



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-08-10A (Walnut Gulch Holdings, LLC)
DATE: November 1, 2011 for the November 9, 2011 Meeting

REQUEST TO TABLE TO A TIME CERTAIN

The Applicant, Walnut Gulch Holdings, LLC, requests that the Commission table Docket SU-08-10A to a time certain, namely, to the February 8, 2012 meeting. The proposed modification to the approved Special Use would allow the airstrip to be paved and become an airport for a future airpark subdivision. Fort Huachuca, Libby Army Airfield, and the Federal Aviation Administration have all expressed concern about the resulting increase in air traffic through restricted airspace that already sees a considerable volume of flight operations. The Applicant has asked to table the Docket in order to attempt to reach a compromise solution to the issue with the aforementioned parties.

Staff recommends the Commission table Docket SU-08-10A to the regular meeting of February 8, 2012.



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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- 12 (Radio Bilingue)
DATE: October 31, 2011 for the November 9, 2011 Meeting

REQUEST FOR A SPECIAL USE

Docket SU-11-12 (Radio Bilingue): The Applicant seeks a Special Use authorization from the Planning and Zoning Commission to install an 80-foot radio transmission tower with a satellite dish enclosed in security fencing, along with an eight-foot by twelve-foot pre-fabricated secured equipment maintenance shelter. The Cochise County Zoning Regulations permit a Wireless Communication Tower exceeding 30' in height per Section 607.38, with a Special Use authorization.

The subject property (Parcel No. 410-01-004D) is located on the south side of Geronimo Trail, just east of the Douglas airport and approximately 1,500 feet west of Milepost 2, Douglas, AZ. Buck Lewis Engineering represents the Applicant, Radio Bilingue.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 9.5 Acres
Zoning: RU-4
Growth Area: Category D (Rural Growth Area)
Plan Designation: Rural
Area Plan: None
Existing Uses: Undeveloped
Proposed Uses: Wireless Communication Tower Site

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped Land
South	RU-4	Undeveloped Land
East	RU-4	Undeveloped Land
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 (SEE CONDITIONS #1 AND #4)

The Applicant, Radio Bilingue, is proposing to install an 80’ wireless communications tower on a hillside east of Douglas, known as “D” hill. The proposed facility will act as the transmission plant for radio station KREE which is licensed to Radio Bilingue, Inc., a secular, non-commercial educational Public Radio Network serving the interest of the Hispanic Community. While programming for the new radio station will be produced elsewhere, it will be delivered to this site via satellite. When completed, the unattended radio station will broadcast 24-hours a day.

This site was chosen as its elevation is sufficient to allow unobstructed coverage of the Douglas and Agua Prieta area. The site is located near a road to allow for easy construction; it is near electrical power; is located away from residential areas; and is clustered with similar facilities used for communications.



D Hill is rural and undeveloped except for the “D” which it is named after.

The Applicant also notes that a survey of existing communications towers in this area of Cochise County found that most were at elevations too low to meet the coverage objectives of Station KREE, or the towers were at capacity with insufficient space to accommodate the necessary antenna. The Owner’s of the new radio station entered into negotiations with radio station KRMC to share its tower or antenna, but technical obstacles could not be overcome.

The Applicant states that construction of Radio Bilingue’s new communications tower is anticipated to be started in early 2012. Construction will be completed in approximately 30 days

and through a General Contractor who will be responsible for installing the necessary radio equipment and will oversee electrical, fencing, and tower erecting contractors. The tower erector will handle any civil work, tower and building foundations, erection of the tower, and placement of the prefabricated equipment shelter.

IV. ANALYSIS OF IMPACTS

Compliance with Special Use Factors (§1716.02)

Section 1716.02 of the Zoning Regulations provides a list of eleven (11) criteria used to evaluate Special Use applications. These criteria are considered factors in the decision whether or not to approve this Special Use Permit and determine what conditions may be needed. This request complies with seven factors, with the remaining four factors not applicable to this project.

A. Compliance with Duly Adopted Plans: Not Applicable.

This criterion 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.

