are minimized and mitigated. At this time, it is not proposed to provide any form of potable or non-potable water source during the development of this project. Thus the existing water table conditions for this area will be maintained.

Although the proposed SUP is approximately 320 acres total, it is proposed at this time that less than $\frac{3}{4}$ of that area will be utilized for solar power generation and the remaining area will be left in its current state. Considering the topography of the site, it is not anticipated that erosion will be a problem as the property is very flat with a gradual slope to the northeast. It is not expected that runoff sheet flow velocities will

be excessive enough to warrant erosion protection to the site. Dust control will be a concern for only the construction phase of the project and is proposed to be mitigated by water trucks, or other measures, to reduce the potential for airborne particles. The daily operation of the site should likely not produce dust or any significant airborne particles.

Hazardous and Polluting Materials

It is important to note that the Applicant does not propose to use hazardous materials for the construction phase or the operation phase of the project. Pollutants of this kind will not be utilized.

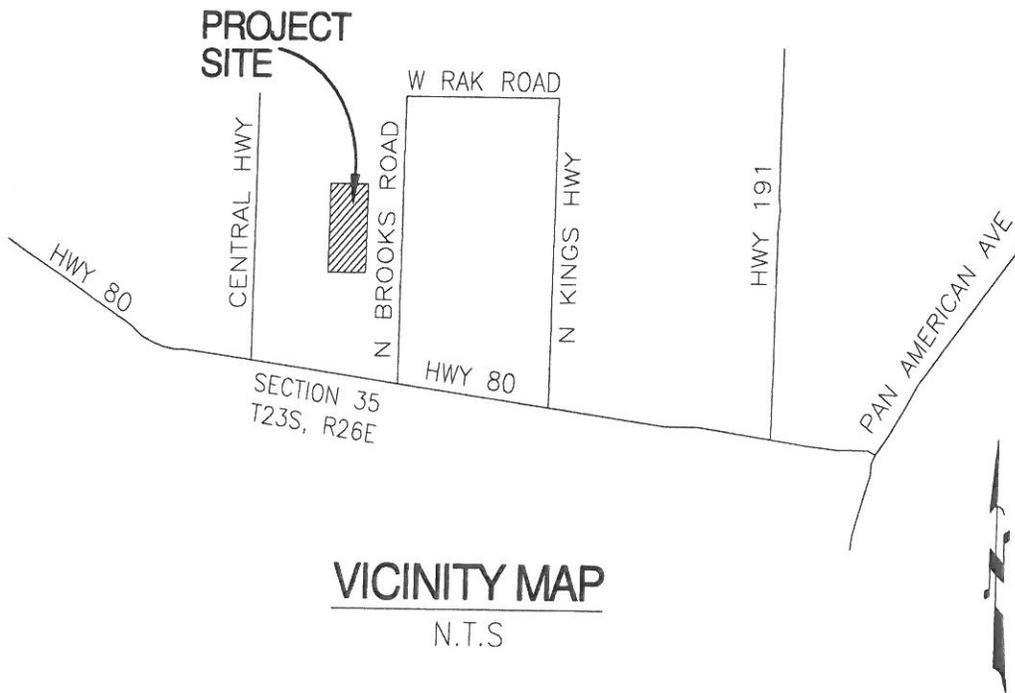
Other Environmental Factors

It is understood by the Applicant the importance to establish a plan that will help protect the environment that currently exists on the property. It is imperative to identify objectives that will ensure protection for the County's air, water, land and cultural resources. All such resources have been further defined as follows:

- Air Resources: attainment of a level of air quality that will bring Cochise County into compliance with federal standards and development of measures to reduce noise pollution.
- Water Resources: rivers, streams, lakes, floodplains, and wetlands / riparian areas.
- Land Resources: vegetation, wildlife, habitat, contaminated soils, topography, geology, and areas reserved for recreation, open space and scenic quality.
- Cultural Resources: archeological resources, historical sites, and architecturally significant places.

Several of these resources will only be affected during construction and will not be impacted during operations. In order to comply with air quality standards, during construction appropriate precautions will be taken to reduce the potential for airborne dust produced by vehicles driven on dirt and temporary roads. One possible method that could be implemented is to water-spray the drivable areas. After construction, the access roads will not be driven as frequently as during construction, nor will it be occupied by as many vehicles. Noise pollution will not be a factor since the facilities do not produce sound. This development does not fall within a designated FEMA floodplain.

EXHIBIT "A"



VICINITY MAP
N.T.S

SITE PLAN FOR "RAINBOWS SOLAR ENERGY" PART OF SECTION 35, TOWNSHIP 23 SOUTH, RANGE 26 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA

SUP LEGAL DESCRIPTION
THE WEST HALF OF SECTION 35, OF TOWNSHIP 23 SOUTH,
RANGE 26 EAST, OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, COCHISE COUNTY, ARIZONA.

SITE SUMMARY TABLE
GROSS AREA: 1330.79 ACRES
NET AREA: 1320.79 ACRES
PROPOSED ZONING: SPECIAL USE PERMIT (SUP)
EXISTING LAND USE: AG - ANIMAL GRAZING

REQUEST
SPECIAL USE PERMIT TO ALLOW FOR SOLAR ENERGY FACILITY
DEVELOPMENT.

FLOODPLAIN DATA
THIS PROPERTY IS LOCATED ENTIRELY WITHIN FLOODPLAIN
ZONE 1 AND IS REPORTED ON THE FLOOD INSURANCE RATE MAP
NUMBER 1 AND REVISION 1, DATED FEBRUARY 28, 2008.
ZONE 1 IS DESIGNATED AS THE SPECIAL FLOOD HAZARD
AREA AND IS SUBJECT TO SPECIAL FLOOD HAZARD
MANAGEMENT ORDINANCES AS SET FORTH IN THE
LOCAL ORDINANCES AND REGULATIONS OF THE
COCHISE COUNTY, ARIZONA.

ASSESSOR'S PARCEL NUMBER
APN 401-01-003

NOTE:
1. USE RIGHTS, EASEMENTS, RIGHTS OF WAY, AND OTHER
INTERESTS IN THE PROPERTY SHALL BE SHOWN ON THE
DEVELOPMENT, CONSTRUCTION, AND MAINTENANCE OF THE
FACILITY. THE DEVELOPER SHALL BE RESPONSIBLE FOR
OBTAINING ALL NECESSARY PERMITS AND APPROVALS
FOR THE PROJECT.
2. EXISTING UTILITIES ARE NOT SHOWN ON THIS PLAN, BUT
MAY BE PRESENT. THE DEVELOPER SHALL BE RESPONSIBLE
FOR LOCATING AND DEPTH TESTING ALL UTILITIES.
3. EXISTING LIGHTING IS NOT SHOWN ON THIS PLAN, BUT
MAY BE PRESENT. THE DEVELOPER SHALL BE RESPONSIBLE
FOR LOCATING AND DEPTH TESTING ALL UTILITIES.
4. ALL UTILITIES AND CONSTRUCTION, DUST CONTROL, AND
EROSION CONTROL SHALL BE PROVIDED BY THE DEVELOPER.
5. ALL UTILITIES AND CONSTRUCTION, DUST CONTROL, AND
EROSION CONTROL SHALL BE PROVIDED BY THE DEVELOPER.
6. ALL UTILITIES AND CONSTRUCTION, DUST CONTROL, AND
EROSION CONTROL SHALL BE PROVIDED BY THE DEVELOPER.

LEGEND	
---	BOUNDARY LINE
---	EXISTING SETBACK LINE (E.S.L.)
---	PROPOSED SETBACK LINE (P.S.L.)
---	SOLAR PANEL
---	PROPOSED ROAD
---	CONNECTOR
---	UNDERGROUND ELECTRIC
---	LINE BY AC
---	ABOVE GROUND ELECTRIC
---	LINE BY AC
---	PROPOSED RETENTION BASIN
---	EXISTING CONTOUR
---	EXISTING GROUND ELEV.
---	PROPOSED FRESH GRADE
---	EXISTING WELL
---	EXISTING POWER POLE
---	EXISTING GAS SYSTEM
---	PROPOSED FENCE LINE
---	EXISTING FENCE



DEVELOPER / OWNER
RAINBOWS SOLAR ENERGY, LLC
2435 OLIVAR BOULEVARD, SUITE 500
MESA, AZ 85205
PHONE: 480-310-2200
ATTN: JOSHUA FIELDS

ENGINEER
KINETIX ENGINEERING
CONSULTATION
2435 OLIVAR BOULEVARD, SUITE 500
MESA, AZ 85205
PHONE: 480-310-2200
ATTN: DAVID N. BOON

SURVEYOR
ALL PRO SURVEYING, INC.
2435 OLIVAR BOULEVARD, SUITE 101
MESA, ARIZONA 85205
PHONE: 480-310-2200
ATTN: ROBERT WAGNER

SHEET INDEX
1 - COVER SHEET
2 - GRADING AND DRAINAGE PLANS
3 - SITE PLANS

SERVICE PROVIDERS
WATER SERVICES
SEWER
SEPTIC

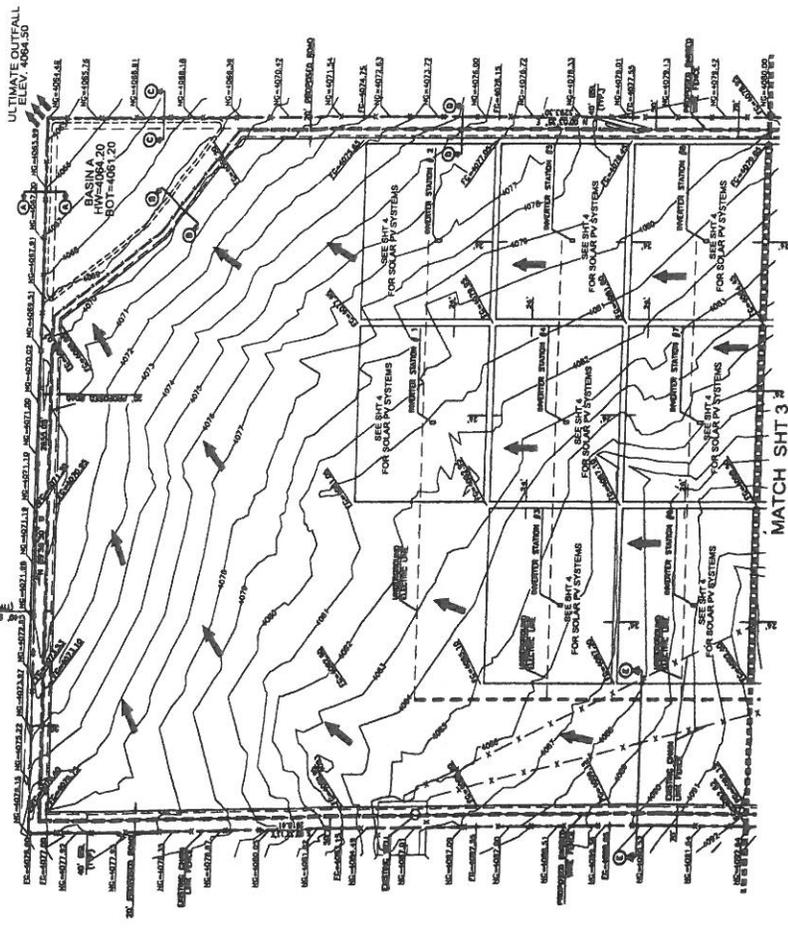
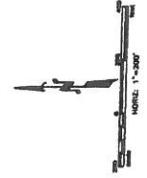
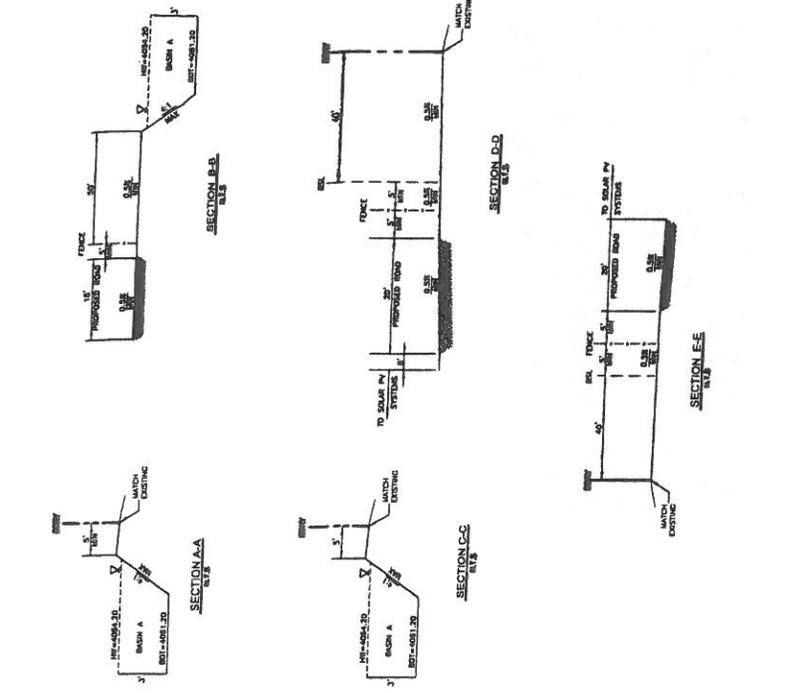


