

# Cochise County Planning Commission

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

**Regular Meeting  
March 13, 2019**

**4:00 p.m.**

## **AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
3. **APPROVAL OF THE PREVIOUS MONTH'S MINUTES**
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S. § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**
  1. **SU-19-01 (Bechtel Bernadino) - A request for a 100 foot communications tower northeast of Douglas.**
  2. **SU-19-02 (Bechtel Killion) - A request for a 199 foot communication tower south of Portal**
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
9. **ADJOURNMENT**

**P&Z Commission**

**3.**

**Meeting Date:** 03/13/2019

**Submitted By:** Peter Gardner, Community Development

**Department:** Community Development

**Presentation:** No A/V Presentation

**NAME  
of PRESENTER:**

**TITLE  
of PRESENTER:**

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**Agenda Item Text:**

**APPROVAL OF THE PREVIOUS MONTH'S MINUTES**

**Background:**

APPROVAL OF THE PREVIOUS MONTH'S MINUTES

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**Attachments**

January 09 minutes

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**PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING HELD ON  
Wednesday, January 9, 2019**

A regular board meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, January 9, 2019 at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Wayne Gregan, Vice Chair; Tom Borer, Member; Kim DePew, Member; Nathan Watkins, Member; Patrick Greene, Chairman; Pat Edie, Member; Jim Martzke, Member; Gary Brauchla, Member; Carmen Miller, Member

Chairman Greene called the meeting to order at 4:00 p.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

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

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1. **CALL TO ORDER**

2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).

3. **APPROVAL OF THE PREVIOUS MONTH'S MINUTES**

Motion by Member Tom Borer, Second by Vice Chair Wayne Gregan Mr Borer moved to approve, Mr Gregan seconded. The vote was 5-0 with Edie and Martzke abstaining.

**Vote:** 5 - 0 Approved

1. Approval of the Minutes

4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

**Vote:** 9 - 0 Approved

5. **ACTION**

6. **PUBLIC HEARING**

1. Z-18-10 (Dattellas) The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to R-18 (Residential; one dwelling per 18,000 square feet)

Mr. Dattellas addressed the Commission.  
Ms. Carla Warner expressed concern about traffic and flooding.  
Mr. Dattellas addressed neighbor concerns.

Motion by Vice Chair Wayne Gregan, Second by Member Tom Borer Mr. Gregan moved to approve and Mr. Borer seconded. The vote passed 7-0.

**Vote:** 7 - 0 Approved

2. Z-18-11 (Fischer) The Applicant is requesting a rezoning from NB (Neighborhood Business) to MH-72 (Multiple Household Residential; one dwelling per 7,200 square feet)

Ms. Fischer addressed the Commission via telephone.

Motion by Member Jim Martzke, Second by Vice Chair Wayne Gregan Mr. Martzke moved to approve and Mr. Gregan seconded. The vote passed 7-0.

**Vote:** 9 - 0 Approved

3. SU-15-25A (Ingram Road) The Applicant is requesting a Special Use modification to replace one approximately 92,000 square foot greenhouse with an outdoor grow area of approximately 87,000 square feet (for medical marijuana). In addition, the Applicant requests to utilize the existing home as an office and an existing garage for farm related storage. No product will be stored in either location.

Mr. Ray Klumb spoke representing the Applicant.  
Mr. Craig Boudle addressed the Commission as the Applicant.  
Allan Crocket, Doug Miller, and Ben Miller addressed the Commission.

Motion by Member Jim Martzke, Second by Vice Chair Wayne Gregan Mr. Martzke moved to approve and Mr. Gregan seconded. The vote passed 5-2 with Mr. Borer and Ms. Edie dissenting.

**Vote:** 5 - 2 Approved

NO: Member Tom Borer  
Member Pat Edie

4. Update the Cochise County Subdivision Regulations to remove the Minor Expedited Subdivision option, adopt minor changes to conform to current health code, and make clerical and procedural updates.

Motion by Member Tom Borer, Second by Member Pat Edie Mr. Borer moved to recommend approval and Ms. Edie seconded. The vote passed unanimously.

**Vote:** 7 - 0 Approved

7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
9. **ADJOURNMENT**

Chairman Greene adjourned the meeting at **XX:XX** a.m.

APPROVED:

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Patrick Greene, Chairman

ATTEST:

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Daniel Coxworth, Development Services Director

**P&Z Commission**

**1.**

**Meeting Date:** 03/13/2019

Su-19-01 (Bechtel Bernadino)

**Submitted By:** Peter Gardner, Community Development

**Department:** Community Development

**Presentation:** No A/V Presentation

**NAME** Peter Gardner  
**of PRESENTER:**

**TITLE** Planner II  
**of PRESENTER:**

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**Agenda Item Text:**

**SU-19-01 (Bechtel Bernadino) - A request for a 100 foot communications tower northeast of Douglas.**

**Background:**

*The Applicant requests a Special Use Authorization to approve a 100-foot tall, self-supporting wireless communications tower. The site is on State Land, APN 405-51-000, at the end of Dangerous Road atop Bernardino Peak and is zoned RU-4. The Applicant is Bechtel Infrastructure and Power Corporation.*

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**Attachments**

Staff Report

Area Map

Application

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**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

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 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner II  
**FOR:** Daniel Coxworth, AICP, Planning Director  
**SUBJECT:** Docket SU-19-01 (Bechtel Bernadino)  
**DATE:** March 8, 2019 for the March 13, 2019 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant requests a Special Use Authorization to approve a 100-foot tall, self-supporting wireless communications tower. The site is on State Land, APN 405-51-000, at the end of Dangerous Road atop Bernardino Peak and is zoned RU-4. The Applicant is Bechtel Infrastructure and Power Corporation.

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

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

**Zoning/Use of Surrounding Properties**

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

**Planning, Zoning and Building Safety**  
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**Highway and Floodplain**  
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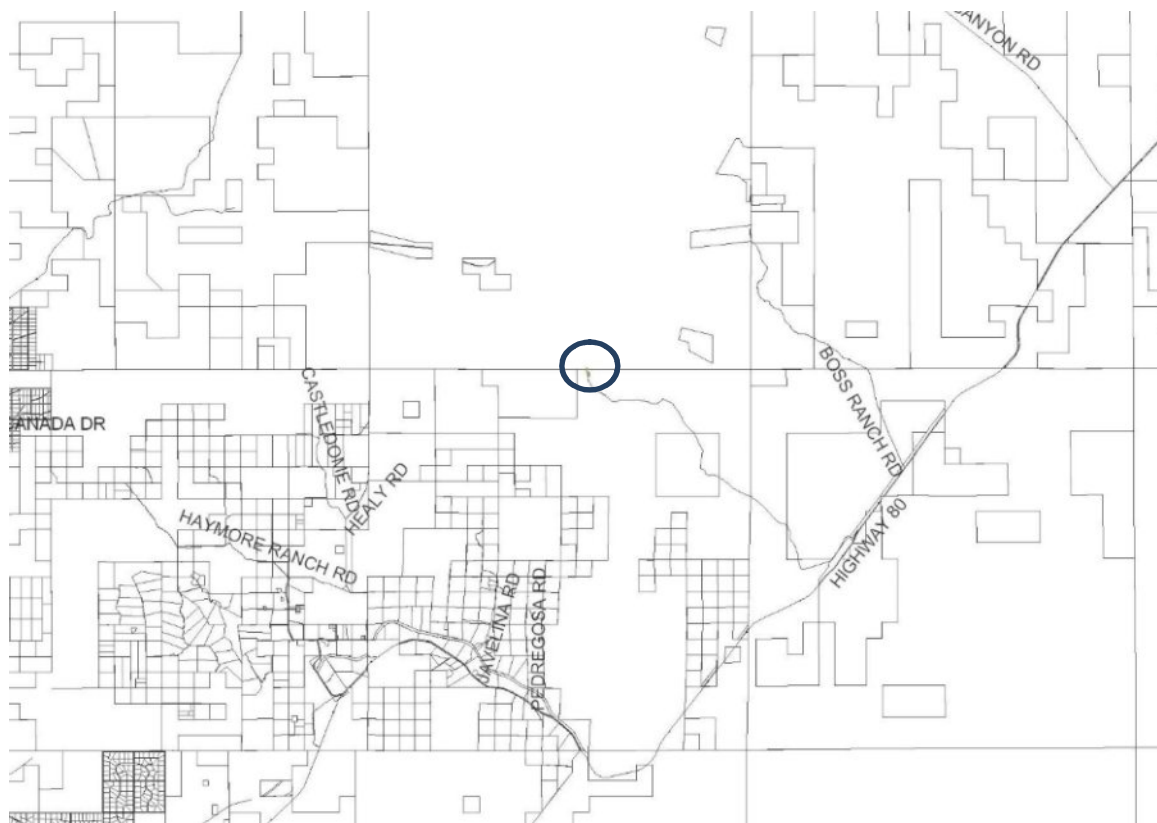
**II. PARCEL HISTORY**