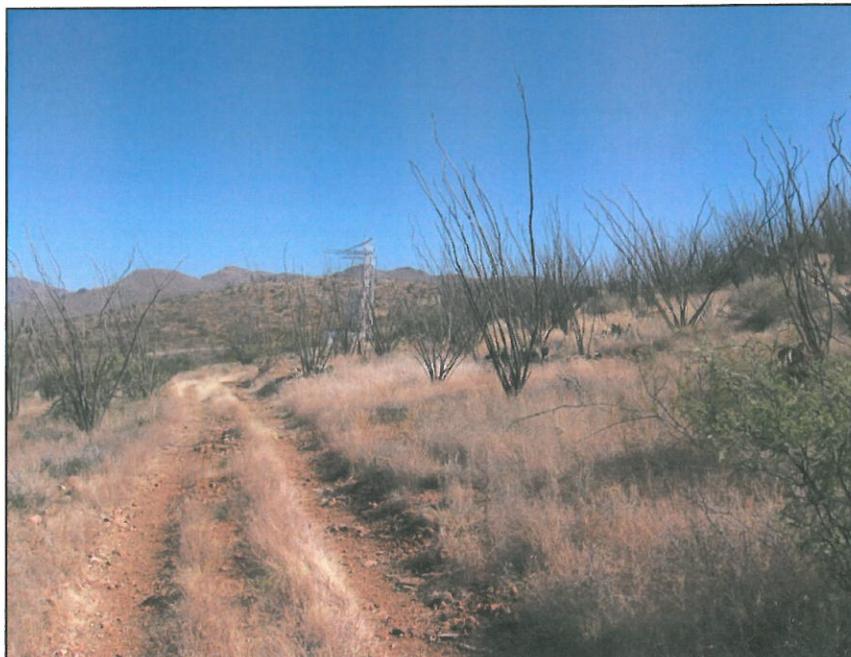
The proposed use complies with the following purpose statement in Article 6 (RU, Rural) of the Zoning Regulations:

§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 on a hillside with an existing Cox Cable facility and another smaller tower with a satellite dish. These existing facilities are the only signs of development on this rural and natural site. The impact to the rural site will be minimal.

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 as well as an adjoining wireless communications tower.

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.Water and Septic:

The site does not have a well or septic system, and neither are proposed for this Special Use request at this time.

Access and Circulation: There is vehicular access via a private easement and suitable legal access is in place for this Special Use request.

F. Significant Site Development Standards: Complies.

The site development standards for Wireless Communications Towers is found in Section 1813 of the Cochise County Zoning Regulations. The Applicant must demonstrate that there are no suitable wireless towers in the area – which has been done (See Attachment E.) The design and manufacturing of wireless towers will meet all engineering standards. The Applicant has stated that this tower will be constructed to accommodate another provider (See Attachment E.) Affidavits from both the FAA and the FCC requirements are included (See Attachment E.) The stamped plans will be submitted by a registered Arizona Engineer prior to permit issuance. Setbacks, security fencing specifications, and parking requirements will be met, per the submitted site plan.

G. Public Input: Complies.

The applicant sent correspondence to neighboring parcel owners within 1,500 feet of the property (see Attachment D.) The Department also mailed notice to owners within one mile of the site. Neither the Applicant, nor as of this writing, the Department have received any responses to this Special Use request.

H. Hazardous Materials: Not Applicable.

The applicant has indicated on the Hazardous Materials Questionnaire included in the Special Use application that hazardous materials will not be stored on site.

I. Off-site Impacts: Complies.

As noted previously, there are no residences near the subject parcel, so discernible off-site noise impacts will likely be negligible. The Applicant notes that an air conditioner will be installed on the pre-fabricated shelter, which will produce noise levels found in residential areas.

J. Water Conservation: Not Applicable.

The Applicant has indicated that no water will be used for this project.

K. Site Plan or Concept Plan: Complies.

A scaled site plan submitted along with the Special Use application will meet the requirements set forth §1705.07 of the Zoning Regulations.

V. PUBLIC COMMENT

As previously stated, neither the Applicant nor the Department has received any comment on this proposed wireless communications tower.

VI. SUMMARY AND CONCLUSION

This rural and undeveloped parcel is already home to several wireless communication facilities. The elevation of the site as well as its location east of Douglas both contribute to an ideal location for erecting this new wireless radio tower. New construction of Wireless Communication Towers is subject to review and authorization by both the Federal Communication Commission (FCC) and the Federal Aviation Administration (FAA). The FCC has issued a permit for the construction of this tower, and the FAA has reviewed and issued a Determination in favor of this new tower. All Site Development Standards will be met with this Application, and construction will be subject to a Commercial Building permit with appropriate inspections.

Factors in Favor of Allowing the Special Use

1. The Applicant proposes to meet all County site development standards; and
2. The Applicant attempted to co-locate this facility on an existing tower.

Factors Against Approval

1. There are no apparent factors against approval.

VII. RECOMMENDATIONS

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 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; and

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-11-12, with the conditions of approval 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 Plans
- D. Citizen Review and Public Comment
- E. Justification from Gray, Frierson, Haertig and Associates with FCC and FAA documentation



COCHISE COUNTY PLANNING DEPARTMENT

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

(520) 432-9240
Fax 432-9278

**COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER: 410-01-004D

ZONING DISTRICT RU-4, Growth Category D

APPLICANT: Radio Bilingue, Subsidiary of KREE

	(Operations):	(Headquarters):
MAILING	1518 N. Arthur Avenue	405 Fourteenth Street, Suite #414
ADDRESS:	Fresno, CA 93728	Oakland, CA 94612

	Maria Erana, Director of Broadcasting	
CONTACT TELEPHONE NUMBER:	(559) 455-5781	HQ (559) 455-5746