KEY MAP
1-3007

 KINETIX ENGINEERING CONSULTATION 2701 CENTER STREET MESA, ARIZONA 85205 PHONE: 480-310-2200 FAX: 480-444-3571	COVER SHEET PROJECT: "RAINBOWS SOLAR ENERGY" COCHISE COUNTY, ARIZONA	PROJECT NO.: 11250 SHEET NO.: 1 1 OF 5	
--	---	--	--

53

104



AREA	COMPUTED AREA (ACRES)	ACTUAL AREA REQUIRED (AC-PT)	BASE	AREA (SQ FT)	AREA (SQ FT)	DEPTH (FT)	STATION PROVIDED (AC-PT)	CHECKS (FT)
1.0000 - 1.0000	17.31	17.31	A	292,180	292,143	3.0	18.10	1.18
TOTAL	200.29	17.31					10.10	1.18

C
58

SPECIAL USE: Docket SU-11-13 (Rainbow Solar Energy)

YES, I SUPPORT THIS REQUEST.

Please state your reasons: THIS PROJECT SHOULD BE GOOD

FOR THE COUNTY AND THE COMMUNITY AND THE
ENVIRONMENT

THE SUBJECT PROPERTY IS IN SECTION 35
NOT 34 AS STATED IN 3RD PARAGRAPH OF LETTER

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

RAINBOW'S END PUNCH COCHISE, LP

SIGNATURE(S):

[Handwritten Signature]

MANAGER

407-01-005

407-61-002

YOUR TAX PARCEL NUMBER:

407-01-000

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

YOUR ADDRESS

P.O. Box 2050 BASTROP, TX 78602

Upon submission of this form or any other correspondence, it 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 December 5, 2011 if you wish the Commission to consider them before the meeting. We can not 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: Beverly Wilson, Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: bjwilson@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY
DEC 05 2011
PLANNING

D
4162

**SPECIAL USE: Docket SU-11-13
(Rainbow Solar Energy)**

COCHISE COUNTY

NOV 29 2011

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: Attached letter + map

(Attach additional sheets, if necessary)

PRINT NAME(S): MADÉLINE CAROL RIGGS

SIGNATURE(S): Madeline Carol Riggs

YOUR TAX PARCEL NUMBER: 407-01-00605 (the eight-digit identification number found on the tax statement from the Assessor's Office) 407-01-00606

YOUR ADDRESS 4466 N. Brooks Rd Douglas, AZ 85607

Upon submission of this form or any other correspondence, it 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 December 5, 2011 if you wish the Commission to consider them before the meeting. We can not 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.**

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1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: bjwilson@cochise.az.gov
Fax: (520) 432-9278

48 D 63

Madeline Carol Riggs
4466 N. Brooks Rd.
Douglas, Az. 85607

Community Development Department
Planning, Zoning, and Building Safety
1415 Melody Lane
Bisbee Az. 85603

Dear Commissioners,

I do not Support Docket SU-11-13 the Rainbow Solar Facility. Please consider the following points:

1) The Facility is right up to my property line and is less than 50 yards from my home.

2) I have talked to Phillip Leiendecker, he says that a facility like this one would decrease the value of my home and land. If I would want to sell in the future, I would not have the value that it is currently.

3) The project would also change the run off of water, which flows west to east toward my fields and pastures. This water irrigates two of the fields and fills a dirt stock tank. If they put in berms, this could also cause flooding around them. Which would take out the Gazelles next door.

4) They will also need to take out all the vegetation and streams to level the area. This will create a lot of dust and noise during construction. After they are done it will cause blowing dust during storms.

5) Rainbow's End is a large ranch. There are other places on that property that would be more suitable. Maybe off Central Hwy. that already has power lines along the road.

Thank you for your consideration in this matter. My home and land mean the world to me.

Sincerely,

Madeline Carol Riggs

D
42 64



Proposed Site

Image © 2011 GeoEye

80



160
25

**SPECIAL USE: Docket SU-11-13
(Rainbow Solar Energy)**

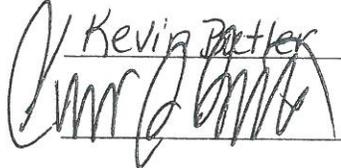
COCHISE COUNTY
NOV 29 2011
PLANNING

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

Please see attached.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): Kevin Patten
SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 407-61-010 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 4190 W. Highway 80, Douglas, AZ 85607

Upon submission of this form or any other correspondence, it 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 December 5, 2011 if you wish the Commission to consider them before the meeting. We can not 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.**

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Bisbee, AZ 85603
Email: bjwilson@cochise.az.gov
Fax: (520) 432-9278

*D
66*

In general, Cochise County Community College District is supportive of the request for Special Use Permit to construct a 20MW photovoltaic facility on the parcel northeast of our Douglas campus. The District believes that renewable energy technologies are future-focused. They create potential emerging job markets for our students and generate clean energy for our communities. Our one concern, however, is any interference the facility might have on our airport operations. In addition to being a public use airport, the Cochise College Airport is used by a larger number of student pilots. The safety of our student pilots is foremost in our operations. The developer needs to ensure that aviation compatible materials are used on the facility and that the facility is situated on the proposed property to create minimal hazards to the pilots using the Airport.

D 3/6/67

From: Couchenour, Terry E.Jr
Sent: Tuesday, December 20, 2011 3:48 PM
To: Wilson, Beverly
Cc: Lamberton, Karen; Cratsenburg, Diane
Subject: RE: Resubmittal of the Rainbow Solar Energy proposal SU-11-13

Hello Beverly,

Regarding the need for right-of-way dedication for Central Highway, adequate right-of-way is in place. Central Highway is currently classified as a rural minor collector and has a 6/25/2008 ADT of 40. Within this area a right-of-way of 200' in width has been dedicated to the public with the exception of a small portion near Cochise College's runway which 80' in width was abandoned back to the College in 1993. The MapView/Gist dedication layer has been updated to show this dedication.

Similar to the previous alignment I was unable to find documentation for an existing easement for the private access road. I recommend that the applicant secure an easement. Per a previous telephone conversation with Mr. David Bohn, he indicated that access rights to the site are included in the purchase agreement of the site.

Terry Edward Couchenour
Right of Way Agent II
Highway and Floodplain

From: Wilson, Beverly
Sent: Tuesday, December 20, 2011 10:51 AM
To: 'jgalayda@land.az.gov'; 'Gretchen.kent@us.army.mil'; Lamberton, Karen; Cratsenburg, Diane; Riggs, Karen; Couchenour, Terry E.Jr; Flores, Dora; Rothrock, Rod; De La Torre, Carlos; Turisk, Mike; English, Ann; Pat Edie ; Ron Bemis ; Cruz Silva
Subject: Resubmittal of the Rainbow Solar Energy proposal SU-11-13
Importance: High

FYI - Short notice on this one - the proposed access has changed from North Brooks Road to North Central Highway. I need comments by 12.30 if possible! please and thank you - b

Beverly Wilson, Interim Planning Manager
Cochise County Community Development Department
Planning, Zoning and Building Safety
1415 Melody Lane, Building E, Bisbee, AZ 85603
520.432.9240 Fax 520.432.9278
bjwilson@cochise.az.gov

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

E 68



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos de la Torre, P.E., Community Development Director

MEMORANDUM

TO: Beverly Wilson, Interim Planning Manager

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Rainbow Solar Energy, LLC: SU-11-13\Parcel #407-01-005

DATE: December 29, 2011

The Applicant has proposed establishing a 20MW photovoltaic-type Solar Energy Plant in the Douglas area. There are no direct equivalents for this use in the ITE Manual, 8th edition. During the construction phase a number of trucks with up to 50 employees on the site are anticipated. Most of the traffic generated by this use will be during the construction phase; the Applicant estimates 2 - 3 employees providing maintenance and repair on the facility thereafter.

The area has been used for grazing in the past. It was noted during a site visit that both a closed gate and a cattle-guard are in place to prevent livestock from entering the county-maintained roadway.

There is an active publicly owned airport located on parcel #407-61-011, which is situated diagonally to the southwest of the proposed site that the Applicant should be aware of. Operated by Cochise College, this airport averages 129 aircraft operations a day with 15 based aircraft. The Applicant should ensure that their activities do not encroach upon protected airspace.

Access is proposed from State Highway 80 via North Central Highway. North Central Highway has a 20-foot cross-section and is a native-surfaced county-maintained roadway. A previous proposal considered the use of Brooks Road, also a county-maintained roadway but with a chip-sealed surface. Both Central Highway and Brooks Rd. have adequate right-of-way at this time. An existing cattleguard and gate are in place on the existing access road along the southern boundary of this parcel. The Option to Purchase agreement includes provisions for legal access on this road.

Recommendation

This use, once constructed, would likely have a minimal impact on the roadway network. The Applicant will need to address any concerns related to adjacent property uses (grazing and airport) at the commercial permit stage. Traffic impacts may change should the initial venture into a solar energy plant be successful and the solar plant expand.

The Applicant is strongly advised to contact the County's Highway and Floodplain Department at 520.432.9300 prior to applying for a commercial permit to obtain a Right-of-Way Encroachment Permit as well as obtain the appropriate design standards, including any needed culverts/drainage structures, for both their construction access and future site access roadway. Access roadways/driveways will likely need to be sufficient for two-way travel; however, exact design standards will be determined by the final project. Current standards do require a full commercial apron; however, the Applicant is advised that they can

discuss the access apron standards with the Highway Dept. and, if appropriate, request in writing an alternative design proposal with an explanation of why an adjustment to the commercial apron standard is justified for the County Engineer's review and possible approval.

The Applicant is advised that should construction activities for the proposed solar plant damage the roadway surface of North Central Highway the Applicant would be responsible for bringing the public roadway surface and/or shoulder edging back to existing or better condition. During the construction phase a water truck may also be needed to provide dust control on North Central Highway, the construction access road, and site. Should the Applicant choose to use a temporary construction access apron they will be required to bring the current cover material up to standards for the full width of the drivable space over any culverts that may be in place.

cc: Docket SU-11-13



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Senior Planner *(KD)*

For: Michael Turisk, Interim Planning Director *(MT)*

SUBJECT: Docket SU-11-14 (Enriquez)

DATE: January 3, 2012 for the January 11, 2012 Meeting

REQUEST FOR A SPECIAL USE

Docket SU-11-14 (Enriquez): The Applicant, Rosa Enriquez, currently operates Esther Adult Care Home, a permitted Residential Care Home in unincorporated Douglas, AZ. She now seeks Special Use authorization from the Planning and Zoning Commission in order upgrade the use to a Residential Care Institution, so that one additional resident may reside in the home. Residential Care Institutions are allowed by Special Use in an SR-12 District, per Section 806.09 of the Zoning Regulations.