- In 2004, a permit was issued to construct a 50-foot tower; the Applicant in this case was Cochise County Information Technologies. As the tower was originally purposed to house emergency services equipment for the County, the project was deemed an “essential government services” land use and was therefore considered exempt from Zoning Regulations, per Section 2002.02 (the permit was thus informational only). Per the Applicant in this case, however, a 40’ 6”-foot tower was actually constructed.
- In 2010, a violation was issued for construction/replacing wireless equipment without a permit.
- In 2011, a permit was issued for nine new panel antennas on the site, which resolved the aforementioned violation.
- In 2013 another tower was approved and constructed via Special Use Authorization.

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

**III. NATURE OF REQUEST**

The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of a 100-foot tower and base equipment. The tower is proposed Atop Bernadino Peak in addition to the existing towers on the site. The site is State Trust Land, and the tower is part of the federally funded FirstNet Authority to improve first responder and rural communications.



*Location Map*

The proposed tower and base equipment will be interface with surrounding towers to improve communications capability throughout the southeast portion of the County.



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

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

Five of the ten factors apply to this request. The project, as submitted, complies with each of those factors.

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

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

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

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

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

The project site is not located along any major road.

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

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

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

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

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

Wireless Communication facilities are subject to a set of use-specific site development standards. These are provided in Section 1813 of the Zoning Regulations, and among them are standards relative to co-location, setbacks, height standards, design and certification, as well as security. Regarding the latter, the Applicant has requested that the security standards of 1813.06, which require security fencing and anti-climbing devices, be waived (See Attachment E – Requested Modifications). Staff supports the requests in part due to the very remote location and difficulty in gaining access. The proposed tower meets all other site development standards as proposed.

**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**

Apart from providing more robust wireless phone and data coverage for residents and visitors, as well as other providers, if and when the tower is used to full capacity, the project is not expected to produce any new off-site impacts, including visual impacts.

**J. Water Conservation: Not Applicable****VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within one mile of the subject property. Staff posted the property and published a legal notice in the *Bisbee Review*. In response to applicant and County mailings, the Planning Department no written communications.

**VII. WAIVERS**

1. Based on the limited traffic to the site as an unmanned facility, Staff recommends waiving the requirement for a Private Maintenance Agreement.

## **VIII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve a 100-foot wireless communication tower and base equipment on State Trust Land northeast of Douglas.

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

1. With the requested Modifications, the request complies with each of the five applicable Special Use factors used by staff to analyze such requests;
2. The Special Use would facilitate increased range and quality of phone and wireless data coverage throughout the region, benefitting consumers and emergency service providers. Structurally, the tower as proposed could accommodate additional equipment for other providers in the future;
3. There are existing wireless towers at the Beacon Hill site; and
4. The tower would be sited on a large and remote rural parcel and therefore would not generate significant off-site impacts.

### **Factors Against Allowing the Special Use**

1. None Apparent

## **IX. RECOMMENDATION**

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. No signage, other than emergency signage, will be allowed for this wireless communications facility; and
4. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-19-01 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*



E BIG BEND CREEK RD

N BOSS RANCH RD

E GRAND VIEW RD

E SUMMERLAND RD

N DANGEROUS RD

E CATTLE DR  
E PEBBLE RD

N CASTLEDOME RD

80

E MUD SPRINGS RD

E TAYLOR LN

N HEALY RD

NDOS TRL

E HAYMORE RANCH RD

N HIDDEN OAKS TRL

UNNAMED 6310



N PERILLA STE KHEMET RD

N LOBO RD

N PEDREGOGA RD

RANCH RD

UNNAMED 6312

E MULBERRY DR

N BRUNO RD

N JAVELINA RD

N BOSS RANCH RD

E GET LOST RD

N WAYFARER RD

N COLLEGE PEAK RD

N CALLE LA QUINTA

E LOIS LN

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## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

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

By signing below, I acknowledge that:

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

**Planning, Zoning and Building Safety**

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highway@cochise.az.gov  
floodplain@cochise.az.gov

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

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Signature

Date

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Print Name/Firm

Owner

Agent

**Special Use Project Guide**  
**Effective January 1, 2013**

**Submittal Review Timelines**

Overall review time will be 130-business days.

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

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

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

## THE SPECIAL USE APPLICATION PROCESS

Special Uses are activities with a greater potential for impacts on neighboring properties than the permitted uses in a Zoning District. Examples of Special Uses are manufacturing, RV Parks, guest ranches, hospitals and schools. These more intense uses must be carefully reviewed to decide if they could make good neighbors. For this reason, a Special Use Permit requires a public hearing and approval by the Planning and Zoning Commission before it is allowed. For more detail review the adopted process in the Zoning Regulations Section 1716.

The following summarizes the steps involved in processing a Special Use Permit:

Step 1- Attend an informal pre-application meeting with County staff to review the Site Plan and discuss requirements and procedures.

Step 2- Complete the Citizen Review Process to be submitted as part of the application. The Citizen Review Process is explained at the pre-application meeting noted in Step 1.

Step 3 - Submittal of the attached application with completed questionnaire, citizen review report, Site Plan, and all attachments.

The information you provide on this form will help the Planning Department and the Planning and Zoning Commission make a fair and accurate review of your proposed Special Use.

While the form may seem long the questions are designed to be as straightforward as possible. It is important to answer every question that applies to your proposed use completely. *The Planning Department will be happy to meet with the Applicant to answer any questions and to go over the application and site plan prior to formally submitting the packet and fee as well as after submittal.*

The application will be considered complete and will be accepted by the Planning Department after all items in the checklist of required submittals are accurately completed and/or shown on the site plan, the fees are paid and the project is fully described by answering the questions in the questionnaire. *Failure to provide all the information needed to process the application could result in a delay of the Special Use process. Fees for a Special Use are \$300 payable to the Cochise County Treasurer. (Note: This does not include associated building permit fees if the special use is approved).*

Step 4 - Technical Review by Interested Agencies

The Planning Department will ask for technical review from agencies that have expert knowledge of the proposed use. These agencies can include County Departments such as Highway and Floodplain and Health and Social Services, and local fire districts. State agencies such as the Fire Marshall or the Departments of Environmental Quality and Transportation are also notified, if necessary.

Step 5 - Analysis and Recommendation

The information provided by the Applicant and by reviewing agencies and an analysis of pertinent factors noted in the Section 1716.02 of the Zoning Regulations will be used by the Planning Department to analyze the request. A report will be written and a recommendation provided to the Commission.

Recommendations can include:

1. Approval;
2. Approval with conditions which help protect neighbors, the public, and the environment from noise, odors, dust or other impacts; or

3. Denial if it appears the proposal is not in the public interest or cannot be designed to be a good neighbor.

Occasionally, a hearing will be tabled for further information gathering.

#### Step 6 - Public Hearing and Planning Zoning and Commission Action

The Commission will hold a Public Hearing. This Public Hearing is usually held about six to eight weeks after an application is accepted.

The Planning Department will mail a notice of the public hearing to nearby property owners within 300 feet of the site. A legal notice is also placed in the local newspaper and posted on the Applicant's property.