PROPERTY OWNER (IF OTHER THAN APPLICANT): William & Jean Weaver

ADDRESS: 2801/2809 Great Northern Loop, Suite #410

Missoula, MT 59808-1745

DATE
SUBMITTED: 23 September 2011

Special Use Permit Public Hearing Fee (if applicable) Ck #40162 (RB, Inc)	\$ <u>300.00</u>
Building/Use Permit Fee	\$ _____
Total paid	\$ <u>300.00</u>

*Check 40162
KD Paid
300.00*

PART ONE - REQUIRED SUBMITTALS

9/26/2011

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 x 17 inches, please provide one reduced copy.) **Atch**
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. **Atch, Landowner Permission**

A 8

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan. **Not Applicable: no water required**
 Estimated total gallons of water used: per day NA per year NA

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

Show the septic tank, leach field and 100% expansion area on the site plan.
Not Applicable: no sewerage required

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

LEASE, between Landowner and Client, will be executed and forwarded for inclusion, upon approval of Special Use.

*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 No restrictions; acquiring Title Report

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Not Applicable	NA
Sewer/Septic	Not Applicable	NA
Electricity	Arizona Power Service	UG or OH extension from meter on-site
Natural Gas	Not Applicable	NA
Telephone	COX Communications	UG extension from facility on-site
Fire Protection		

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Frequency reception / transmission occurs outdoors via satellite dish & tower;
data processing & equipment operations occurs within the shelter.

2. Will outdoor storage of equipment, materials or products be needed? **No** if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. Not Applicable
-
3. Will any noise be produced that can be heard on neighboring properties? **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? The shelter is equipped with a thru-wall HVAC unit, the noise level of which is similar to that of an average residential air-conditioning outdoor condensing unit.
4. Will any vibrations be produced that can be felt on neighboring properties? **No** if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? Not Applicable
-
5. Will odors be created? **No** If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? Not Applicable
-
6. Will any activities attract pests, such as flies? **No** If yes, what measures will be taken to prevent a nuisance on neighboring properties? Not Applicable
-
7. Will outdoor lighting be used? **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. **Single CFL or incandescent floodlight, adjacent to equipment shelter door, lit only at maintenance visits after dark.**
8. Do signs presently exist on the property? **Yes** If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan. **Small ID/Registration and/or Caution placards, affixed to equipment or conex.**
- A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? 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).

Only signage will be "ID" & "Caution" placards, approx. 12"x 12" (see 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 NA

Will washes be improved with culverts, bank protection, crossings or other means?

Yes No Not Applicable

If yes to any of these questions, describe and/or show on the site plan. Not Applicable

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other) Existing primitive trail will not be improved; proposed parking alcove adjacent to facility will be appropriately compacted & surfaced with either aggregate or modular pervious lattice for vegetated pavement.

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.) Attached

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

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

SECTION C - Water Conservation and Land Clearing

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

NOT APPLICABLE:

Actual facility area enclosed within the fence is approximately 576 SF, of which the building and tower base footprints consume 140 SF. Both structural components will be setback from the fence by a security buffer of 3'-4', along the inside perimeter of the fence. The single short-term parking space will be outside the fence and measure approximately 8'x 20' (160 SF).

2. How many acres will be cleared? 800 +/- SF = .017 acre

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.) Not Applicable, although Client has been

advised to use Low-Impact Development (LID) principles during construction.

SECTION D – Hazardous or Polluting Materials

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

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

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

NOTES:

Hazards, Hazardous Material and Nuisances

The Federal Government has promulgated rules and exposure standards concerning human exposure to radio frequency electromagnetic fields. As a Federal licensee, the proponent must assure that the general public and workers alike are not exposed to radio frequency electromagnetic fields in excess of the maximum permissible exposure standard. Radio Bilingüe has demonstrated to the Federal Communications Commission that its proposed facilities meet these standards.

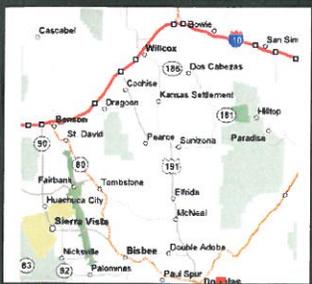
At no place at ground level or at roof level does the radio frequency electromagnetic field exceed the Federal maximum permissible exposure standard for the general public. Radio Bilingüe has adopted work rules to assure that workers whose duties might take them in the immediate vicinity of the transmitting antenna on the tower are not exposed to radio frequency fields in excess of the Federal occupational maximum permissible exposure standard.

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.

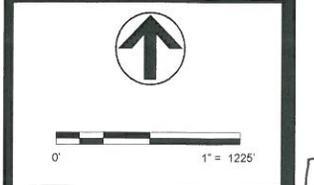
Applicant's Signature 

Date signed 23 SEP 2011



Docket SU-11-12
(Radio Bilingue)
Location Map

This map is a product of the
Cochise County GIS



B
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BUCK LEWIS
ENGINEERING
INC.