The project site, located on Parcel No. 406-26-115, is located at 1770 E. Golf Course Road, in unincorporated Douglas, AZ.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

- Size:** 12,258 Square Feet
- Zoning:** SR-12 (Single Family Residential, 1 dwelling per 12,000 square feet)
- Growth Area:** Category B (Community Growth Area)
- Plan Designation:** Developing
- Area Plan:** None Applicable
- Existing Uses:** Residential Care Home
- Proposed Uses:** Upgrade to Residential Care Institution; no new construction proposed.

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-12	Undeveloped Land
South	N/A	Undeveloped Land (Incorporated Douglas)
East	SR-12	Undeveloped Land
West	SR-12	Undeveloped Land

II. PARCEL HISTORY

There are no zoning violations for the subject property.

2005 – Permit issued for construction of the existing 2,000 square foot home.

2009 – Permit issued for establishment of a Residential Care Home in the home.



Northward view of the Esther Adult Care Home on Golf Course Road.

III. SPECIAL USE REQUEST AND BACKGROUND

The Applicant, Rosa Enriquez, has operated the Residential Care Home on the property since it was permitted in early 2010. She now seeks to add one additional resident to the home. A Residential Care Home is defined in part by the number of persons residing at the facility (six or fewer). The addition of one or more residents to the facility means that the land use is no longer classified as a Residential Care Home, but rather a Residential Care Institution, in which seven or more persons may reside. The intent is to have the additional individual reside in the existing master bedroom.

The Citizen Review letter sent by the Applicant to neighbors indicated that she intended to add two additional residents to the home. Ms. Enriquez holds a license for an assisted living home from the state Department of Health Services for up to 10 persons, and believed she had adequate space to house two additional persons in the home. However, staff consultation with the Department’s Tucson team leader for licensure revealed that, due to the square footage constraints in the home, up to seven people may reside there under the license; an addition to the home or relocation to a larger facility would be required for more than seven individuals. Thus, though the Applicant would prefer to authorize two additional persons for the home, only one bed may be added to the facility in order to comply with the square-foot-per-resident ratio under state rules.

IV. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Six of the 10 criteria apply to this request. The project complies with four of the six applicable factors as submitted, but with the recommended conditions and requested modifications, would comply with each of the six applicable factors.

A. Compliance with Duly Adopted Plans: Not Applicable

The special use is consistent with master development plans, transportation plans or other land use plans if any have been adopted for the area encompassing the special use.

The project site is not within any such area.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed special use shall comply with one or more of the purposes stated in the "Purpose" section of the applicable zoning district and harmonious with existing development.

As an existing home providing permanent care for elderly individuals in a residential setting, the project would conform to Section 901.03, which states that the purpose of the SR District is to "provide for residential neighborhoods."



View of the existing access to Golf Course Road, where there is a gap in the pavement between the Applicant's driveway and the road travelway.

C. Development Along Major Streets: Not Applicable

The development limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

The project site is located along Golf Course Road, classified as a Rural Minor Access road in the County maintenance system. No new points of access are proposed.

D. Traffic Circulation Factors: Complies (Subject to Condition #2)

1. *The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102B3 (a-g) of the Comprehensive Plan.*
2. *The special use does not result in the use of any residential street for non-residential through traffic.*
3. *Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements, if warranted.*

Number 3, immediately above, is the most applicable consideration here. The site takes access from Golf Course Road, a County-maintained, paved roadway. Condition #2 would require the Applicant to obtain a right-of-way permit and install a commercial-grade apron connecting the driveway to the Golf Course Road travelway, prior to issuance of a certificate of occupancy.

E. Adequate Services and Infrastructure: Complies (Subject to Condition #2)

The following factors are used to determine if there are adequate services and infrastructure to serve the special use:

1. *The applicant has provided adequate information to evaluate the impacts on roads, other infrastructure and public facilities. The applicant must demonstrate that there are adequate provisions to address the impacts identified; the applicant shall provide data supporting the estimated traffic volume as part of the application.*
2. *If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the applicant has proposed a method to address these problems.*
3. *The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.*
4. *The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.*

Condition #2, which would require the Applicant to install a County-approved access apron to Golf Course Road, would ensure compliance with this factor.

F. Significant Site Development Standards: Complies (Subject to Condition #1 and Requested Modifications to Site Development Standards).

The special use adequately addresses the significant applicable site development standards, including development in or near a floodplain. The applicant has adequately justified any waivers requested from site development standards.

Staff does not, at this time, have an acceptable site plan for the proposed use. Attached is the plan used to permit the Residential Care Home on the property, which was processed as a residential permit not subject to commercial development standards as are Special Uses (See Attachment C). As part of Attachment C, staff has also included later site plan iterations and

exhibits provided by the Applicant. The latter focus primarily on the parking area design, without regard to the rest of the site.

Staff recommends Condition #1 to address this issue. This standard condition, recommended by staff for all Special Uses, requires that a new site plan be submitted prior to permit issuance.

Attached also is the Applicant's request for modifications to site development standards, most of which reflect the fact that the parcel was developed as a residential site on a small lot. The modification request and other correspondence is attached to this report (Attachment D); the modifications requested by the Applicant and staff are summarized below:

- A modification to the requirement that 5% of the site be landscaped (Section 1806.02.B);
- The standard requiring a paved surface for all parking and driveway areas (1804.07.C);
- The 6-foot tall screening required for non-residential uses abutting residential Districts in the SR District (904.06);
- The standard requiring parking area access to be limited to defined entry and exit driveways (1804.06.F.1);
- 24-foot two-way driveway width (1804.06.F.3);
- The standard requiring parking access to be at least 15 feet from an adjacent residentially-zoned site (1804.06.F.2);



Looking North at the Applicant's driveway and graveled parking area. The Applicant proposes to have some parking as well as the required HC parking space on the driveway, with additional parking on the gravel surface. The parking space surfacing modification request concerns the latter.

G. Public Input: Complies

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

H. Hazardous Materials: Not Applicable

I. Off-site Impacts: Complies

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights or storm water run-off.

As a facility intended to provide long term care and housing for the elderly, the Adult Care Home provides what is essentially a residential environment. Staff's view is that any discernable off-site impacts created by the existing or proposed use would be consistent with residential development.

J. Water Conservation: Not Applicable

The special use complies with the water conservation policies in Section 102E of the County Comprehensive Plan or any other adopted area plan.

The proposal would utilize existing fixtures in the home. No new construction is proposed.

V. PUBLIC COMMENT

Staff mailed notices to property owners within 1,000 feet of the subject property, posted the property as required, and published a legal notice on December 22, 2011. Within the 1,000-foot notification buffer, staff has received positive responses from two property owners, and opposition from one.

VI. SUMMARY AND RECOMMENDATIONS

Factors in Favor of Allowing the Special Use

1. The proposed use would provide a small measure of additional capacity for elderly residents of Cochise County.
2. The existing and proposed use is residential in nature, and is considered by staff to be low impact.
3. Staff has received two letters supporting the request.

Factor Against Approval

1. One neighbor has expressed opposition to the request.

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use request. Staff recommends such approval be subject to the following conditions:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. The Applicant shall apply for a building/use permit for the project within 30 days of approval, such application to include a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards except as modified by the Commission, and with Section 1705 of the

Zoning Regulations, the completed Special Use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;

2. Prior to issuance of a certificate of occupancy, the Applicant shall obtain a Right of Way Permit from County staff, and construct to County standards a commercial-grade apron connecting the property to the Golf Course Road travelway;
3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-11-14, with the conditions of approval as recommended by Staff, and modifications to development standards as requested by the Applicant; with the factors in favor of approval constituting findings of fact."*

VII. REQUESTED MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant has requested a number of modifications and waivers to development standards. These are listed in Section IV-F, above, and are attached to this Report (Attachment D). Staff supports the requested modifications due to the size and residential nature of the site, and its anticipated impact on adjacent properties.

VIII. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plans
- D. Requested Modifications and Correspondence
- E. Citizen Review and Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

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

SR-12

TAX PARCEL NUMBER: 406 26 115 ZONING DISTRICT ~~FD-3P~~

APPLICANT: Rosa Delia Enriquez

MAILING ADDRESS: 1770 E Golf Course Rd.

CONTACT TELEPHONE NUMBER: 500 364-6477

PROPERTY OWNER (IF OTHER THAN APPLICANT): _____

ADDRESS: _____

DATE SUBMITTED: 10/28/2011

Special Use Permit Public Hearing Fee (if applicable)

\$ _____

Building/Use Permit Fee

\$ _____

Total paid

\$ 300.00

PART ONE - REQUIRED SUBMITTALS

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

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

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

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

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

PART TWO - QUESTIONNAIRE

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

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

1. What is the existing use of the property? Residential Care home

2. What is the proposed use or improvement? add 2 more Adults

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? None

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

HAVE A RESIDENTIAL HOME WITH SIX (6) RESIDENTS

AND REQUESTING RIGHT (8) WILL NOT BE UNDER NO NEW CONSTRUCTION

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)

DONE

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

N/A

7. Provide the following information (when applicable):

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

B. Number of employees: Initially: 3 Future: 4
Number per shift Seasonal changes _____

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
2

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

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

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

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest
No traffic

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

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

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

F. Does your parcel have permanent legal access*? Yes No ___
 If no, what steps are you taking to obtain such access?

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

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

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

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

Attached _____ NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	DOUGLAS MUNICIPAL	
Sewer/Septic	SAME	
Electricity	APS	
Natural Gas	STATIONARY (COCHISE SUPPLY)	
Telephone	QWEST	
Fire Protection	DOUGLAS AZ	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

None

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

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

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

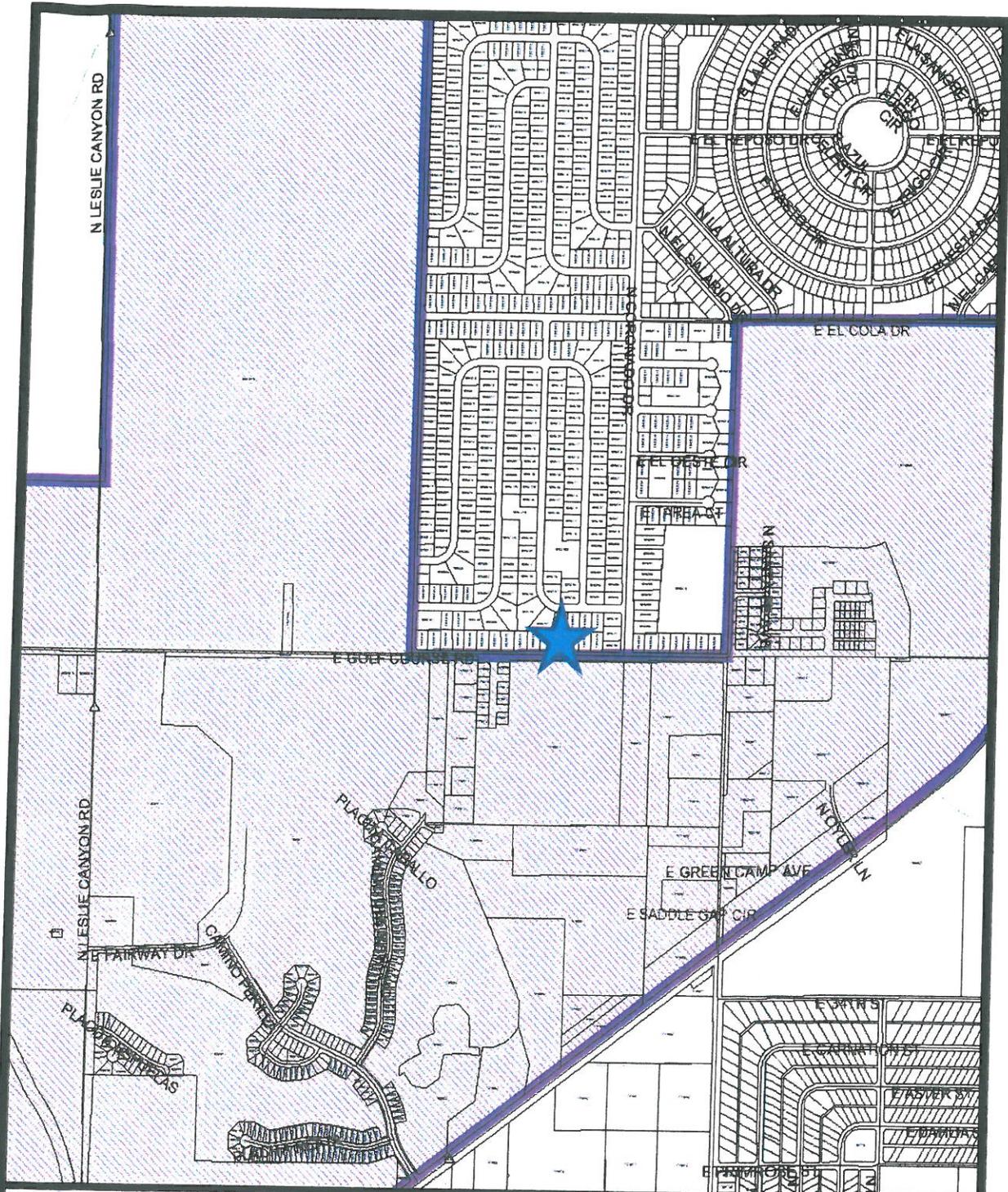
5. Will odors be created? Yes ___ No If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