The Public Hearing provides an opportunity for Applicants to explain their proposal to the Commission. It also offers an opportunity for the public to express support or concerns regarding the proposal.

The Planning Department recommends that Applicants take the time to discuss their proposal with neighbors before the Public Hearing. Such prior contact can go along way in relieving the natural worries of neighbors when a change is suggested on nearby property.

After the Public hearing is closed, the Commission will usually vote on the Special Use application. If the application is approved, associated building/use permit fees and follow-up inspections will be required.

The Commission action can be appealed to the Board of Supervisors by anyone who disagrees with the outcome. Appeals must be filed within fifteen (15) calendar days of the Commission action. The fee for an appeal is \$300 and applications are available in Planning Department offices and on the Planning Department website: [www.cochise.az.gov](http://www.cochise.az.gov); at the upper menu click on Departments; scroll down to Planning and Zoning; on the left side menu scroll down and click on Planning Division; scroll down and click on Special Uses; scroll down and click on "Download Special Use Application"

## SPECIAL USE FACTORS

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Section 1716.02 of the Cochise County Zoning Regulations provides a list of ten (10) factors to evaluate special use applications. The Commission, and the Board if the special use is appealed, shall consider the criteria or factors listed below in deciding whether or not to approve a Special Use Permit.

Most special uses have both factors in favor and factors against. In a specific special use request, an individual factor may weigh more heavily than other factors. All factors will be analyzed and balanced against other factors when making a recommendation. Compliance or non-compliance with applicable special use criteria serves as the basis for analyzing the special use permit and determining factors in favor or factors against the special use. The special use factors represent policy decisions by the Commission and the Board, reducing uncertainty concerning their probable response to a given request. A property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may receive approval in spite of non-compliance with one of the other criteria. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a special use request may result in a denial.

Compliance with applicable factors below constitutes factors in favor of the special use:

### FACTORS FOR, OR AGAINST, THE SPECIAL USE REQUEST

Compliance with applicable factors below constitutes factors in favor of the special use:

#### **A. Compliance With Duly Adopted Plans**

The special use is consistent with Master Development Plans, transportation plans, Area Plans, the Growth Category and Land Use designation of the Comprehensive Plan and/or other land use plans, if any, that have been adopted for the area encompassing the special use.

#### **B. Compliance with the Zoning District Purpose Section**

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

#### **C. Development along Major Streets**

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.

#### **D. Traffic Circulation Factors**

1. The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102.B.3 (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.

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

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.

## **F. Significant 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.

## **G. Public Input**

If there is major public opposition to a proposed special use, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

## **H. Hazardous Materials**

Impacts from special uses that may involve hazardous materials have been adequately mitigated.

### **I. Off-site Impacts**

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

## **J. Water Conservation**

The special use complies with the water conservation policies in Section 102.E of the County Comprehensive Plan.

### **Site Plan or Concept Plan**

#### **1. Site Plan**

For special uses proposing a single, unphased project, a site plan in conformance with site plan requirements adopted in 1705 of the Zoning Regulations has been submitted. This site plan will serve as the plan for issuance of the building permit.

## 2. Concept Plan

In the case of phased special uses on one property or a special use where construction is not anticipated within one year, a concept plan may be reviewed by the Commission in lieu of the site plan requirements set forth in Section 1705. However, the issuance of a building/use permit for each use and/or phase shall be conditioned upon submittal of a site plan complying with the requirements set forth in Section 1705 and shall be in substantial conformance with the approved concept plan; at the time of permit issuance, if the special use is not in substantial conformance with the approved concept plan and is not within the general purview of the original notice, then the matter shall be heard at a public hearing before the Planning and Zoning Commission to modify the plan following the procedures set forth in Section 1716 herein. Note: Any anticipated waivers of the site development standards, such as setbacks, screening, etc., must be requested, justified and approved by the Commission prior to building permit issuance. The Concept Plan, at a minimum, includes:

- The type(s) of use(s) planned for the site is specified.
- The general location, size and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping and any significant topographical features such as washes, wetlands, cultural, archaeological or historical sites, hills, and rock outcroppings.
- Project phasing.
- Other information deemed necessary to effectively review the special use.

## 3. Project Phasing

A statement has been submitted that a site plan will be submitted within one year of the first phase and building permits will be submitted for the entire project within 5 years.

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

TAX PARCEL NUMBER \_\_\_\_\_

APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTACT TELEPHONE NUMBER \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

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

ADDRESS \_\_\_\_\_

\_\_\_\_\_

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

Special Use Permit Public Hearing Fee (if applicable) \$ \_\_\_\_\_

Building/Use Permit Fee \$ \_\_\_\_\_

**Total paid** \$ \_\_\_\_\_

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**PART ONE - REQUIRED SUBMITTALS**

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

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

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report

6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

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

## **PART TWO - QUESTIONNAIRE**

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

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

1. What is the existing use of the property?

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What is the proposed use or improvement?

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2. 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?

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

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4. 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)

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5. 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.

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6. Provide the following information (when applicable):

- A. Days and hours of operation: Days: \_\_\_\_\_ Hours (from \_\_\_\_\_ AM to \_\_\_\_\_ PM)

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

C. Total average daily traffic generated:

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

(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 heavies

\_\_\_\_\_

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** \_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

Attached \_\_\_\_\_ NA \_\_\_\_\_

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic		
Electricity		
Natural Gas		
Telephone		
Fire Protection		

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

1. Describe any activities that will occur outdoors.

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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. \_\_\_\_\_

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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?

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

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

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

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6. 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.

7. 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. \_\_\_\_\_

8. 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).

9. 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.

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

\_\_\_\_\_

11. 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.)

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. How many acres will be cleared? \_\_\_\_\_  
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used

(Show on site plan if appropriate.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### **SECTION D - Hazardous or Polluting Materials**

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

Does the proposed use have any activities involving such materials?

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

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

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

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

### **SECTION E - Applicant's Statement**

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

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

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

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

## Concept Plan Instructions for Special Uses

Sometimes, an applicant will seek approval for a particular special use or uses on a piece of property well ahead of actual construction or operation of that use. Often the exact dimensions of structures or configuration of uses on the property are not known yet until the uses have been approved and the applicant has invested resources into site planning. The Zoning Regulations (Section 1716.02.K.2) allow for the submittal of a "Concept Plan" in lieu of a site plan in the case of phased special uses on one property or a special use where construction is not anticipated within one year. However, if the use(s) are approved by the Planning and Zoning Commission, then a detailed site plan meeting the requirements of Section 1705 of the Zoning Regulations will be required for each use or phase, and shall be in substantial conformance with the approved special use. If the site plan is not within substantial conformance with the approved use and concept plan, then the special use will need to be reviewed, in a public hearing, by the Commission once again to modify the original proposal. **Note: any anticipated waivers of site development standards such as setbacks, screening, landscaping or parking spaces must be requested, justified, and approved by the Commission prior to the issuance of a building permit.**

In order to adequately review the proposed special use(s) on a piece of property, a Concept Plan must include at a minimum the following information:

- Parcel boundaries and adjacent roads;
- The general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries, washes and road travelways;
- The general location and minimum number of parking spaces to be provided, including proposed surface and width of driveways;
- Proposed screening and landscaping;
- Any significant topographical features (washes, hills, rock outcroppings, wetlands) and cultural features of the property and adjacent parcels;
- If applicable, project phasing (approximate schedule of uses and construction) and any other information deemed necessary to effectively review the Special Use.