PLANNERS • ENGINEERS • CONSULTANTS

P.O. Box 1373
Sierra Vista, AZ 85636-1373

NEW LOCATION!
197-A East Fry Blvd.
Sierra Vista, AZ 85635

COUNTY OF COCHISE

25 September 2011

Community Development Dept.
1415 Melody Lane, Bldg F
Bisbee, Arizona 85603

RE: Special Use, Parcel 410-01-004D

To Whom It May Concern:

In support of our Client's request for a Special Use permit relative to the above-referenced parcel, we submit the following:

- On September 14, 2011, **Buck Lewis Engineering, Inc.** mailed a letter (Atch 'A') to all property-owners who live within a 1,500-foot radius of the property on which the proposed Special Use would occur (Atch 'B', provided by the Cochise County, Planning & Zoning Department). The letter outlined our purpose in contacting them and provided information related to the proposed usage of the property.
- **NOTE:** There were only two (2) property-owners, one (1) of which is the owner of the parcel under request, and who will be leasing to our Client; the other property-owner is a mortgage company in possession of a large portion of the Section (Atch 'C', provided by the Cochise County, Planning & Zoning Department).
- During the subsequent ten (10) days, September 15 through 24, 2011, a log was maintained for any calls, emails, and/or FAXes, received by this office, in response to the correspondence (Atch 'D'), whether the subject property-owners or concerned citizens. There have been no objections and/or responses to date.

Questions regarding this request should be addressed to us via phone: (520) 459-1122; FAX: (520) 458-9246; or email: teresa@blecivil.com

Thank you for considering our Client's request for the proposed Special Use.

Cordially,



TERESA N. PRICE
Project Engineer

Attachments (4):

- A. Letter, Public Notification + Attachments
- B. Chart, 1500' Buffer Zone
- C. List, Property Owners
- D. Log, Responses (none)

D
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BUCK LEWIS
ENGINEERING
INC.

PLANNERS • ENGINEERS • CONSULTANTS

P.O. Box 1373
Sierra Vista, AZ 85636-1373

4036 B. La Linda Way
Tel. (520) 459-1122
FAX (520) 458-9246

WILLIAM & JEAN WEAVER
2801 Great Northern Loop,
Suite #410
Missoula, MT 59808

14 September 2011

Buck Lewis Engineering, Inc. is a local civil planning and design engineering firm, retained by a non-profit public radio network (Client), who proposes to install a radio transmitter tower in a remote location, east of the Douglas Airport and west of "D" Hill. The parcel is privately-owned, zoned RU-4, and in Growth Category D.

Due to the tower's height and proximity to both the airport and the international border, the proposed installation falls under the classification of **Special Use**. Cochise County Zoning Regulations *requires that all property owners within a 1,500-foot radius of any parcel being considered for Special Use purposes, be notified of said proposal, so that they may exchange information and offer feedback.*

The proposed project includes the erection of an 80' tall radio tower, construction of a small maintenance shelter of 80-100 SF, and installation of a 6' diameter satellite reception dish. The three (3) components will be enclosed within a perimeter security fence measuring approximately 30'x 30', adjusted as needed to accommodate one (1) parking space for a maintenance or security vehicle. The entire land section is virtually unpopulated, except for an existing 40' radio tower facility approximately 200' away, as well as a cable telecommunications tower.

Attached, please find a Google Earth print which identifies the property corners of the three (3) adjoining parcels in the NE corner of Section 15, Township 24 South, Range 28 East. The subject parcel is the middle parcel of the three, on which you will see the proposed project has been rough-sited.

Questions about this proposal should be addressed to us via phone: (520) 459-1122; FAX: (520) 458-9246; or email: teresa@blecivil.com; please leave a message with your name and a contact phone number or email address, if we should happen to be unable to take your call. Written communications should be sent to our P. O. box.

Thank you for considering the proposed Special Use and responding to this letter at your earliest convenience.

Cordially,



TERESA N. PRICE
Project Engineer

D 16

BUCK LEWIS
ENGINEERING
INC.

PLANNERS • ENGINEERS • CONSULTANTS

P.O. Box 1373
Sierra Vista, AZ 85636-1373

4036 B. La Linda Way
Tel. (520) 459-1122
FAX (520) 458-9246

ECOM Mortgage, Inc.
A California Corporation
P. O. Box 2553
San Gabriel, CA 91778

14 September 2011

Buck Lewis Engineering, Inc. is a local civil planning and design engineering firm, retained by a non-profit public radio network (Client), who proposes to install a radio transmitter tower in a remote location, east of the Douglas Airport and west of "D" Hill. The parcel is privately-owned, zoned RU-4, and in Growth Category D.