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. _____



Docket SU-11-14
(Enriquez)
Location Map

This map is a product of the Cochise County GIS



©2014 2015-01-23 10:57:58
C:\C000000\GIS\Geoproc\Enriquez\Map\Map_Vis_Vis

This document is a graphic representation and is not available to the Cochise County Assessor to assess property for any other

B

85

APPROVED COCHISE COUNTY
PLANNING & ZONING

For 54R28007, ROY

Permit # 051513 Date 9/7/05

By PL [Signature]

The setback will be measured from the closest point on the property line or edge of road travelway to the structure/use, whichever is closer

110'

10' EASEMENT DK 669-519

60'

SITE BUILT HOUSE
2000 SQ FT LIVING
21' HIGH

ATTACHED GARAGE
800 SQ FT

DRIVEWAY GRAVEL

20' EASEMENT
DK 669-519

37.37'

All on-site residential outdoor light fixtures must comply with the "Cochise County Light Pollution Code." For a copy call (520) 432-9240

157.37

any plan due to local laws or regulations, any other County department, the site plan must be re-approved by the Planning Department BEFORE any construction begins.

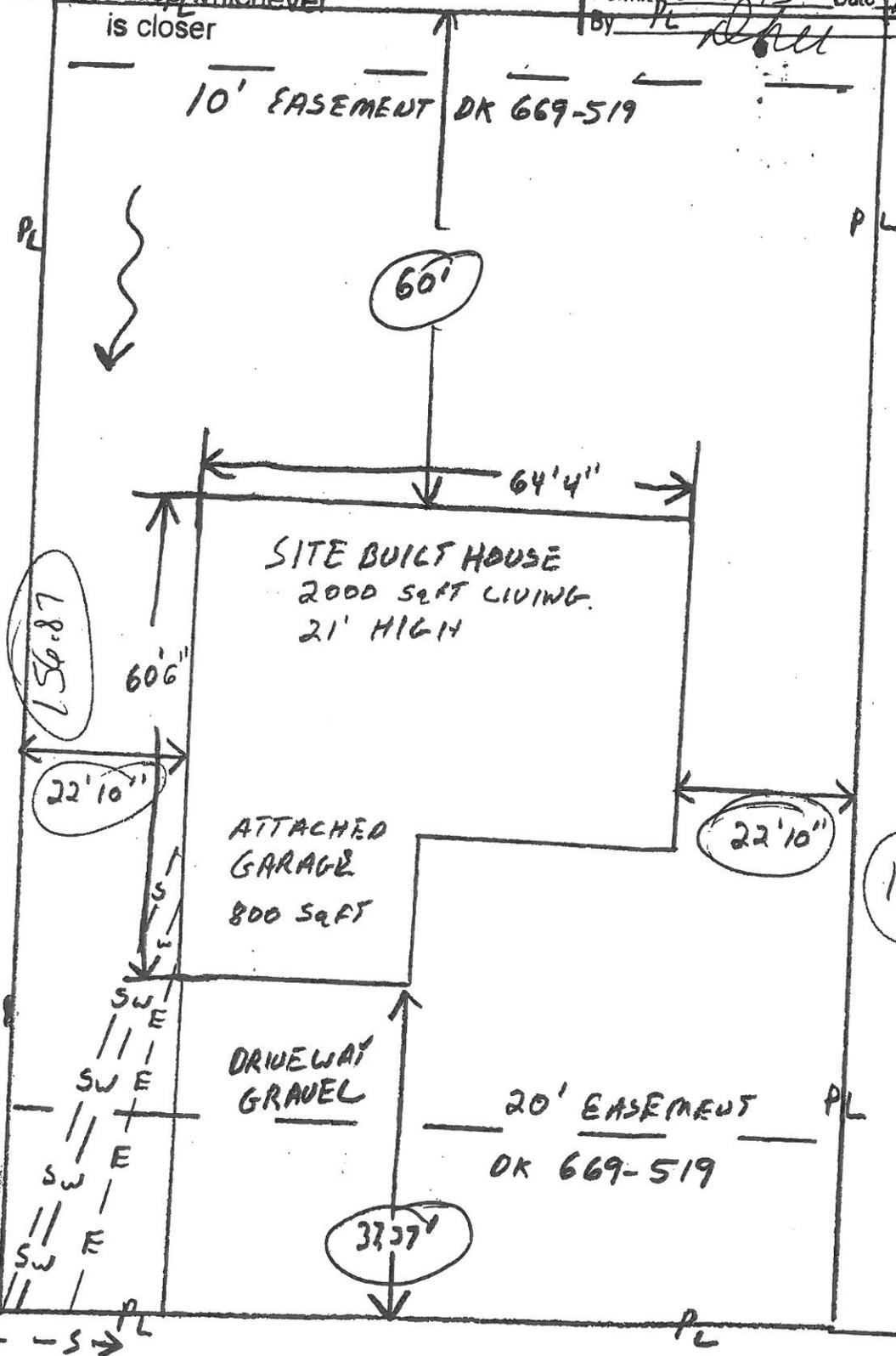
PL #:
06-26-115

10 WASHES
00'

ANDREW
[Signature]

No structure/use permitted herein shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easement pursuant to other federal, state or local laws or regulations

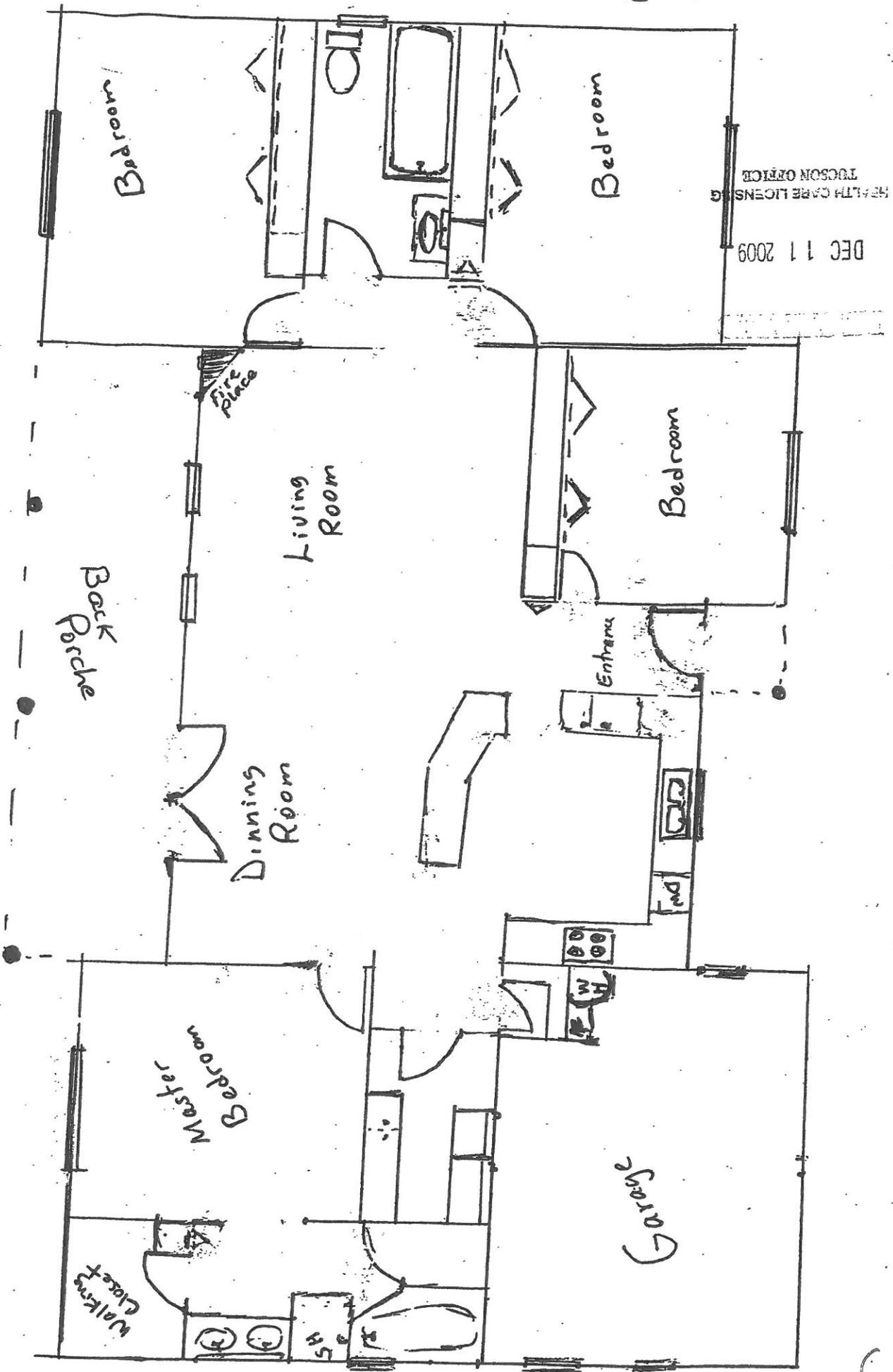
It is the applicant's responsibility to obtain any additional permits, or meet any additional conditions, if any that may be applicable to the proposed activity pursuant to other federal, state or local laws or regulations



GOLF COARSE ROAD
PAVED 26'
50'

C86

N ↑



HEALTH CARE LICENSE
 DEC 11 2009
 MISSOURI HEALTH CARE OFFICE

Golf Course Rd.

187

Dennis, Keith

From: Dennis, Keith
Sent: Monday, November 28, 2011 4:37 PM
To: 'gallito_83@hotmail.com'
Cc: Wilson, Beverly; Flores, Dora
Subject: SU-11-14 Enriquez Deficiencies and Modifications

Gallito,

Thank you for taking my call this afternoon in regards to your Aunt's proposed expansion of her residential care home. In reviewing the application and site plan today, I identified the following deficiencies. You can ask in writing to have most of these "modified" by the Commission, meaning that these requirements can be removed by the Planning Commission at the December 14, 2011 public hearing.

They are:

A 40-foot setback is required for all Special Uses in the SM District. This is one where you would want to ask for a modification, because the house is already less than 40 feet from the South, East and West sides.

A minimum of 5% of the site must be landscaped, including a 5-foot strip of planting along Golf Course Road.

One handicap parking space is required (and cannot be modified as it is a federal requirement).

A total of six regular parking spaces is required (1 space per 2 beds, plus 1 space per 2 employees: she mentions 8 beds for residents (4 spaces required) and 4 employees in the future (2 spaces required)).