**P&Z Commission**

**2.**

**Meeting Date:** 03/13/2019

SU-19-02 (Bechtel Killion)

**Submitted By:** Peter Gardner, Community Development

**Department:** Community Development

**Presentation:** No A/V Presentation

**NAME** Peter Gardner  
**of PRESENTER:**

**TITLE** Planner II  
**of PRESENTER:**

---

**Agenda Item Text:**

**SU-19-02 (Bechtel Killion) - A request for a 199 foot communication tower south of Portal**

**Background:**

*The Applicant requests a Special Use Authorization to approve a 199-foot tall, self-supporting wireless communications tower. The 42.37-acre site, APN 402-61-007, is located between mileposts 410 and 411 on E. Highway 80 in the Portal area and is zoned RU-4. In a rural zoning district, towers greater than 30-feet in height require Special Use Authorization. The Applicant is Bechtel Infrastructure and Power Corporation .*

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**Attachments**

Staff Report

Public Input

Area Map

Application

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**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

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

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner II  
**FOR:** Daniel Coxworth, AICP, Planning Director  
**SUBJECT:** Docket SU-19-02 (Bechtel Killion)  
**DATE:** March 8, 2019 for the March 13, 2019 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant requests a Special Use Authorization to approve a 199-foot tall, self-supporting wireless communications tower. The 42.37-acre site, APN 402-61-007, is located between mileposts 410 and 411 on E. Highway 80 in the Portal area and is zoned RU-4. In a rural zoning district, towers greater than 30-feet in height require Special Use Authorization. The Applicant is Bechtel Infrastructure and Power Corporation.

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

Parcel Size: 42.31 Acres  
 Zoning: Rural (RU-4; one dwelling per 4-acres)  
 Growth Area: Category D (Rural)  
 Comprehensive Plan Designation: Rural  
 Area Plan: None Applicable  
 Existing Uses: Vacant Land

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant Rural
South	RU-4	Scattered Rural Residential
East	RU-4	Ranch Land
West	State Highway/RU-4	Highway 80/Scattered Rural Residential

**II. PARCEL HISTORY**

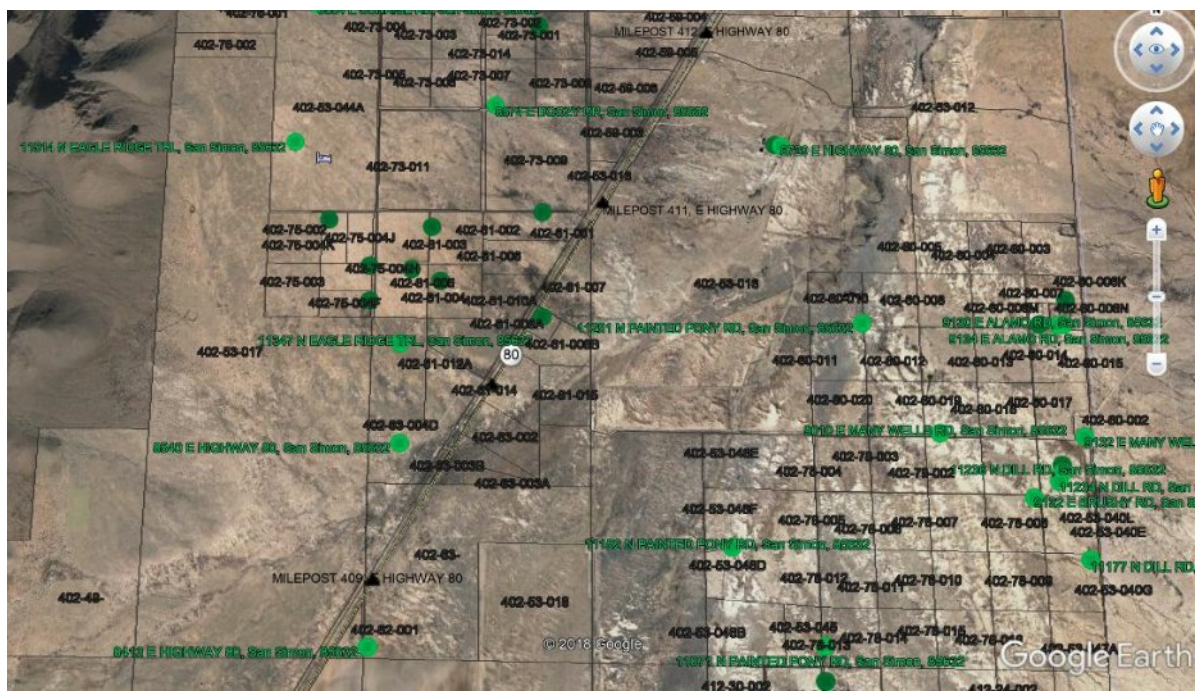
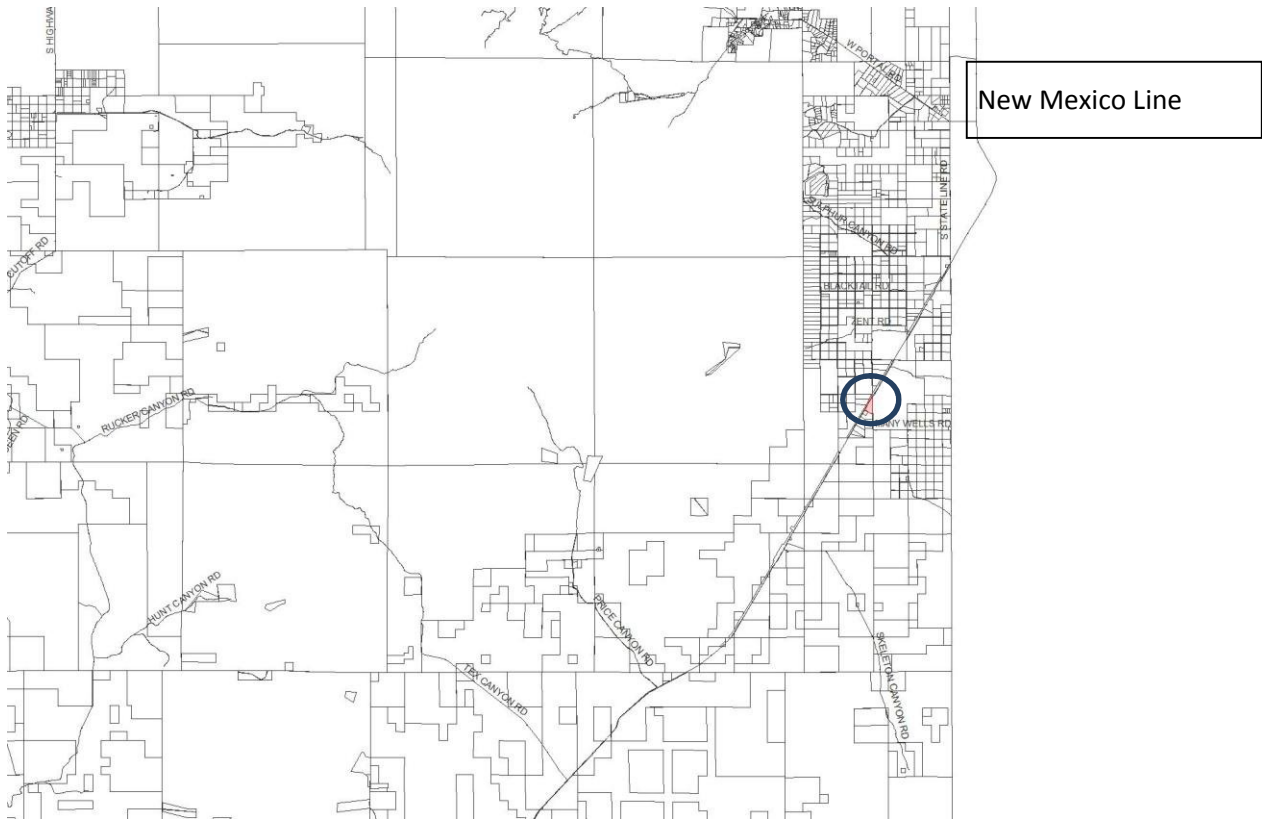
None

**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

**Highway and Floodplain**  
 1415 Melody Lane, Building F  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov

### III. NATURE OF REQUEST

The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of a 199-foot tower and base equipment. The tower is part of the federally funded FirstNet Authority to improve first responder and rural communications. The proposed tower and base equipment will interface with surrounding towers to improve communications capability throughout the southeast portion of the County.



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

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

Five of the ten factors apply to this request. The project, as submitted, complies with three of those factors, and complies with another with the suggested modification. One factor does not comply.