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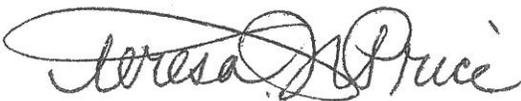
The proposed project includes the erection of an 80' tall radio tower, construction of a small maintenance shelter of 80-100 SF, and installation of a 6' diameter satellite reception dish. The three (3) components will be enclosed within a perimeter security fence measuring approximately 30'x 30', adjusted as needed to accommodate one (1) parking space for a maintenance or security vehicle. The entire land section is virtually unpopulated, except for an existing 40' radio tower facility approximately 200' away, as well as a cable telecommunications tower.

Attached, please find a Google Earth print which identifies the property corners of the three (3) adjoining parcels in the NE corner of Section 15, Township 24 South, Range 28 East. The subject parcel is the middle parcel of the three, on which you will see the proposed project has been rough-sited.

Questions about this proposal should be addressed to us via phone: (520) 459-1122; FAX: (520) 458-9246; or email: teresa@blecivil.com; please leave a message with your name and a contact phone number or email address, if we should happen to be unable to take your call. Written communications should be sent to our P. O. box.

Thank you for considering the proposed Special Use and responding to this letter at your earliest convenience.

Cordially,



TERESA N. PRICE
Project Engineer

D

TELECOMMUNICATIONS ENGINEERING
GRAY FRIERSON HAERTIG & ASSOC.
820 NORTH RIVER STREET, SUITE 108
PORTLAND, OREGON 97227
503-282-2989

ELECTRONIC MAIL
gfh@haertig.com

20 September 2011

Justification for Site

A survey of existing communications towers in the Douglas area was undertaken. Most were of too low an elevation to meet the radio station coverage objectives. Others were at capacity and there was insufficient space for the necessary antenna. Radio Bilingüe entered into negotiations with the owners of radio station KRMC to share its tower or antenna, which are adjacent to the proposed site, but there were technical obstacles that could not be overcome.

The proposed site was selected because it is of sufficient elevation to allow unobstructed coverage of Douglas and Agua Prieta; it is near to a road to allow easy construction; it is near to electrical power; it is away from residential development; and it is clustered with other communications facilities.

The facility will act as the transmission plant for radio station KREE. KREE is licensed to Radio Bilingüe, Inc., a secular, non-commercial educational Public Radio Network serving the interests of the Hispanic Community. Programming will be produced elsewhere and delivered to the transmission facility by satellite. The station will broadcast continuously.

Once construction is complete, no employees will work regularly at the site.

Operations

The facility will operate 24 hours per day, unattended.

Once construction is complete it is expected that there will be one visit per month for routine maintenance. Usually this will be a single individual in a single vehicle.

Additional visits may be necessary on an emergent basis for repairs. It is expected that these will be infrequent.

Construction

Radio Bilingüe anticipates starting construction in Q1, 2012.

It is expected that construction will take less than 30 days.

There will be a general contractor, electrician, fencing contractor and tower erector. The general contractor will be responsible for installing the radio equipment and overseeing the other contractors. The electrician will connect the transmitting and ancillary equipment to the building electrical service. The fencing contractor will erect the fence around the compound. The tower erector will handle any civil work, tower and building foundations, erection of the tower and placement of the prefabricated equipment shelter.

Facility Components

Infrastructure

The tower will be unlit and unpainted per FAA regulations.

The only permanent outdoor lighting will be a simple incandescent or CFL floodlight adjacent to the equipment shelter door. It will be lit only if maintenance personnel are on-site after dark.

Shelter

The equipment or communications shelter will be used to house the transmission equipment. No storage, other than a few spare parts for the equipment, is anticipated.

The equipment shelter is an industry standard prefabricated unit similar to those found at most cellular telephone transmission facilities. It is of wood stud construction with fiber-reinforced plastic (FRP) cladding with an exposed pebble aggregate finish. It will

be tan in color unless otherwise directed by the County. The roofing material is single membrane plastic – gray or white in color. It will have a single metal door and no windows. See Figure 1, below, for a picture of similar shelters.



Fig. 1

The equipment shelter will not be equipped with lavatory facilities.

Tower

The tower will be an 80-foot self-supporting, web-braced design constructed of galvanized steel. The width at the base will be approximately 6 feet (exact width yet to be determined) tapering to 2 feet at the 40-foot level and of uniform cross section above.

Satellite Dish

The satellite dish will be 6 feet in diameter, and supported using a non-penetrating ballasted mount located on the tower foundation or adjacent to it. Its overall height will be approximately 8 feet. It must have a clear view of the southern sky. It requires no external infrastructure and will be connected to the equipment building using a 1/4" diameter coaxial cable.

Signage

There will be a sign approximately 12" x 18" attached to the door of the building providing contact information in case of an emergency.

There will be 8" x 12" signs in English and Spanish attached to base of the tower and on the entry gate to the fenced compound warning of Radio Frequency Field hazards. See Figure 2 for sample signs.