All parking spaces must be 9' x 19'; the HC space must be 16' x 19'. All spaces must have 24' of clear backing space to back up a vehicle. You probably have enough space to fit the HC space and one regular parking space on the concrete driveway in front of the garage. The other spaces would have to go into the gravel next to the driveway or elsewhere.

The driveway to and from Golf Course Road must be limited to defined entry and exit areas.

Note: The number of required parking spaces is modifiable, and so is the 24-foot backing space requirement. The surface of all parking areas must be paved as well, unless the Commission grants a modification. I would suggest trying to fit as many 9' x 19' parking spaces on the site plan as possible, and asking the Commission to modify the standard to reflect what can be done on the site.

The North, East and West sides of the property must be screened with a 6-foot tall opaque screening device such as a block wall or privacy-link fence.

Thus, to summarize the development standards that the Commission can modify:

Setbacks (40-foot required on all sides);

Number of parking spaces (6 required);

Parking space size (9'x19');

Driveway width (24-feet for two-way);

Driveway and parking area surfacing (paved);

Defined entry/exit from driveways;

Parking area striping (if the gravel surface is allowed to remain no striping could take place there);

Screening (N, E, W);

Landscaping (5% of site plus 5-foot strip along road);

As for those things NOT modifiable by the Commission:

The one required HC parking space (16'x19', striped and marked, with a firm stable path to the building entrance);

A commercial-grade apron is required along the access to Golf Course Road. A Right-of-Way permit for work on Golf Course Road will be required prior to any construction of this access.

Additionally, we need to have a brief letter from the owner of the property, notarized, authorizing Ms. Enriquez to pursue this Special Use permit, so that it is known that she has the owners' permission to proceed.

Please take the time to revise the site plan to add some additional parking spaces including the HC space. Also, please make a note of the modifiable standards mentioned above, decide what you would like to ask the Commission to modify or waive, and send it back to me in writing so we can include it in the packet. The Commission will decide which modifications, if any, to allow. They may take them one at a time and allow some but not others; they may modify some standards to require something but not everything; or they may simply grant them altogether with little discussion. The best thing is to be prepared for all possibilities.

Thank you for your time and consideration.

Keith Dennis - Senior Planner
Cochise County Community Development
1415 Melody Lane
Bisbee AZ 85603
Phone (520) 432-9244
Fax (520) 432-9278

Dennis, Keith

From: Dennis, Keith
Sent: Wednesday, December 21, 2011 4:02 PM
To: 'GALLO Enriquez'
Cc: Wilson, Beverly
Subject: RE: SU-11-14 Enriquez Deficiencies and Modifications

This is good, thank you. I will need a new site plan, though, drawn up according to the site plan guide you have as well as the email I sent you last time.

How soon can you get that to me?

From: GALLO Enriquez [mailto:gallito_83@hotmail.com]
Sent: Sunday, December 18, 2011 4:00 PM
To: Dennis, Keith
Subject: RE: SU-11-14 Enriquez Deficiencies and Modifications

Dennis,

Thank you for your time in regards to our proposed expansion of our residential care home. In reviewing the application and site plan, I am requesting a modification of the following deficiencies. and I am asking in writing to have these modified by the Commission at the public hearing.

A 40-foot setback is required for all Special Uses in the SM District. I would want to ask for a modification, because the house is already less than 40 feet from the South, East and West sides.

A minimum of 5% of the site must be landscaped, including a 5-foot strip of planting along Golf Course Road.
we please ask to be modified.

We please ask to modify: The number of required parking spaces and so is the 24-foot backing space requirement. The surface of all parking areas must be paved as well, we please ask the commission to grant a modification of this as well. we are trying to fit as many 9' x 19' parking spaces on the site plan as possible, and we are asking to please modify the standards to reflect what can be done on the site.

The North, East and West sides of the property that was asked to be screened with a 6-foot tall opaque screening device such as a block wall or privacy-link fence. We please ask to be modified as well.

Dennis, Keith

From: GALLO Enriquez [gallito_83@hotmail.com]
Sent: Monday, January 02, 2012 8:59 PM
To: Dennis, Keith
Subject: RE: SU-11-14 Enriquez/parkings, site plan and property owners authorization

DENNIS

On behalf of Esther Adult Care home we inform the commission and yourself that we intend to provide seven parking spaces, one handicap wich will be the closest to the front door entrance on existing asphalt, also as you are facing north wich you would be looking at the garage doors left to the handicap parking on existing aspalt would be parking 1 of 6. Left to parking 1 is parking 2 of 6. Following parkings 3,4,5 and 6 will be lined up as you face east of garage doors wich are in existing gravel. and in the case of existing gravel does not pass will like to request a modification for parkings in existing paved gravel.

note:
a site plan will be faxed to your office along with property owners authorization letter

Thank YOU FOR YOUR TIME IN THIS MATTER!!
Esther Adult Care Home
1770 E Golf Course RD
520-364-6477

From: KDennis@cochise.az.gov
To: gallito_83@hotmail.com
CC: BJWilson@cochise.az.gov
Subject: SU-11-14 Enriquez
Date: Thu, 29 Dec 2011 19:08:37 +0000

Gallito, I did receive your message.

How many parking spaces do you intend to provide? You never stated a number that you could live with.

Also, I have still never seen a good site plan for this project. I also never have received a notarized letter authorizing you or your aunt to pursue a Special Use permit on property you do not own. You may be fortunate enough to get through the Commission hearing without these items, but the County staff are going to have to have this before you can operate the business as you propose.

I am nearly through with the report to the Commission. We are recommending approval with conditions, but your case would have been stronger if you or someone had given us this information, which we have been asking for repeatedly for several months.

At this point, if you can please just tell us how many parking spaces you want to have

on the property, I can at least present your request to the Commission. Recall that six spaces are required, plus one HC space.

Thank you.

Keith Dennis - Senior Planner
Cochise County Community Development
1415 Melody Lane
Bisbee AZ 85603
Phone (520) 432-9244
Fax (520) 432-9278

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

D 94

To Whom it May Concern:

10/13/2011

My name is Rosa Enriquez I have an Assisted Living located at 1770 Golf Course Road in Douglas,AZ. The reason for this letter is: I have to have a special use permit and a hearing before the Planning and Zoning. I currently have six Adults and would like to add two more adults to my home.

If you have any Questions or Comments Please contact me at (520)364-6477 or to my address above.

Sincerely,

Rosa Delia Enriquez

A handwritten signature in black ink, appearing to read 'Rosa Delia Enriquez', with a date '10/13/11' written below it.

D 95

SPECIAL USE: Docket SU-11-14 (Enriquez)

YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

6 CURRENT RESIDENTS PLUS OWNERS FAMILY
IS ENOUGH FOR A HOUSE OF THIS SIZE.

PLEASE LET ME KNOW THE OUTCOME OF THE
HEARING.

(Attach additional sheets, if necessary)

PRINT NAME(S):

GLENN PARTON

SIGNATURE(S):

[Signature]

YOUR TAX PARCEL NUMBER: 406-26-103+104 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS P.O. Box 30564 TULSON, AZ. 85751

Upon submission of this form or any other correspondence, it 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 December 5, 2011 if you wish the Commission to consider them before the meeting. We can not 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: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Phone: (520) 432-0270

E 96

SPECIAL USE: Docket SU-11-14 (Enriquez)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

*I see this as a positive
to help the community grow. I am a
licensed care manager myself.*

COCHISE COUNTY

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

DEC 16 2011

PLANNING

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S):

Jennifer C. Smith HR

LOT parcel

YOUR TAX PARCEL NUMBER: # 406-26-131 (the eight-digit identification number found on the tax statement from the Assessor's Office) *El Reposo Drive*

YOUR ADDRESS 8184 Beverly Circle, Prescott Valley,

Upon submission of this form or any other correspondence, it 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 December 30, 2011 if you wish the Commission to consider them before the January 11, 2012 meeting. We can not 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 Commission 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: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

E 97

SPECIAL USE: Docket SU-11-14 (Enriquez)

YES, I SUPPORT THIS REQUEST

Please state your reasons: Get off your dead little
and make a decision NOW

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Ernest Boyda Jr Ernest Boyda Jr

SIGNATURE(S): Brenda Boyda Brenda Boyda

YOUR TAX PARCEL NUMBER: 406 26098
406 26097 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 502 Seymour Ave. Ocean Springs, MS 39564

Upon submission of this form or any other correspondence, it 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 December 30, 2011 if you wish the Commission to consider them before the January 11, 2012 meeting. We can not 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 Commission 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: Keith Dennis
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY
DEC 20 2011
PLANNING
E 98



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Michael Turisk, Interim Planning Director *(MT)*
For: Carlos De La Torre, P.E., Community Development Director

SUBJECT: Docket R-11-09 - Proposed Amendments to Section 2003 of the Cochise County Zoning Regulations (Legal Nonconformances)

DATE: December 29, 2011 for the January 11, 2012 Meeting

Docket R-11-09: The Commission will consider and forward recommendation to the Board of Supervisors two proposed amendments to Section 2003 of the Cochise County Zoning Regulations regarding requirements which determine or identify legal non-conformances.

I. BACKGROUND AND PROPOSED TEXT AMENDMENTS

Per Section 2003 of the Zoning Regulations, a legal, nonconformance is any use of land, lot or parcel, building or structure which lawfully existing either prior to January 1, 1975 (the date in which the Zoning Regulations took effect), or which was rendered nonconforming with respect to site development standards (e.g., minimum setbacks) as a result of amendments to the Zoning Regulations since that time. Legal nonconformances are otherwise commonly known as "grandfathered" uses.

Furthermore, per Section 2003:

*In the event a nonconforming use of land, building or structure is changed to a permitted use, or is discontinued for a period of **12 consecutive months**, any future use is required to comply with all requirements of the Zoning Regulations.*

Staff has proposed increasing the maximum discontinuance period from 12 months as noted above, to *36 months*, or such time as the Commission may determine. Doing so would allow a larger window of opportunity for legal nonconformance activities which have ceased, to resume as before so long as the discontinuance period is not more than 36 months.

This larger window would conceivably preclude more property owners with legal nonconformances from having to comply with an array of what, under certain circumstances, can be burdensome Zoning Regulation requirements.

In addition, Section 2003.02 of the Zoning Regulations states:

Any use of land, lot or parcel, building or structure, lawfully existing either prior to January 1, 1975, or rendered nonconforming as a result of subsequent amendments to these regulations, may be continued even though such use does not now conform with these Regulations.

Currently, in order to demonstrate or prove legitimacy of a legal non-conformance, the Zoning Regulations require evidence that the land, lot or parcel, building or structure existed prior to January 1, 1975, over 37 years ago. Since it is typically very difficult for property owners and County staff to locate and produce viable evidence of use prior to that date, staff has proposed amending this requirement to allow the use based on the best available historical evidence. However, in all cases, such evidence must suggest the use existed at least 10 years prior to the date of the determination of nonconformance (or such time as the Commission may determine).

Although the onus is currently on staff to produce and verify evidence of legal nonconformance, the primary purpose of amending Section 2003 is to benefit property owners.

II. PROPOSED TEXT AMENDMENTS

The proposed text amendments to the relevant portions of Section 2003 are in boldface:

2003.02 Continuing Existing Uses

A. Any use of land, lot or parcel, building or structure, lawfully existing either prior to January 1, 1975, or rendered nonconforming as a result of subsequent amendments to these regulations, may be continued even though such use does not now conform with these Regulations. **It is often difficult for owners and the County to find and produce evidence of use prior to January 1, 1975. Accordingly, for purposes of determining use under this subsection, the use prior to January 1, 1975 may be inferred from the best available historical evidence, [but in all events any such evidence must demonstrate or suggest the use at least ten (10) years prior to the date of the determination of nonconforming use].**

B. Nothing herein shall be construed to prevent the continued use or reasonable repair or alteration of a nonconforming structure or use for the purpose used at the time such use became nonconforming.

2003.03 Discontinuance of Nonconforming Uses

A. In the event that a nonconforming use of land, building or structure is changed to a permitted use, or is discontinued for a period of ~~12~~ **36** consecutive months as a result of conduct within the control of or attributable to the property owner, any future use thereof shall be in conformity with these Regulations.