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

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

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

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

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

The project site is not located along any major road.

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

Apart from the initial construction crew and maintenance teams, the site is expected to receive no traffic during operation.

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

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

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

Wireless Communication facilities are subject to a set of use-specific site development standards. These are provided in Section 1813 of the Zoning Regulations, and among them are standards relative to co-location, setbacks, height standards, design and certification, as well as security. The proposed tower meets all site development standards as proposed.

##### **G. Public Input: Does not Comply**

In response to County notification Staff has received 13 letters. Three letters are in direct support, one states that the property owner is undecided, two raise concerns about lighting being a hazard to birds, and seven are in direct opposition. The request for lighting has been struck, addressing the concerns of two of the letters. The owners in support state improved communications for residents and emergency services, along with potential economic development as reasons for their support. The owners in opposition cite viewshed, lighting, flight safety, health concerns, and the possible redundancy of the tower. The lighting has been addressed above, and the light does not require a safety light at the proposed height of 199'. Portal Rescue, who initially requested the light have decided instead to relocate their helicopter landing site away from the proposed tower site if the tower is approved. Per the applicant, the proposed tower is not redundant with other new towers in Arizona and New Mexico but would be part of a system of towers with overlapping coverage. Federal law explicitly prohibits jurisdictions from considering RF emissions when siting towers, so such concerns will not be further addressed by Staff.

**H. Hazardous Materials: Not Applicable****I. Off-Site Impacts: Complies**

Apart from providing more robust wireless phone and data coverage for residents and visitors, as well as other providers, if and when the tower is used to full capacity, the project is not expected to produce any new off-site impacts, beyond visual impacts. As noted in Section G above, RF emissions and any potential impacts thereof are removed from County or State Authority.

**J. Water Conservation: Not Applicable****VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within a minimum of one mile of the subject property, reaching a minimum of 50 distinct property owners. Staff posted the property and published a legal notice in the *Bisbee Review*. In response to applicant and County mailings, the Planning Department written communications from 13 property owners as noted in Section G above.

**VII. WAIVERS**

1. Based on the limited traffic to the site as an unmanned facility, Staff recommends waiving the requirement for a Private Maintenance Agreement.

**VIII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve a 199-foot wireless communication tower and base equipment on private land south of Portal.

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

1. With the requested Modifications, the request complies with each of the five applicable Special Use factors used by staff to analyze such requests;
2. The Special Use would facilitate increased range and quality of phone and wireless data coverage throughout the region, benefitting consumers and emergency service providers. Structurally, the tower as proposed could accommodate additional equipment for other providers in the future;
3. Three property owners have expressed support for the project: and
4. The tower would be sited on a large and remote rural parcel and therefore would not generate significant off-site impacts.

**Factors Against Allowing the Special Use**

1. Seven property owners have expressed opposition to the project.

**IX. RECOMMENDATION**

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

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. No signage, other than emergency signage, will be allowed for this wireless communications facility; and
4. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-19-02 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

**From:** [Tamara J Lawson](#)  
**To:** [Gardner, Peter B](#)  
**Subject:** Docket SU-19-02 (Bechtel Killion)  
**Date:** Tuesday, March 5, 2019 12:55:39 PM  
**Importance:** High

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Hoping it isn't too late to prevent the obliteration of our beautiful valley view with this tower. Bad enough we have a pecan orchard going to block our view and adversely affect our water supply. But adding this tower? Please.

Don't further destroy our wide open spaces. There are not that many left...

Tamara J Lawson  
Hideout Ranch

To: Peter Gardner, Planner II  
Cochise County Planning Department  
Melody Lane, Building C  
Bisbee, AZ 85603

To Mr. Gardner and Whomever Else This May Concern:

Since this letter will be part of the public record, we would like to acknowledge the justice, though meager, of not deleting our thoughts for posterity within an otherwise very grievous cell-tower permitting process. The idea that we will have our arguments written down could be profound when the nation joins the world community in holding accountable those who knew the dangers of cell tower radiation and did nothing.

We would also like to acknowledge the forthrightness of Mr. Peter Gardner, his impartiality (as opposed to his being openly biased against our concerns), and his good humor.

**NO, WE DO NOT SUPPORT THIS PERMIT REQUEST:**

## **I. Background Information on Land Owners Near Proposed Tower**

### **A. Cochise County As Refuge**

My wife Juvy and I moved to this location, 11347 N. Eagle Ridge Trail, on July 3, 2004. While we built our home, I slept in my car for eight-and-a-half years while struggling with Environmental Illness, specifically Multiple Chemical Sensitivity and Electrical Hypersensitivity (EHS). By 2011, my health had improved enough to where I could live in our house, a home without electrical power.

I live with some degree of headache pain on a daily basis. Some days are more excruciating than others. The intensity of pain depends on how much electricity I have been exposed to during any given 24-hour period, in relation to how much healing sleep I obtained within that timeframe.

While I am the only member of our household who physically feels the pain from cell tower radiation, Juvy has a surgically implanted shunt in her skull which diverts excess cranial fluid that accumulates because of complications from her disseminated Coccidioidomycosis (“Valley Fever”). This shunt’s valves, which regulate the fluid-discharge rates, are controlled by magnets whose settings can be adversely changed by irregular amounts of magnetic or electrical energy. The surgery was performed at Banner University Medical Center in Tucson, by neurosurgeon Dr. Michael Lemole. She will have Valley Fever for the rest of her life, and the shunt’s effectiveness is a crucial component in her safety.

## **B. Civic Involvement in Cochise County and Surrounding Communities**

For many years I was extremely isolated from society. We yearned to give back to the community and to this great nation. Throughout the years we have helped our neighbors and friends in the area and have shared the produce from our garden, orchard, and chickens, holding in our hearts the biblical directive to be Good Samaritans. Many times I counseled others with Environmental Illness on where to live in Cochise County and the Southwest in general. We are blessed with an environment in Cochise County conducive to healing. This gift of the Southwest for humanity reminds one of the recommendations given by doctors in previous centuries to those stricken with Tuberculosis, when TB patients were told to move to a desert environment.

I have been on the board of directors of the Cochise County Historical Society since 2013. I was the organization’s secretary for three years. About five years ago I took over the philanthropic job of editing the *Cochise County Historical Journal*. I have also written a number of articles and book reviews for this locally produced publication. I am a member of the board of directors of the Southern Chapter of the Arizona Historical Society, based in Tucson. I was the president of the Chiricahua-Peloncillo Historical Society for three years and am still on its board of directors. (At the February CCHS board meeting, a letter was read which asked if anyone objected on historical grounds to the tower placement on Killion Ln.; I didn’t interject because I could not think of objections based on any legitimate historical reasonings.)

I sing in a local group that has made numerous appearances at area funerals, fund raisers, and nursing homes in Douglas and Lordsburg, NM. I am a member of the Rodeo [New Mexico] Community Association, giving me the right to vote on town business, which concerns those of us that live in bordering Arizona. I give presentations to area history groups and school children. I have given these school

talks on various local history topics in Bowie and Apache. My history slide shows have been seen and heard across New Mexico and Arizona. I also lead field trips to regional historical sites of interest, such as an upcoming trip in March to the Slaughter Ranch in the southeastern corner of Cochise County. All of these volunteer civic responsibilities are conducted for free.

We attend church in Rodeo, NM., and at times in Douglas, Pirtleville, and Bisbee. I am, or have been, a communion-service leader, communion minister, baptismal-class teacher, confirmation teacher, song leader, construction helper, collection-money counter, and a mostly, reserved activist in preventing the legalized murder of the most vulnerable human beings in accordance with the significant ideas of Thomas Jefferson's antiquated *Declaration of Independence*.<sup>1</sup>

## **II. Reasons For Moving Tower to a Different Location**

### **A. Safety Concerns**

I have included in this protestation a letter from my family physician, Dr. Jorge Cochran. He has been my doctor for 14 years. Rarely have I used his authority to accommodate me, but this proposed tower installation will compromise my safety as a citizen of the United States of America. I implore you to consider the consequences to my safety when deciding where to place this tower.