Figure 2

Storage

At the discretion of the tower erector, the tower steel may be stored on site until erected. It is anticipated that storage time would be less than 2 weeks. The tower sections will be linked together with a locked cable preventing their removal.

No equipment, supplies or other material will be stored outside after construction.

Hazards, Hazardous Material and Nuisances

The Federal Government has promulgated rules and exposure standards concerning human exposure to radio frequency electromagnetic fields. As a Federal licensee, the proponent must assure that the general public and workers alike are not exposed to radio frequency electromagnetic fields in excess of the maximum permissible exposure standard. Radio Bilingüe has demonstrated to the Federal Communications Commission that its proposed facilities meet these standards.

At no place at ground level or at roof level does the radio frequency electromagnetic field exceed the Federal maximum permissible exposure standard for the general public. Radio Bilingüe has adopted work rules to assure that workers whose duties might take them in the immediate vicinity of the transmitting antenna on the tower are not exposed to radio frequency fields in excess of the Federal occupational maximum permissible exposure standard.

The daily operation of the proposed facility will produce no odors, loud noises or vibrations, nor will it be of a nature to attract vermin or pests. It will not present an unsightly panorama.

The equipment shelter will be equipped with a through-the-wall HVAC system. The noise level is similar to that of a home air conditioning outdoor condensing unit.

The nearest occupied building is approximately 3,000 feet distant. There is an outdoor firearms shooting range 1,600 feet from the same building.



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

RADIO BILINGUE, INC.
5005 EAST BELMONT AVENUE
FRESNO CA 93727

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility ID: 174148

Grant Date: August 18, 2009

Call Sign: NEW

This permit expires 3:00 a.m.
local time, 36 months after the
grant date specified above.

Permit File Number: BNPED-20071016AFE

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: RADIO BILINGUE, INC.

Station Location: AZ-PIRTLEVILLE

Frequency (MHz): 88.1

Channel: 201

Class: A

Hours of Operation: Unlimited

Callsign: NEW

Permit No.: BNPED-20071016AFE

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 31 deg 20 min 55 sec

West Longitude: 109 deg 28 min 46 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	1.10	1.10
Height of radiation center above ground (Meters):	20	20
Height of radiation center above mean sea level (Meters):	1357	1357
Height of radiation center above average terrain (Meters):	50	50
Antenna structure registration number: 1268689		

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

- 2 The applicant requests waiver of 47. C.F.R. § 73.1125 to operate the proposed facility as "satellite" of co-owned noncommercial educational FM Station KSJV(FM), Fresno, CA (Facility ID No.: 54496). Based upon the specific representations contained therein, the waiver request IS GRANTED. The applicant shall abide by each representation proffered in the waiver request.

E
24

Special operating conditions or restrictions:

- 3 Permittee has specified use of the antenna listed below to demonstrate compliance with the FCC radiofrequency electromagnetic field exposure guidelines. If any other type or size of antenna is to be used with the facilities authorized herein, THE AUTOMATIC PROGRAM TEST PROVISIONS OF 47 C.F.R. SECTION 73.1620 WILL NOT APPLY. In this case, a FORMAL REQUEST FOR PROGRAM TEST AUTHORITY must be filed in conjunction with FCC Form 302-FM, application for license, BEFORE program tests will be authorized. This request should be made at least 10 days prior to the date on which program tests are desired to commence. The request must include a revised RF field showing to demonstrate continued compliance with the FCC guidelines.

3 bay antenna

Documentation demonstrating compliance with the FCC radiofrequency field exposure guidelines may be submitted in advance of the filing of FCC Form 302-FM. The Commission's staff will review it for compliance and respond by letter stating whether automatic PTA has been reinstated.

*** END OF AUTHORIZATION ***



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2009-AWP-1047-OE
Prior Study No.
2007-AWP-6302-OE

Issued Date: 10/05/2010

Gray Frierson Haertig
Gray Frierson Haertig & Assoc.
820 North River Street, Suite 100
Portland, OR 97227

**** PROJECT STATUS REQUEST LETTER ****

The Federal Aviation Administration issued a determination dated 05/04/2009 concerning:

Structure:	Antenna Tower / RB-Douglas Tower (2)
Location:	Douglas, AZ
Latitude:	31-20-55.53N NAD 83
Longitude:	109-28-48.30W
Heights:	80 feet above ground level (AGL) 4466 feet above mean sea level (AMSL)

Your FAA determination will expire on 11/04/2010. We must receive documentation that you have taken action to avoid expiration of the determination. Failure to respond to periodic FAA inquiries could invalidate the determination issued.

NOTE: AS A CONDITION OF YOUR DETERMINATION, YOU WERE REQUIRED TO FILE FAA FORM 7460-2, SUPPLEMENTAL NOTICE. TO DATE THIS NOTIFICATION HAS NOT BEEN RECEIVED. IF NO REPLY IS RECEIVED WITHIN 30 DAYS OF THE DATE OF THIS LETTER, IT WILL BE ASSUMED THAT ACTION WAS NOT TAKEN TO AVOID EXPIRATION AND THE DETERMINATION WILL NO LONGER BE VALID.