III. Staff Recommendation

Staff recommends that the Planning and Zoning Commission forward the proposed Zoning Regulation amendments to Section 2003 of the Zoning Regulations to the Board of Supervisors with a recommendation of approval.

Sample motion: *"Mr. Chairman, I recommend forwarding Docket R-11-09 to the Board of Supervisors with a recommendation of approval."*

Attachments

- A. Section 2003 (Nonconformances) of the Zoning Regulations
- B. Correspondence from Chief Civil Deputy, Britt Hanson

2003 Nonconformances

2003.01 Nonconforming Lots

- A. Any lot or parcel of record having less site area than required for the zoning district in which it is located which lawfully existed either prior to January 1, 1975, or which was rendered nonconforming as a result of subsequent amendments to these regulations may be developed provided the developer complies with all applicable site development standards of these regulations.
- B. Any contiguous nonconforming lots or parcels which come under single ownership are considered combined and subject to all provisions of these Zoning Regulations if:
 - 1. The combined parcels have been assessed and taxed as a single parcel;
 - 2. The owner of the lots has combined the lots in any manner for purposes of building or use permit approval; or
 - 3. There is other evidence showing an intent to combine or use more than one lot as a single parcel.

2003.02 Continuing Existing Uses

- A. Any use of land, lot or parcel, building or structure, lawfully existing either prior to January 1, 1975, or rendered nonconforming as a result of subsequent amendments to these regulations, may be continued even though such use does not now conform with these Regulations.
- B. Nothing herein shall be construed to prevent the continued use or reasonable repair or alteration of a non-conforming structure or use for the purpose used at the time such use became nonconforming.

2003.03 Discontinuance of Nonconforming Uses

- A. In the event that a nonconforming use of land, building or structure is changed to a permitted use, or is discontinued for a period of 12 consecutive months as a result of conduct within the control of or attributable to the property owner, any future use thereof shall be in conformity with these Regulations.

B. In the event that a nonconforming use of land, building or structure is destroyed by fire, explosion, act of God or act of the public enemy, then the future use shall from and after the date of such destruction, be subject to all of these Regulations or amendments thereto for the zoning district in which such future use is located. However, property owners whose structures were damaged or destroyed by a catastrophic event that the Board of Supervisors declares to be an emergency, and who wish to repair or rebuild structures deemed non-conforming, are exempt from this requirement.

2003.04 Expansion of a Nonconforming Use

A. A nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration conforms with these Regulations for the zoning district in which such property is located, except:

1. that a nonconforming business use may expand if such expansion does not exceed 100 percent of the area of the original business; or
2. that the expansion of a non-conforming residential use may extend walls on the same alignment as the non-conforming structure so long as the overall expansion of the structure does not exceed 75% of the original building floor area.

B. If a nonconforming use of land is nonconforming due to driveway location, driveway apron improvement surface, or sight visibility as specified in Article 18, no enlargement, extension, reconstruction or alteration shall occur until there has been provision made to correct the access or sight visibility deficiencies.

2003.05 Change of Nonconforming Use or Relocation of Structures

A. If no structural alterations are made, any nonconforming use of land, building or structure may be changed to another nonconforming use provided that the proposed use does not generate any greater impacts on surrounding property as determined by the Zoning Inspector.

B. No nonconforming structure shall be moved any distance on the same parcel or lot, unless such relocation reduces the amount of the nonconformance and will not generate any greater impacts on surrounding properties as determined by the Zoning Inspector.

2003.06 Setbacks for Structures on Nonconforming Residential Parcels

A. For any nonconforming lot or parcel of record in a residential district the minimum setbacks and distances between buildings may be reduced as follows:

Minimum Front or Street Setback: 15 feet

Minimum Setback All Other Sides: 5 feet

Minimum Distance Between

Principal Buildings: 7 feet

B. For any nonconforming lot shown on a tentative plat which was approved by the Planning and Zoning Commission prior to January 1, 1975 for which effective covenants, conditions and restrictions (CC&R's) of record exist; or for any lot on a final plat of record in the County Recorder's Office for which both the plat and effective CC&R's were recorded prior to January 1, 1975, the minimum setbacks and distances between principal buildings specified in the CC&R's may be used in place of the distances otherwise required under these Regulations, provided that they shall not be reduced below the minimum distances shown in Section A above.

Turisk, Mike

From: Hanson, Britt
Sent: Monday, December 19, 2011 2:46 PM
To: Turisk, Mike
Subject: RE: Changes to Legal Non-conformances
Mike,

Item # 1 is fine. As for Item # 2, I understand the basic idea—for an owner to establish the use 37 years ago can be extremely difficult. So I'm mostly okay with it. But I think we might want to tweak it in order to prevent the following result. Suppose that Mr. White asserts grandfather status for his junkyard. Suppose further that everyone knows he started junking up his property 10 to 15 years ago, when he bought it. Before that it was pristine pastureland. Do we really want to award grandfather status by restricting the time period to 10 years in this kind of circumstance? I wouldn't think so. I guess the question is whether we really get these kinds of circumstances anymore. If not, then yes, limit the "go back" period to ten. Otherwise, we might want language restricting historical evidence to 10 years if evidence of use prior to 10 years isn't reasonably available. Or restrict it to 10 years, unless there is clear evidence that prior to 10 years ago the property had not been used for the asserted nonconforming purpose.

Let me know what you think. If you'd like to get together to draft some language, let me know.

Britt

11-812. Restriction on regulation; exceptions; aggregate mining regulation; definitions

A. Nothing contained in any ordinance authorized by this chapter shall:
1. Affect existing uses of property or the right to its continued use or the reasonable repair or alteration of the property for the purpose for which used at the time the ordinance affecting the property takes effect.

From: Turisk, Mike
Sent: Monday, December 19, 2011 1:57 PM
To: Hanson, Britt
Subject: Changes to Legal Non-conformances
Importance: High

Britt,

Staff had a recent discussion about possible changes to our legal non-conforming requirements in an effort to make requirements more "customer friendly." In a nutshell, next month we would like to present to the Commission the following proposed substantive changes:

1. Rather than a 12-month discontinuance period, up to three years; and
2. Present historical evidence going back approximately 10 years (January 1, 1992) in order to establish or verify legal non-conformance, rather than the 37 years as currently required (January 1, 1975).

The overarching question is: are we within legal bounds to propose these changes?

I've attached a draft legal notice for your review. Thanks in advance.

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

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www.cochise.az.gov

Turisk, Mike

From: Hanson, Britt
Sent: Friday, December 30, 2011 8:28 AM
To: Turisk, Mike
Subject: RE: RE: Changes to Legal Non-Conformances

Mike,

I would suggest adding the following language to 2003.02. The last clause is in brackets. I'm not sure if you or the Commission really want to require that the evidence be at least 10 years old. If you do, that's my suggested language. Note that I use "ten years prior to the date of the determination of nonconforming use" rather than "2002". That's because if you use 2002, then 10 years from now we'd be requiring evidence that was 20 years old, etc.

Britt

2003.02 Continuing Existing Uses

A. Any use of land, lot or parcel, building or structure, lawfully existing either prior to January 1, 1975, or rendered nonconforming as a result of subsequent amendments to these regulations, may be continued even though such use does not now conform with these Regulations. It is often difficult for owners and the County to find and produce evidence of use prior to January 1, 1975. Accordingly, for purposes of determining use under this subsection, the use prior to January 1, 1975 may be inferred from the best available historical evidence, [but in all events any such evidence must demonstrate or suggest the use at least ten (10) years prior to the date of the determination of nonconforming use].

If historical evidence of any land, lot or parcel, building or structure which lawfully existed prior to January 1, 1975 cannot be provided with the intent to confirm legal, nonconforming status retroactive to that date, then historical evidence confirming the land, lot or parcel, building or structure lawfully existed prior to January 1, 2002 will suffice, unless decided evidence exists that the land, lot or parcel, building or structure did not lawfully exist prior to January 1, 2002.

Britt

From: Turisk, Mike
Sent: Thursday, December 29, 2011 3:13 PM
To: Hanson, Britt
Subject: RE: Changes to Legal Non-Conformances
Importance: High

Britt, my proposed changes to our nonconformance language is in **boldface** below. I would appreciate it if you would review and make any needed edits. I intend to take the proposed language to the Commission on 1/11. Thanks.

From: Hanson, Britt
Sent: Monday, December 19, 2011 2:46 PM
To: Turisk, Mike
Subject: RE: Changes to Legal Non-conformances

Mike,

Item # 1 is fine. As for Item # 2, I understand the basic idea—for an owner to establish the use 37 years ago can be extremely difficult. So I'm mostly okay with it. But I think we might want to tweak it in order to prevent the following result. Suppose that Mr. White asserts grandfather status for his junkyard. Suppose further that everyone knows he started junking up his property 10 to 15 years ago, when he bought it. Before that it was pristine pastureland. Do we really want to award grandfather status by restricting the time period to 10 years in this kind of circumstance? I wouldn't think so. I guess the question is whether we really get these kinds of circumstances anymore. If not, then yes, limit the "go back" period to ten. Otherwise, we might want language restricting historical evidence to 10 years if evidence of use prior to 10 years isn't reasonably available. Or restrict it to 10 years, unless there is clear evidence that prior to 10 years ago the property had not been used for the asserted nonconforming purpose.

Let me know what you think. If you'd like to get together to draft some language, let me know.

Britt

11-812. Restriction on regulation; exceptions; aggregate mining regulation; definitions

A. Nothing contained in any ordinance authorized by this chapter shall:

1. Affect existing uses of property or the right to its continued use or the reasonable repair or alteration of the property for the purpose for which used at the time the ordinance affecting the property takes effect.

As for Item # 2, I understand the basic idea—for an owner to establish the use 37 years ago can be extremely difficult. So I'm mostly okay with it. But I think we might want to tweak it in order to prevent the following result. Suppose that Mr. White asserts grandfather status for his junkyard. Suppose further that everyone knows he started junking up his property 10 to 15 years ago, when he bought it. Before that it was pristine pastureland. Do we really want to award grandfather status by restricting the time period to 10 years in this kind of circumstance? I wouldn't think so. I guess the question is whether we really get these kinds of circumstances anymore. If not, then yes, limit the "go back" period to ten. Otherwise, we might want language restricting historical evidence to 10 years if evidence of use prior to 10 years isn't reasonably available. Or restrict it to 10 years, unless there is clear evidence that prior to 10 years ago the property had not been used for the asserted nonconforming purpose.

Let me know what you think. If you'd like to get together to draft some language, let me know.

2003 Nonconformances

2003.01 Nonconforming Lots

- A. Any lot or parcel of record having less site area than required for the zoning district in which it is located which lawfully existed either prior to January 1, 1975, or which was rendered nonconforming as a result of subsequent amendments to these regulations may be developed provided the developer complies with all applicable site development standards of these regulations.
- B. Any contiguous nonconforming lots or parcels which come under single ownership are considered combined and subject to all provisions of these Zoning Regulations if:
1. The combined parcels have been assessed and taxed as a single parcel;

2. The owner of the lots has combined the lots in any manner for purposes of building or use permit approval; or
3. There is other evidence showing an intent to combine or use more than one lot as a single parcel.

2003.02 Continuing Existing Uses

A. Any use of land, lot or parcel, building or structure, lawfully existing either prior to January 1, 1975, or rendered nonconforming as a result of subsequent amendments to these regulations, may be continued even though such use does not now conform with these Regulations. **If historical evidence of any land, lot or parcel, building or structure which lawfully existed prior to January 1, 1975 cannot be provided with the intent to confirm legal, nonconforming status retroactive to that date, then historical evidence confirming the land, lot or parcel, building or structure lawfully existed prior to January 1, 2002 will suffice, unless decided evidence exists that the land, lot or parcel, building or structure did not lawfully exist prior to January 1, 2002.**

B. Nothing herein shall be construed to prevent the continued use or reasonable repair or alteration of a non-conforming structure or use for the purpose used at the time such use became nonconforming.