As U.S. citizens, we are nearly powerless to confront the behemoth of today's federal government. Our only recourse is our local and county jurisdictions. So, when you consider AT&T's permit request, ask yourselves this:

- Will anyone building this tower or petitioning for its permit move to the southern San Simon Valley?
- Will any of those moneyed interests take over the civic projects that I have invested my life in within these communities?

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<sup>1</sup> "We hold these Truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness..." In mid-February, 2019, a majority of Arizona lawmakers struck down an attempt to make infanticide legal within the state. Unless it has radically changed its political course, AT&T is a pro-abortion megacorporation. Please see where AT&T's dollars go on the following site: <https://2ndvote.com/business-entity/att/>. They use your money, through tax-subsidized tower building, to support abortion in this country and worldwide. This entity no longer believes that all people are created equal, or that they are endowed by God with rights to life, liberty, or the pursuit of happiness. Furthermore, the giant supports sanctuary cities, defying federal law. How about making Portal or Apache, Cochise County, Arizona, a sanctuary community against AT&T and infanticide?

- Besides sending lease payments to a land trust in Albuquerque and revenue toward the county coffers, will anyone at AT&T distribute Holy Communion to the sick in Rodeo and Portal, sing at nursing homes in Douglas, or write about the rich history of Cochise County in my stead when I am too incapacitated from microwave energy bombarding my body to do so myself?
- Or to divorce this concept from that of my health—will anyone do these things in my place when I have to move because of the placement of the tower?

The Americans With Disabilities Act promises protection to the disabled from what AT&T plans to do next to my home. You have the notice from my physician, and you have the information of what these damaging invisible waves of energy do to living beings from the documents submitted to you by the coalition attempting to protect Cascabel from the same sort of silent, insufficiently studied technology that has been requested to be implemented in a rural Cochise County community that does not want to have its safety threatened. You have the choice: to follow orders from the telecommunications industry that cares nothing of the lives damaged by a product that can be compared with government's former infatuation with cigarettes, agent orange, leaded gasoline, or fire-retardant asbestos; or you can protect the citizens of this county who look to you for help and sound governance. This cultural reliance on a technology that is being implemented faster than it can be studied for safety, is a gigantic Darwinian nightmare of colossal proportions, where the powerful expect the weak to either endure or die.<sup>2</sup> If our servant representatives, and their unelected colleagues, cannot protect society's most vulnerable members, then we are truly lost, lost as a county, a state, and a nation.

## **B. Ruination of Scenic View**

In addition to considering the safety concerns of your fellow Cochise County citizens, please also consider objections to the placement of the tower on the grounds of it being an eyesore. The AT&T corporation represents everything that we and our neighbors here in Cochise County stand against, including the killing of unborn children and infanticide. (Please refer, again, to <https://2ndvote.com/business-entity/att/>). Here is what Erik Abriss of *Vulture*, an

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<sup>2</sup> This is not hyperbole! The corporation had a desperate fight when its shareholders demanded they stop funding Planned Parenthood. The executives relented, only to begin a campaign of funding politicians that promote their diabolical desires. AT&T supports abortion and politicians proposing the legalization of infanticide across this nation. And they support CAP, Girls, Inc., and the Center for Reproductive Rights, all of which push the abortion agenda. The giant is not concerned with whom it harms by its disturbing technology and charitable donations, subsidized by your taxes. And how ironic, AT&T wants every woman to have the right to choose, except my wife and my female neighbors who do not want this tower: it will not allow them to have the right to choose to live clear of this colossus to Death.

entertainment organization underwritten by AT&T, recently wrote in response to underaged Christian students from Park Hills, KY, being attacked by adults in Washington, D.C.: “I’ve truly lost the ability to articulate the hysterical rage, nausea, and heartache this makes me feel. I just want these people [Christian children] to die. Simple as that. Every single one of them. And their parents....F\*\*\*ing die.” [He spelled out the obscenity.]

Their proposed 199-foot tower will be a bullying monument to their Culture of Death. Our neighbors and we do not want to be reminded on a minute-by-minute basis that American Christianity has been replaced, at the highest echelons of society, with a nihilism that has contempt for beauty, God, and the sanctity of all human life.

Not only will the tower be pummeling everyone near it with unstudied radiation, but its placement next to our home will be an ugly reminder, every time we see it, of things routinely labeled safe that are later found to be extremely unsafe. As someone who does not use a “smart” device, I can tell you that I am watching this culture sink into an unknowable addictive morass. We have all witnessed children walking along the street or in nearly any other setting, heads down, fingering the keys on their gadgets; people checking their phones while supposedly conversing with others face-to-face; drivers watching their phones at stop lights and while traveling instead of paying attention to the road. Even the epidemic of people watching internet porn would have been a horrific worry to our parents and grandparents. When this latest scientific blunder is finally confronted, the innocent who were harmed will be insufficiently compensated for their injuries. Instead, most damage awards will flow in a whirlpool made up of state and federal courts, trial lawyers, and their lobbyists—remember the states class-action lawsuits against Big Tobacco.

This tower is too close to our home and will obstruct the wondrous beauty of the Peloncillo Mountains and the eastern horizon, with its glorious sunrises. When we built, we had to pass a county inspection that required we not hurt the surrounding views with a tall fence or wall. Our own home could not be over a certain height. Nor were we allowed to ruin one of the best locations in the U.S. for viewing the nighttime skies by building overhead lighting on our property. Those were county codes that we had to comply with to protect this pristine and beautiful area.

What agency will step forward to compensate us for a potential relocation from this tower? Will AT&T divert any of its millions of dollars in donations for the killing of babies to help us move in an orderly fashion?

### **III. Questions Needing Answered**

**A:** Why can't AT&T and Bechtel compromise the views further to the south where no humans live; why can't they leave this small community in peace, to promote tourist visits both for astronomy enthusiasts and the pristine-view crowd of tourists spending their extra dollars in our relatively impoverished area?

**B:** This tower will be built for its inclusion in the FirstNet project. Can AT&T and/or Bechtel please tell the concerned public where along Highway 80, law enforcement and first responders will **not** be receiving FirstNet signals since a tower will soon be activated just north of Rodeo, NM?

**C:** What entity is the watchdog agency for assuring the American taxpayers that this federally subsidized unprofitable venture is not a redundancy in relation to the broadcasting abilities of the Rodeo, NM tower and thus a waste of funding, a waste exacerbating future generations' further indebtedness to a government that is in the twenties-of-trillions of dollars in the red? Who within government alerts this watchdog agency in order to find out if this huge tax-drain to future generations is at all accountable to the current citizenry?

**D:** The cell tower proponents may say that the tower will be aiming a beam of microwave energy at the horizon, but they do not divulge how much radiation fall-out or drip occurs at any given point below that horizon. Why won't AT&T give us, its neighbors, potential microwave fall-out readings directly below the proposed tower and at specific points spanning outward from the base?

**E:** The public deserves to know this radiation fall-out data. Can we please have this information from this specific tower's potential radiation output, presented to us by a company that wants to work in harmony with the local inhabitants?

**F:** How much money does AT&T spend supporting pro-abortion, pro-ethanasia, and pro-infanticide candidates in Cochise County and in Arizona? Isn't the placement of a federally subsidized tower in eastern Cochise County actually a small part of a giant money-laundering scheme to put tax dollars to work toward electing pro-death politicians to local, state, and federal elective posts?

## **IV. Solutions**

### **A. Move the Tower to Uninhabited Area**

There are miles and miles of uninhabited land that AT&T could build the tower upon. I asked Mr. Olson for mercy. He considered it when he told me that AT&T wants to get along with the populace out here. He said that the tower could possibly be moved to the property of the Apache school at Apache, Arizona. The president of the school board and the school's teacher both drew concerns with Mr. Olson that the children might be harmed by the radiation fall-out from the tower. Mr. Olson conceded to their demands to protect the children. Instead of coming up with a third option for the tower's placement, Mr. Olson went back to simply harming the residents' views and safety from the Killion Lane [Road] location.