If we can be of further assistance, please contact our office at (310) 725-6558. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2009-AWP-1047-OE.

Signature Control No: 622277-131741954
LaDonna James
Technician

(PSR)

Please review the options, put an "X" in the appropriate space and complete the required action. If applicable, attach the necessary documentation.

THE STRUCTURE(S) INCLUDES TRANSMITTING FREQUENCIES AND/OR IS SUBJECT TO THE ISSUANCE OF A CONSTRUCTION PERMIT BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC). ATTACHED IS A COPY OF OUR CONSTRUCTION PERMIT OR, IF NOT YET ISSUED, A COPY OF OUR APPLICATION FOR A CONSTRUCTION PERMIT.

ACTION REQUIRED: Failure to attach the necessary documentation will result in your determination being considered expired. Your response may be submitted via e-Mail to ladonna.james@faa.gov or by attaching your documents to your registered e-Filing account at <https://oeaaa.faa.gov>

THE PROPOSAL WAS RE-FILED AND ASSIGNED A NEW AERONAUTICAL STUDY NUMBER. THIS DETERMINATION SHOULD BE TERMINATED AND SUPERSEDED BY _____ - _____ - _____ -OE.

ACTION REQUIRED: Your response may be submitted via e-Mail to ladonna.james@faa.gov or by attaching this completed letter to your registered e-Filing Account at <https://oeaaa.faa.gov>

THE PROJECT IS ABANDONED OR DISMANTLED.

ACTION REQUIRED: To submit Notice, login to your account or register as a new user at <https://oeaaa.faa.gov>. Search archives to locate the subject aeronautical study number (ASN) and submit the date of abandonment or dismantlement via 7460-2 electronically.

CONSTRUCTION HAS NOT STARTED. PLEASE CONSIDER AN EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION FOR AN ADDITIONAL 18 MONTHS.

ACTION REQUIRED: Request must be e-filed at least 15 days prior to the expiration date. Login to your account or register as a new user at <https://oeaaa.faa.gov>. Select the Extension Request link, enter your aeronautical study number (ASN) and submit your request.

CONSTRUCTION STARTED, BUT STRUCTURE IS NOT AT ITS GREATEST HEIGHT YET.

To submit notice of construction, login to your account or register as a new user at <https://oeaaa.faa.gov>. Search archives to locate the subject aeronautical study number (ASN) and submit 7460-2 Part I electronically. NOTE: If your construction information includes any changes to the originally submitted proposal, you will be notified by the system that a new filing is required. A new study will be automatically generated by the system so that a revised determination may be issued.

[] CONSTRUCTION REACHED ITS GREATEST HEIGHT.

To submit notice of construction, login to your account or register as a new user at <https://oeaaa.faa.gov>. Search archives to locate the subject aeronautical study number (ASN) and submit 7460-2 Part II electronically. NOTE: If your construction information includes any changes to the originally submitted proposal, you will be notified by the system that a new filing is required. A new study will be automatically generated by the system so that a revised determination may be issued.

Name: _____ Gray Frierson Haertig _____ Phone: _503-282-2989_

Email: _____ gfh@haertig.com _____ Fax: _____

Date: _6 October 2010_



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: Ordinance, Bylaws, and Mentoring Guide
DATE: October 31, 2011 for the November 9, 2011 Meeting

AGENDA FOR WORK SESSION:

Chairman Jim Lynch has requested that the following documents be included in the November 9, 2011 packet and will discuss his vision for them at this meeting.

The documents included are:

- The Commission Establishing Ordinance
- P&Z Commission Bylaws
- Draft Mentoring Guide for New Commissioners

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.

THE BOARD OF SUPERVISORS OF THE COUNTY OF COCHISE DO ORDAIN:

Sec. 1. ESTABLISHMENT.

A County Planning and Zoning Commission (hereinafter referred to as 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 filed with the Clerk of the Board.

The Executive-Secretary 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 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 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, 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.

Sec. 9. COUNTY DEVELOPMENT PLAN.

The County Development 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 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 any one 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, 1970, by the Board of Supervisors of the County of Cochise, Arizona.

COCHISE COUNTY BOARD OF SUPERVISORS

X W.R. Moore Chairman
X Samuel B. ... Member
X John F. Glass Member

ATTEST:

[Signature]
Clerk

**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 function 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.

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 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.

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.
2. **Regular Meetings:** Regular meetings of the Commission shall be held at least once per month or more as warranted by Commission business, at the time and place as set forth in the notice of meeting.

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. 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. 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.
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.

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



FEE # 070722382
OFFICIAL RECORDS
COCHISE COUNTY
DATE 07/05/07 HOUR 2
REQUEST OF
COCHISE COUNTY PLANNING DEPT
CHRISTINE RHODES--RECORDER
FEE : PAGES : 6

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.