2003.03 Discontinuance of Nonconforming Uses

A. In the event that a nonconforming use of land, building or structure is changed to a permitted use, or is discontinued for a period of ~~12~~ **36** consecutive months as a result of conduct within the control of or attributable to the property owner, any future use thereof shall be in conformity with these Regulations.

B. In the event that a nonconforming use of land, building or structure is destroyed by fire, explosion, act of God or act of the public enemy, then the future use shall from and after the date of such destruction, be subject to all of these Regulations or amendments thereto for the zoning district in which such future use is located. However, property owners whose structures were damaged or destroyed by a catastrophic event that the Board of Supervisors declares to be an emergency, and who wish to repair or rebuild structures deemed non-conforming, are exempt from this requirement.

2003.04 Expansion of a Nonconforming Use

A. A nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration conforms with these Regulations for the zoning district in which such property is located, except:

1. that a nonconforming business use may expand if such expansion does not exceed 100 percent of the area of the original business; or
2. that the expansion of a non-conforming residential use may extend walls on the same alignment as the non-conforming structure so long as the overall expansion of the structure does not exceed 75% of the original building floor area.

B. If a nonconforming use of land is nonconforming due to driveway location, driveway apron improvement surface, or sight visibility as specified in Article 18, no enlargement, extension, reconstruction or alteration shall occur until there has been provision made to correct the access or sight

visibility deficiencies.

2003.05 Change of Nonconforming Use or Relocation of Structures

A. If no structural alterations are made, any nonconforming use of land, building or structure may be changed to another nonconforming use provided that the proposed use does not generate any greater impacts on surrounding property as determined by the Zoning Inspector.

B. No nonconforming structure shall be moved any distance on the same parcel or lot, unless such relocation reduces the amount of the **nonconformance** and will not generate any greater impacts on surrounding properties as determined by the Zoning Inspector.

2003.06 Setbacks for Structures on Nonconforming Residential Parcels

A. For any nonconforming lot or parcel of record in a residential district the minimum setbacks and distances between buildings may be reduced as follows:

Minimum Front or Street Setback: 15 feet

Minimum Setback All Other Sides: 5 feet

Minimum Distance Between

Principal Buildings: 7 feet

B. For any nonconforming lot shown on a tentative plat which was approved by the Planning and Zoning Commission prior to January 1, 1975 for which effective covenants, conditions and restrictions (CC&R's) of record exist; or for any lot on a final plat of record in the County Recorder's Office for which both the plat and effective CC&R's were recorded prior to January 1, 1975, the minimum setbacks and distances between principal buildings specified in the CC&R's may be used in place of the distances otherwise required under these Regulations, provided that they shall not be reduced below the minimum distances shown in Section A above.

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

"Our Programs Are Public...Our Service Is Personal"
www.cochise.az.gov



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Beverly Wilson, Interim Planning Manager *bw*
For: Michael Turisk, Interim Planning Director *MT*
SUBJECT: Docket R-11-08 (Commission Review of By-Laws and Ordinance)
DATE: December 29, 2011 for the January 11, 2012 Meeting

I. BACKGROUND

Docket R-11-08 (Commission Review of By-Laws and Ordinance): The Planning and Zoning Commission, at their December 14, 2011 meeting, agreed to continue to independently review both the County Planning Commission Ordinance, dated November 20, 1969, and the Bylaws and Rules of Procedures for County Planning and Zoning Commission, Cochise County, Arizona. Chairman Jim Lynch requested that both Staff and the Commissioners provide written comments for discussion at the January 11, 2012 meeting. Deputy Civil County Attorney, Britt Hanson, has advised that from this discussion possible changes to these documents be proposed, and that these proposed changes be legally advertised before any voting occurs. If proposed changes do result from this discussion, they will be provided to the Public through legal advertisement for vote during the February 8, 2012 Commission meeting. At this meeting, the Public will be invited to comment on any of the proposed changes.

Attached please find the 'red-lined' versions with the proposed changes.

**BYLAWS AND RULES OF PROCEDURES
FOR COUNTY PLANNING AND ZONING COMMISSION,
COCHISE COUNTY, ARIZONA**

ARTICLE 1-PREAMBLE

The County Planning and Zoning Commission ("Commission") was created by the Board of Supervisors of Cochise County, Arizona by authority of "County Planning Commission Ordinance", passed and adopted November 20, 1969, to direct the growth and physical development of the County of Cochise and environs in sound and orderly fashion for the prosperity, health, safety, convenience, and general welfare of the citizens of Cochise County.

The purpose of these *Rules of Procedure* shall be to implement this Ordinance, and shall at all times be interpreted as carrying out the directives set forth in said Ordinance.

The functions, duties and responsibilities of the Commission shall be to perform and provide advisory services in matters related to planning and zoning to the Board of Supervisors, County Departments, citizenry and other governmental agencies. Its duties shall be to undertake and carry out comprehensive studies and surveys of existing conditions and prospective future growth of the County; to formulate and adopt regulations for the subdivision of land; to devise and recommend programs for public works improvements and the financing thereof; and to promote public interest in and understanding of the work of the Commission in the performance of its appointed tasks are defined in the Commission Ordinance.

In order that the functions, duties, responsibilities of the Commission may be carried out in an orderly and consistent fashion with full public knowledge of the procedures involved, the following bylaws and rules of procedures are adopted.

ARTICLE 2 – OFFICERS

1. The officers of the County Planning and Zoning Commission shall be:
 - A. Chair: The Chair shall preside at all meetings and public hearings of the Commission, adopt all committees, have general supervision of the conduct of the affairs of the Commission, and perform such other duties as are usually exercised by the Chair of a Commission.
 - B. Vice-Chair: The Vice-Chair shall perform the duties of the Chair in the Chair's absence. In the event that both the Chair and Vice-Chair shall be absent, then the members present shall choose one from among their number to be Chair pro-tem for that meeting.
 - C. Secretary: The Secretary who shall be the secretary to the Planning Director, or a County employee designated by the Board of Supervisors, shall keep a written record of all business transacted by the Commission, notify members of all

meetings, keep on file all official records of the Commission and be responsible for serving legal notice of all public hearings. This person shall be responsible ~~directly~~ to the Planning Commission when appointed and qualified. Any compensation for extra hours, if any, shall be fixed by the Board of Supervisors.

The officers of the County Planning and Zoning Commission shall be elected each year from among the members of the Commission for a one-year term at the Annual Meeting, with the exception of the Secretary who shall be appointed.

3. Legal Counsel: The Office of the County Attorney shall render all legal counsel, and shall defend the Commission and the Board in all legal actions, unless the Board of Supervisors shall deem it wise to retain other or additional legal counsel. Advice of legal counsel shall be received and entered in the minutes before disposition of any question of law, or matter requiring legal interpretation or advice unless the Commission has obtained the advice of legal counsel in Executive Session pursuant to Article 3, Section 4, of these Bylaws.
4. Number of Commissioners: The Commission shall be composed of nine (9) members. The members shall be qualified electors, residents and real property owners appointed by the Board. Three members shall be appointed from each supervisorial district and not more than one of the three shall be a resident of an incorporated municipality. Any member may be removed by the Board for neglect of duty, inefficiency, or misconduct in office, after ten days written notice and hearing thereon. A written statement of the reasons for removal shall be filed with the clerk of the Board. The ~~Secretary-Chairman shall notify the Board whenever any member is absent from three consecutive regular meetings; this notification will include a listing of any mitigating circumstances and recommended action. shall notify the Board whenever any member is absent from three consecutive regular meetings. Three such absences, without cause, shall be sufficient for the Board to declare a vacancy in that office.~~ When a commission member moves from the district of which he/she was appointed, the office shall at once become vacant.
5. Vacancy: Vacancies created by any cause shall be filled for the unexpired term in the case of a Commissioner by appointment of the Board of Supervisors, and in the case of Officers by election by the Commission from their membership.
6. Conflict of Interest Policy: All Members and Officers shall be governed by the Conflict of Interest Policy set forth in Title 38, Chapter 3, Article 8 of the Arizona Revised Statutes.

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ARTICLE 3 – MEETINGS

~~1.~~ Annual Meetings: The Annual meeting for the installation of new members and election of officers shall be held at the first regular meeting of ~~January~~ a calendar year.

~~2.~~ Regular Meetings: Regular meetings of the Commission shall be normally held at least once per month ~~or more as warranted by Commission business~~, at the time and place

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as set forth in the notice of meeting. Additional meetings may be scheduled when the volume of business dictates they are required.

In the event of a regular meeting date falling upon a legal holiday as prescribed by the State Government, said meeting shall be held on the following Wednesday at the regular time and place.

- 3.1 Special Meetings: Special meetings of the Commission may be held at the call of the Chair, or at the request in writing of any five (5) or more members, who shall all sign the notice, which shall then be considered a legal notice of said meeting. All members shall be notified at least 48 hours in advance of the time set for a special meeting.
- 4.2 Meetings Open to the Public: All meetings and hearings of the Commission shall be open public meetings pursuant to the requirements and procedures of the Arizona Revised Statutes; and all official votes or actions must be in session open to the public. Executive sessions may be convened by the Commission by affirmative vote of the majority of the members present only pursuant to the requirements and procedures of the Arizona Revised Statutes.
5. Notifications: Notice of all meetings shall be furnished to each member at the time that the required public notification is sent to the news media for publication. Any member may waive notice of any meeting. The attendance of a member at a meeting shall constitute a waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Docket packets shall be furnished to each member ~~to each member~~ at least 48 hours in advance of any meeting.
6. A Quorum: A majority of five (5) members of the Commission shall constitute a quorum.
7. Minutes & Records: The Commission shall keep minutes and records of all its resolutions, transactions, findings, and determinations and, if the vote is not unanimous, the vote of each member present shall be recorded with each order or resolution. Votes taken by the Commission may be by roll call at the discretion of the Chair and the Chair shall be the last to vote. The minutes, records, resolutions, transactions, findings and determination shall be of public record.
8. ~~Reports and Budget Requests: The Commission, through staff, shall submit to the Board special reports as may be requested, including staffing and budgetary reports. Not less than 120 days prior to the beginning of each fiscal year the Commission shall submit to the Board an Annual Report setting forth the status and progress of its work together with recommendations on staffing and budgeting for planning and zoning. A copy of the Annual Report shall be delivered to the Mayor and Chief Administrative Officer of each municipality within the County. [Staff to provide revision for this paragraph]~~ Reports and Budget Requests: The Commission, through Staff, may submit to the Board special reports as may be requested.

9. Decisions of Commission:
 - A. Initial motions shall be made in the affirmative form in order to open the discussion of a docket.
 - B. Majority votes on Special Use dockets shall be the final decision of the Commission unless appealed to the Board of Supervisors. Tie votes on Special Use dockets will result in the failure of the motion, not the docket and will automatically be moved to the next regularly scheduled Commission meeting. A tie vote at the subsequent Commission meeting will result in failure of the docket.
10. Recommendation to Board of Supervisors: The Commission is an advisory body to the Board of Supervisors. All results of votes of the Commission, except for votes on Special Use dockets, shall be forwarded as a recommendation to the Board of Supervisors.
11. Rules of Order: *Parliamentary Procedure at a Glance* by O. Garfield Jones shall be considered as guidelines at the discretion of the Chair. These *Bylaws and Rules and Procedures* shall govern the proceedings of all Commission meetings, subject to interpretation by the Chair.
12. Adjournment: A motion to adjourn shall always be in order, and shall be carried by a majority vote of members present.
13. Lack of Quorum: In the event that a meeting is not held due to lack of a quorum, all matters scheduled for public hearing and/or action shall be automatically continued to the next regularly scheduled meeting, unless a special meeting date is arranged. Notice of such cancellation and continuation will be provided by staff or any Commission member at the meeting place, identifying the time and place for the re-scheduled public hearing. In such instances, the matter shall not be required to be re-published, nor shall additional notification be required to be mailed to the neighboring property owners.
14. Quorum Call and Absence Reporting Process:
 1. In the week prior to a meeting, the Commission Secretary issues a quorum call by email. Commissioners respond to Secretary by email or phone.
 2. Two days prior to meeting, the Secretary advises the Chairman of projected absentees and reasons for absence, if stated. The Chairman may contact Commissioners planning to be absent.
 3. The Secretary will maintain a spreadsheet detailing attendance records. A copy of the updated spreadsheet is to be provided to the Chairman at each meeting.