- Why did Mr. Olson relent to the two ladies' demands but discount our concerns?
- What prompts him and his associates to disregard locating the tower in an area uninhabited by American citizens?
- Could this be an extreme abuse of raw, naked power from an economic sector that is constrained by no one?
- Wouldn't it be a beautiful and wonderful display of American might, of American representative republican democracy-in-action, to see a county government force an unstoppable money machine, beholden only to international billionaire interests, to move an unstoppable tower to an alternate location?

### **B. AT&T Could Lease Space on Rodeo Tower**

If the local citizens do not want the tower, and the tower's placement is redundancy and a huge drain on the continued national indebtedness to future Americans, then why not place the FirstNet Authority on the Rodeo, NM tower? Everyone concerned in this project knows that this tower is being subsidized by the federal government and will not be a money generator because of the sparseness of the human population in the area. And the tower will only compound this thin dispersment because of fleeing residents and the ripple effect of property values dropping, with tourist numbers plummeting because of their avoidance of an "unpristine" region of the county. My house was built for my chemical sensitivity needs, and thus would most likely only be sellable to others with Environmental Illness; however, no one with those conditions will buy a home so close to a cell tower. My vacant home will add to the area's unwelcoming look, and thus will lower local property values.

The Telecommunications Act of 1996, SEC. 704., (iv) states: “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of **personal wireless service facilities** on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” However, this tower is **not** primarily a personal wireless service facility. Its primary function is not at all personal and will be used mainly for an exclusive—first responder/law enforcement—sector of the population. This tower can not stand on the basis of economic “personal wireless service.” If this county, state, and nation gives in to the phony identification of such money pits, then the telecommunication industry can at will place a taxpayer subsidized tower wherever it wants to harm a given sector of the population. The industry now has the power to look at the voter registrations of any given district and cross-reference with other data to decide that if a voter is pro-life, injured by cellphone radiation, or votes for politicians who uphold that infanticide is murder, then that person needs a 199-foot personal wireless service facility next to her domicile. This morally-deficient industry is then well compensated by a government that supports the legalized liquidation of the future generations that will have to pay for this insanity! In other words, the industry can build tax-subsidized towers wherever it wants because they will be getting paid big bucks no matter how unused the system is.

Please consider telling the applicant that this monstrosity can be liquidated and that its “benefits” can simply be installed at a much cheaper cost to residents and citizens nationwide at the Rodeo, NM tower.

## **V. Conclusion**

We implore the Commission to please deny this permit for this exact location. Mr. Olson will most likely never move to Cochise County and bless it with his personal time and money, but he can move his permit to another location, one that isn’t based on his corporation’s animosity toward those whose wellbeings have been compromised by modern humanity’s lust for advanced unthoroughly-researched technology. He could also move this tower so that those of us who still profess a belief in the Judeo-Christian God do not have to be constantly reminded of the evils that have consumed this society. We are deeply grieved that our safety concerns and dislike for the planned change to a mangled scenery (and lack of subservience to the tech-pushers, by me not owning a cell phone) make us targets and casualties of the telecommunication industry. Please, we beg of you as fellow human beings and neighbors, don’t let this happen, especially when there are

innumerable other locations for this tower or this tower's technology. We ask that you grant us mercy, that you recall the words of our God: "... Verily I say unto you, in as much as ye have done it unto one of the least of these my brethren, ye have done it unto me." (Matthew 25:40)

May God grant us pardon and peace as we all contemplate the command of Christ Jesus, "But I say unto you which hear, Love your enemies, do good to them which hate you, bless them that curse you, and pray for them which despitefully use you. And unto him that smiteth thee on the one cheek, offer also the other: and him that taketh away thy cloak, forbid not to take thy coat also. Give to every man that asketh of thee, and of him that taketh away thy goods, ask them not again. And as ye would that men should do to you, do ye also to them likewise.... Be ye therefore merciful, as your Father also is merciful." (Luke 6:27-31, 36)

Thank you for considering these objections to the proposed permit, Mr. Gardner, and to all of your colleagues helping you in deciding this matter. Some of the lives and families in this remote neighborhood depend upon your beneficent help in order to remain upon the land and property they cherish. May God continue to bless Cochise County!

Respectfully,

John "Craig" McEwan and Juvy A. McEwan

520-558-0369, [jcraigmcewan@gmail.com](mailto:jcraigmcewan@gmail.com)

Dr. Jorge Cochran  
6558 E Carondelet Dr.  
Tucson, AZ 85710  
(520) 546-3233

February 11, 2018

To Whom It May Concern:

I am writing regarding my patient, John Craig McEwan, who resides to the west of, and between, Highway 80's mile markers 410 and 411 in Cochise County, at 11347 N. Eagle Ridge Trail, Portal, Arizona.

Due to a medical condition, Mr. McEwan experiences severe headaches and other debilitating symptoms from proximity to cell towers. The proposed tower is approximately one-half mile from his residence which was specially constructed for his special needs.

To accommodate his disability, a cell tower needs to be at least three miles from his house. I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jorge Cochran', written over a horizontal line.

Dr. Jorge Cochran, NMD

**From:** [Tom and Alicia](#)  
**To:** [English, Ann S](#); [Gardner, Peter B](#); [Esparza, Paul](#); [stolson@bechtel.com](mailto:stolson@bechtel.com)  
**Subject:** P & Z Special Use Docket SU-19-02 (Bechtel Killion)  
**Date:** Monday, February 18, 2019 9:31:14 AM  
**Attachments:** [lkjfkabaindobnp.png](#)

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Attached is our response to the proposed tower at the corner of Killion and Hwy 80. We are against the proposed tower.

The hard copies and signatures are being sent via U.S. mail to Peter Gardner, Cochise County Planning Dept, 1415 Melody Lane, Building C, Bisbee AZ. 85603

You are welcome to call us at the number below if you have any questions.

Thomas and Alice Davidson 520/558-1089

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## I. **FACTS**

- A. [DMD Hearts and Hooves](#), <dmdheartsandhooves.org> a 501(c)(3) Charitable Organization and [DD Gamble Guest Lodge and Ranch](#) <ddgambleguestlodge.com>
1. My wife and I are the directors of DMD Hearts and Hooves and owners of DD Gamble Guest Lodge and Ranch. Without the DMD Hearts and Hooves, we are entirely selfsufficient with our retirement and social security checks.
  2. The Guest Lodge is the sole support of DMD Hearts and Hooves.
  3. DMD Hearts and Hooves supports Cochise County assisted living centers and various county youth groups with our therapy trained miniature horses.
  4. DMD Hearts and Hooves works with the Association of the United States Army to provide wounded soldiers and their families weekends away from the hustle and bustle of city life and a chance to recuperate and rest.

5. We also take our therapy trained miniature horses to visit the patients at the Tucson VA hospital once a month.
6. Currently there is no cell phone reception at our Guest Lodge and Ranch. We advertise “technology free weekends” on our web site. Families with children take advantage of this so that their children do not have access to the internet.
7. Many of our guests have remarked in reviews on [Tripadvisor.com](https://www.tripadvisor.com) concerning the Old West charm and isolation of our Lodge and Ranch.

#### B. Proposed Tower

1. Ten miles from the proposed tower location in NM (31.870434N - 109.034849W), there is a communications tower being constructed. The tower is almost completed. It cannot be seen from our Guest Lodge and Ranch.
2. The proposed tower is 1.6 miles from our Guest Lodge and Ranch.
3. The ground elevation of the proposed tower is 4200’. The elevation of our Guest Lodge and Ranch is 4400’. A 199’ tower will be at just at or above eye level to our Guest Lodge and Ranch.

#### C. Fixed and Rotary Aircraft in the San Simon Valley

1. US Border Patrol has almost daily flights, both fixed and rotary wing, in our valley.
2. The US Air Force uses the Chiricahua mountain range for training at least once or twice a week. Jets and A-10’s are common in our valley. Air Force regulations require aircraft to fly at least 500’ above ground level. Local residents can verify this is often violated.