REVISIONS ADOPTED ON JUNE 13, 2007


Vice - Chair


Chair

CHRISTINE RHODES
COCHISE COUNTY RECORDER
1415 MELODY LANE BLDG. B
BISBEE, ARIZONA 85603

DATE 07/05/07 TIME 15:39:50

RECEIPT FOR RECORDING FEES PAID

ON FEE # 070722382 RECORDED 07/05/07
AT 2 O'CLOCK BY RECSGRUH
ON TERM REC8852S1
RECVD FROM COCHISE COUNTY PLANNING DEPT

AMOUNT DUE
TENDERED

BALANCE DUE .00

THANK YOU.

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.

REVISIONS ADOPTED ON JUNE 13, 2007


Vice - Chair


Chair

CHRISTINE RHODES
COCHISE COUNTY RECORDER
1415 MELODY LANE BLDG. B
BISBEE, ARIZONA 85603

DATE 07/05/07 TIME 15:39:50

RECEIPT FOR RECORDING FEES PAID

COCHISE COUNTY

ON FEE # 070722382 RECORDED 07/05/07
AT 2 O'CLOCK BY RECGRUH
ON TERM REC8352S1
RECVD FROM COCHISE COUNTY PLANNING DEPT

JUL 02 2007

DI ANNING

AMOUNT DUE
TENDERED
=====

CHRISTINE RHODES
COCHISE COUNTY RECORDER
1415 MELODY LANE BLDG. B
BISBEE, ARIZONA 85603

THANK YOU.

07/05/07

TIME 15:39:50

RECEIPT FOR RECORDING FEES PAID

ON FEE # 070722382 RECORDED 07/05/07
AT 2 O'CLOCK BY RECGRUH
ON TERM REC8352S1
RECVD FROM COCHISE COUNTY PLANNING DEPT

AMOUNT DUE
TENDERED
=====

THANK YOU.

DRAFT PLANNING LAND ZONING COMMISSIONER MENTOR TOPICS

- Attendance at meetings and quorum call process
 - See Riggins' Rules concerning attendance – you really need to be at the meetings. If you can't be there, make sure the staff or the Chairman knows in advance.
- Travel claim process
- Formality of proceedings
 - Our meetings are legal proceedings and need to be conducted in the appropriate way. Sessions are not the time to be “folksy” – informality will invariably lead to disruption when contentious issues are being addressed.
- Decorum in session (cell phones, eating, drinks)
 - Cell phones should be off during meetings – a bottle of water is OK but food or other drinks should not be present during meetings.
- Importance of microphones for minutes purposes and need to eliminate side chatter
 - AZ law requires recording of the proceedings, which are then used to prepare the minutes. Speakers must use the microphones to insure that the discussion is properly recorded. Do not address the public in their seats as they will not be recorded – make sure attendees use the podium for making their comments.
- Adherence to open meeting requirements
 - Read the AZ law concerning open meetings – this is important! It is available on the county website.
- Use of rules of order (O. Garfield Jones “Parliamentary Procedure at a Glance”) – you should have a copy!
 - Following the rules of order goes hand-in-hand with the issue of formality. You need to understand the basics of the rules, particularly with regard to motions.
- Technical and social issues - consideration for both

- Our job as a commission is to address land use issues. While social issues will invariably come into play, we really are making technical decisions about compliance with a complex set of rules.
- Pre-review of dockets is really necessary
 - You really must read the dockets before the start of the meetings. They are provided both in hard copy and on the web. Questions to clarify a docket may be addressed to the staff prior to the meeting.
- Understand significance of acting as County Official
 - As a Commissioner, you are a sworn county official. You must present an official appearance at the meetings and recognize the impact your actions can have on the public.
- Be aware that the press is always present.
 - What you say may be on the front page tomorrow – choose your words carefully and be prepared to defend your positions.
- Study the Bylaws
 - As with the Rules of Order, the Bylaws are the foundation for our process. Read them and review them periodically.
- Be alert for dockets that might require your recusal
 - Err on the conservative side – if you have an interest or even an appearance of an interest in a docket it is best to recuse yourself.
 - If there is a question in your mind, contact the county attorney for guidance.
- Interaction among Commission and other Agencies, Federal and State
 - It is not the function of the Commission to enforce the requirements of other agencies. We deal with land use issues. Don't get bogged down in trying to enforce outside requirements for which we are not the regulating authority. For example: It is not the Commission's responsibility to regulate the manner of access from a parcel to a state or federal highway. The responsibility is that of the appropriate highway agency.
- Use of the Staff to resolve docket issues prior to hearing

- After review of an upcoming docket, it is perfectly right to ask questions of the staff if you need clarification on an issue.
- Justification for vote – why did you vote as you did and have you voiced your rationale
 - We will try to document our rationale for votes – the chair may call on you to voice your reasons for a particular vote, either for or against