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ARTICLE 4 – ORDER OF BUSINESS

1. Call to Order by Chair or Vice-Chair

2. Roll Call
3. Determination of a Quorum
4. Approval of Minutes of last preceding meeting
5. Call to Public
6. Old Business
7. Action Items
8. New Business
9. Planning Director's Report
10. Request for Special Meeting
11. Call to Commissioners
12. Adjournment

The above order of presenting new business may be changed to accommodate persons to be heard on matters for consideration before the Commission by majority consent of the Commissioners present.

ARTICLE 5 – PRESENTATION OF MATTERS BEFORE THE COMMISSION

1. Writings Required: Every matter on which the Commission is authorized or required to act, brought before the Commission by any person, official, organization or agency, shall be presented in writing or on forms provided for the purpose, and shall include all information necessary for a clear understanding and intelligent action by the Commission. Such information may include maps, surveys, drawings, plans, charts, applicant's citizen input report, and other descriptive data.
2. Posting of Agenda: The agenda of cases to be heard shall be posted in the physical location required for posting other legal notices for the Board of Supervisors not less than 24 hours before each regular or special meeting.
3. Order of Proceedings: Each matter shall be heard in the following order subject to the discretion of the Chair:
 - A. The Chair shall call the docket number and describe the docket.
 - B. The Planning Director or the Director's designee will summarize relevant correspondence and explain maps and other pertinent information.
 - C. The applicant or applicant's representative may make a statement in support of the application.
 - D. Open public discussion.
 - E. Other persons in favor of the application may be heard.
 - F. Those opposed to the application may be heard.
 - G. The applicant may be heard in rebuttal.
 - H. Close public discussion.
 - I. Questions and discussion from Commission members.
 - J. The Planning Director or the Director's designee will provide the Commission with written and verbal recommendations.
4. Withdrawal of Application: The applicant may withdraw any matter brought before the Commission at any time before the Commission has rendered a decision.

ARTICLE 6 – AMENDMENTS OF BYLAWS & RULES OF PROCEDURE

The foregoing *Bylaws and Rules of Procedure*, or any part thereof, may be amended at any meeting of the Commission after not less than three (3) days notice have been given to all members of the Commission and a copy of the proposed amendment sent with the notice. It shall require the affirmative of not less than six (6) members to make any amendment or change to these *Bylaws and Rules of Procedure*.

ARTICLE 7 – RECORDATION OF RULES AND AMENDMENTS

A certified copy of these Rules and amendments thereto shall be placed on record in the office of the Clerk of the Board of Supervisors within five (5) days following the date of adoption.

REVISED ON JUNE 13, 2007

Vice – Chair

Chair

COUNTY PLANNING COMMISSION ORDINANCE

AN ORDINANCE OF THE COUNTY OF COCHISE, ARIZONA, CREATING A PLANNING AND ZONING COMMISSION: DEFINING ITS POWERS AND DUTIES: PROVIDING FOR THE ORGANIZATION: AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. .ITHE BOARD OF SUPERVISORS OF THE COUNTY OF COCHISE DO ORDAIN:

Sec. 1. ESTABLISHMENT.

A County Planning and zoning commission (hereinafter referred to as ~~the~~ the Commission) is hereby established to consult with and advise the Board of Supervisors (hereinafter referred to as the Board) on, matters of planning and zoning for the growth, development, improvement and beautification of the County.

Sec. 2. MEMBERSHIP.

The membership shall consist of nine members who shall be qualified electors, residents and real property owners appointed by the Board. Three members shall be appointed from each supervisorial district, and not more than one of the three shall be a resident of an incorporated municipality. Any member may be removed by the Board for neglect of duty, inefficiency, or misconduct in office, after a ten days written notice and hearing thereon. A written statement of the reasons for removal shall be prepared by the Commission Chairman and filed with the Clerk of the Board. The ~~Executive-Secretary~~ Chairman shall notify the Board whenever any member is absent from three consecutive regular meetings; ~~three such absences, without cause, shall be sufficient for the Board to declare a vacancy in that office. this notification will include a listing of any mitigating circumstances and~~ recommended action. When a Commission member moves from the district ~~from~~ which appointed, his office shall at once become vacant.

Sec. 3. TERMS OF MEMBERS.

The terms of the members of the Commission first appointed from each supervisorial district shall be two, three and four years. Thereafter, each term shall be four years. Vacancies in any term shall be filled only for the unexpired portion of the term.

Sec. 4. OFFICERS.

The Commission shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for a term of one year. ~~Upon recommendation of the Commission, the Board shall designate an Executive-Secretary.~~ The County Assessor, County Engineer, the County Planning and Zoning Staff and County Attorney shall serve in an advisory capacity to the Commission.

Sec. 5. COMPENSATION.

Commission members shall serve as such without compensation, except that they may be reimbursed for actual expenses for travel incurred in connection with duties of their office upon authorization by the Commission and prior approval by the Board.

Sec. 6. ORGANIZATION AND RULES.

The Commission, at its first meeting, shall elect officers and fix the time and place of regular monthly meetings. A majority of five members of the Commission shall constitute a quorum for the transaction of any business or official action including but not limited to adoption of policy, recommendations, reports or minutes. The Commission shall adopt rules and procedures for the transaction of business, subject to approval by the Board, and shall keep a record of its transactions, findings, recommendations and determinations. A copy of Commission records shall be kept in the Office of the Clerk of the Board, and such records shall be open to public inspection. No member shall act as an agent for or represent anyone on any matter coming before the Commission, Board, County Boards of Adjustment, or municipal bodies within the County pertaining to the use of land and buildings for any purpose, together with any incidental activities associated therewith or on other matters commonly known as "planning and zoning", and no member shall participate in the Commission's discussions, hearings or vote on any matter in which he has a financial or closely related personal interest, whether direct or indirect.

Sec. 7. REPORTS.

The commission shall submit to the Board such ~~special~~ reports as may be requested ~~by the Board, and not less than 120 days prior to the beginning of the fiscal year an Annual Report setting forth the status and progress of its work together with recommendations on the County Planning Program and on staffing and budgeting for planning and zoning. A copy of the Annual Report shall be delivered to the Mayor and Chief Administrative Officer of each municipality within the County.~~

Sec. 8. POWERS AND DUTIES.

~~The Commission shall undertake and carry out comprehensive studies and surveys of physical, social and economic conditions of the County as may be necessary to continuously advise the Board on matters of planning and zoning for the growth, development, improvement and beautification of the County. It shall consider present conditions, problems and potential and desirable changes in the urban, suburban and rural areas of the County and recommend to the Board, programs, plans, standards, administrative procedures, and means of coordination with municipalities and other governmental agencies. Within the limits of the funds available such studies, surveys and recommendations shall include, but not be limited to:~~

~~a.—Formulation, adoption, and amendment of a long-range comprehensive County Development Plan, and recommend its adoption or amendment to the Board;~~

~~b.—Investigations, maps, reports, rules, regulations, policies, ordinances, plans and dissemination of public information which in the opinion of the Commission are necessary or desirable to carry out the County Development Plan;~~

~~c.—Formulation of zoning regulations and zoning maps and amendments thereto and recommendation of adoption by the Board.~~

~~d.—Formulation of Land Subdivision Regulations and Amendments thereto and recommendation of adoption by the Board.~~

~~e.—Capital Improvements Program and Capital Budget designed to provide for needed County facilities and services in accordance with the County Development Plan.~~

The Commission is the body that acts on requests to change the use of property allowed by the Zoning Regulations. Their main function is to make recommendations to the Board of Supervisors on rezonings and Comprehensive Plan amendments and to make decisions on special use permit applications. The Commissions powers and duties include:

- a. Review and Approval of Special Uses. Special Uses are activities which, because of their unique characteristics, potentially could generate greater impacts than uses permitted in a zoning district. Due to these greater impacts, special uses are not granted as a matter of course but must be reviewed and approved by the Planning and Zoning Commission at a public hearing. If approved, the permit allows only the specific use requested by the applicant in addition to any other uses permitted by right. A Special Use is different than a rezoning. A rezoning allows a whole range of uses permitted in the specific district. Special Uses are most commonly used in Rural areas. There are many special uses listed in the rural zoning districts. RV parks, golf courses, air strips and firearm ranges are among the land uses that can be considered as Special Uses. Standards such as structure height, screening, paving and setbacks apply to special uses as they do to all permitted uses. The Commission can modify or waive these standards or add standards if a good reason is provided. Additional requirements related to public health, safety and welfare can be imposed by the Commission.
- b. Review of Changes in Zoning. A change in a zoning district requires a public hearing before the Planning and Zoning Commission which will then make recommendation to the Board of Supervisors. Final approval can then be made by the Board of Supervisors, following another public hearing. All rezoning requests are evaluated by the County based on how the proposed zoning district complies with certain criteria – such as the size of the parcel being able to comply with site development standards, adequate services and infrastructure, compatibility with existing development and public input. A list of the criteria is provided with each application. No rezoning proposal can be processed unless it is in conformance with the Comprehensive Plan Designation and Growth Area. If not, then it will be necessary to also request a change in the Comprehensive Plan
- c. Review of Changes to the Cochise County Comprehensive Plan. Comprehensive Plan amendments of land use map designations or Growth Category designations or Plan adoptions, amendments or extensions may be initiated by the Planning and Zoning Commission, either upon the application of interested persons or upon its own motion. Amendments to countywide Plan policies may be initiated by the Commission. The County Planning and Zoning Commission and the Board of Supervisors, by State Statute, will review the entire Plan every ten years, or more frequently as needed. If a private person or persons seeks to amend the Plan, they can submit the application to Amend the Comprehensive Plan. Note that if the proposed amendment would result in an increase in the potential densities or intensities of uses for an area of two thousand (2,000) acres or more, the application can be accepted by the Planning and Zoning Department for consideration only from January 1 to the last business day in August of any year and all major amendments will be considered at a single public hearing by the Board of Supervisors in December.
- d. Review of Proposed Subdivisions. The Planning Commission reviews and approves tenetive subdivision plats. Their task is to ensure that the plat conforms to the Subdivision Regulations and addresses public safety issues such as emergency vehicle access, safe roads and adequate water. The Commissions makes recommendations for final approval to the Board of Supervisors.
- e. Review of Proposed Changes to Zoning Regulations. The Commission work with the County Planning and Zoning Staff to review any proposed changes to the Zoning Regulations. Recommended changes are forwarded to the Board of Supervisors for approval.

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f. Conduct of Special Studies. The Commission may undertake and carry out comprehensive studies and surveys of physical, social and economic conditions of the County as may be necessary to continuously advise the Board on matters of planning and zoning for the growth, development, improvement and beautification of the County. It shall consider present conditions, problems and potential and desirable changes in the urban, suburban and rural areas of the County and recommend to the Board, programs, plans, standards, administrative procedures, and means of coordination with municipalities and other governmental agencies.

Sec. 9. COCHISE COUNTY DEVELOPMENT-COMPREHENSIVE PLAN.

The County Development Comprehensive Plan shall contain a statement of goals and policies for growth, development, improvement and beautification of the unincorporated areas of the County; a statement of assumptions and projections of change which may occur during the next ten to twenty years; a plan for land use, highway and other transportation facilities, and for the location and extent of community facilities; and general ~~recommendation~~ recommendations for implementing the County development Plan.

Sec. 10. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Sec. 11. REPEAL.

All Ordinances or parts of Ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

PASSED AND ADOPTED this ~~20 day of November 1969 (70)~~ by the Board of Supervisors of the County of Cochise, Arizona.

Cochise County Board of Supervisors