3. Portal Rescue often uses the corner of Killion and Hwy 80 to land medical evacuation helicopters. The landing area used is approximately 400 yards from the proposed tower location.

#### D. Tower Lighting

1. The San Simon Valley is known for having the darkest skies in the continental U.S.A.
2. The almost completed tower in NM will not have any lighting. This is because of the astronomers living in the Portal area Sky Village. These astronomers were the primary movers for the Cochise County covered outdoor lights ordinance. Lighting on the tower would interfere with their astronomical observations and photography.
3. A request has been submitted for the proposed tower to have installed an aviation light for safety reasons.
4. The 114<sup>th</sup> Congress, 4<sup>th</sup> January 2016 approved the [“FAA Extension, Safety, and Security Act of 2016”](#); paragraph 2110 is applicable to our situation.
5. Federal Aviation Agency Advisory Circular ([AC 70/7460-1L](#)) in Appendix A recommends lighting for all towers more than 50’ high. Moreover, it recommends/requires the usage of LED lighting.

## II. CONCLUSIONS

- A. Because of the number of USBP flights and USAF flights, it is entirely conceivable that these two agencies will become involved with having lights placed on both towers for safety reasons.
- B. Although current FAA regulations do not require lighting under 200’, this could change anytime and the advisory could become a

regulation.

- C. The proposed tower, with or without lighting, will be in direct line with our Lodge and at the same elevation.
- D. If the proposed tower has the aviation safety lighting, the blinking light will shine into one bedroom (our most popular bedroom) and the common areas of the kitchen and living room.
- E. If the proposed tower has lighting, this will hinder the astronomers in their star gazing pursuits.
- F. Tripadvisor.com reviews are a mainstay in our advertising. If our guests begin to include the tower in their reviews, which they no doubt will, revenue for our charity will be severely curtailed. Cochise County and the people we serve will be the ultimate losers.
- G. The Google Earth photo below shows the location of our Lodge (upper left corner), current medevac landing site, and the proposed tower location.



### III. Recommendations

- A. Perhaps ATT could piggy back off the current tower in NM under

construction instead constructing a brand new tower just 10 miles away.

- B. Move the proposed tower location further south at least five miles from the proposed location. There are fewer residents and/or tourists in that area.

**From:** [Ken Joens](#)  
**To:** [Gardner, Peter B](#)  
**Subject:** proposed cell phone tower at Killian/Hwy 80  
**Date:** Tuesday, March 5, 2019 2:40:04 PM

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We own and live on parcel # 02-402-68-016C 5, between the proposed cell phone tower at Killian/Hwy. 80 and the recently erected, but not yet in operation, Rodeo cell phone tower.

When Steve Olson, with Bechtel Corp., construction applicant for the Killian/Hwy 80 cell phone tower permit sent out letters to near neighbors of the proposed cell phone tower on Killian/Hwy 80 he did not know that there was a tower (both that and the proposed tower are AT&T) being constructed in Rodeo. My concern is that there was no coordination between these two towers that are so close together. Some have requested that the proposed tower be moved farther south to Apache. At Apache there is an elementary school, and as President of the Apache Governing Board, my concern is for the children there. Even though most studies show there are no adverse effects resulting from cell phone towers, those studies have not been able to discover long term effects yet.

So I am suggesting that the proposed Killian/Hwy 80 tower be moved farther away from the Rodeo tower, but not be put near the school in Apache. I would also like to see it moved farther south, to get it farther away from our place, because of possible long term effects that have not yet been discovered. Perhaps an area with no or limited population could be found.

Thank you for considering my concerns,  
L. Maurine Joens

**From:** [Nicole Gillett](#)  
**To:** [Gardner, Peter B](#)  
**Subject:** Proposed communication tower near Portal  
**Date:** Friday, March 1, 2019 12:37:58 PM

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Good afternoon Mr. Gardner,

My name is Nicole Gillett and I am with Tucson Audubon Society. Audubon works to protect birds and habitats, and our coverage area is all of SE Arizona. Some of our members in the Portal area have raised concerns with us about a proposed communications tower near Portal. Communication towers are hazards to birds, especially when they include the strong lights required for safety. The Portal area is a huge draw for birders and region is an important migration corridor for birds passing through. We would strongly suggest, if plans for the tower move forward, to follow the Fish and Wildlife guidance on communication towers and include a flashing light (rather than a steady light). You can find more information here:

<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>

Please feel free to reach out with any questions and thank you for considering our comments.

--

**Nicole Gillett**

Conservation Advocate  
Tucson Audubon Society

Phone: 520-209-1810

Email: [ngillett@tucsonaudubon.org](mailto:ngillett@tucsonaudubon.org)

**From:** [birdthedesert@aol.com](mailto:birdthedesert@aol.com)  
**To:** [Gardner, Peter B](#)  
**Subject:** Re: Proposed Comm. Tower near Portal  
**Date:** Friday, February 15, 2019 12:06:27 AM

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Mr. Gardner:

Thank you for your prompt reply.

A bird expert in Portal told me to research current info, so I've been doing some internet searches, and I admit, I'm no great researcher or scientist.

Surprisingly, according to one of the more recent articles, it seems birds can be lured to a communications tower by the light itself! And then suffer problems by exposure to radiation. There is concern about the country moving up to 5G, which will likely make the problem worse. A steady red light is apparently more likely to lure birds to a tower than a flashing light--just the opposite of what I would have expected.

I imagine a flashing light, though, would be more annoying to astronomers.

The article's recommendation for towers was to have towers be under 200' tall (and this one is), and to change red lights if present to a flashing light.

As to lighted towers and radiation, the problem could be a real worry for songbirds that migrate at night, because when they are close to the tower, the radiation can disrupt their sense of direction, causing disorientation and collisions with towers and their guy wires, and thus reducing migratory bird populations. This radiation is also suspected to interfere with the movements of bees and possibly causing some die-offs, also other insects, as well as plant metabolism (harder to believe..).

As to raptors, like hawks who like to perch and nest on towers, I have not found much yet in my "preliminary googling". I've read about guidelines established for power lines and towers to help prevent electrocution, but I'd like to learn if there are measures to help protect raptors from radiation associated with communication towers.

Thanks again for your response, and I hope to keep in touch.

Ann Beeghly

> On Feb 14, 2019, at 3:42 PM, Gardner, Peter B <[PGardner@cochise.az.gov](mailto:PGardner@cochise.az.gov)> wrote:

>

> Ms. Beeghly,

>

> Since no light is required under FAA regulations, we have some leeway here. Such lights are generally red and strobe style. As the author of the latest version of the County's light pollution code, I am very cognizant of and sympathetic to the dark skies concerns. I am investigating the possibility of a lighting system that can be controlled by Portal Rescue so that it is only on when there is medivac traffic. That seems to me to be the best compromise, but we do not yet have a formal suggestion.

>

> I am not aware of issues with birds, but that is certainly another item for us to look into and work with the applicant on, as birding is an important part of ecotourism in the County, which is noted under our Comprehensive Plan. We do have to be cautious of framing it in terms of emissions and emf radiation, as those are solely in the province of the Federal Government, and if a tower is denied based on emissions issues the Telecommunications Act of 1996 permits the applicant to have the entire denial overturned regardless of any other land use issues. To be clear, bird protection is an important question, and Staff will work with the Applicant (who have been very open and accommodating to concerns, such as their willingness to install lights at the request of Portal Rescue) to see if we can work out effective protections if they are deemed necessary.

>

> I understand that these were not exactly direct answers to your questions, but that is because we are still gathering

feedback and looking for solutions. I hope we can work with you to satisfy your concerns and look forward to hearing back from you. Thank you and regards,

>

> Peter Gardner

> Planner II

> Cochise County Community Development

> Development Services Department

> 1415 Melody Lane, Building E

> Bisbee, AZ 85603

> 520-432-9300

> 520-432-9278 fax

>

> -----Original Message-----

> From: birdthedesert@aol.com <birdthedesert@aol.com>

> Sent: Thursday, February 14, 2019 4:31 PM

> To: Gardner, Peter B <PGardner@cochise.az.gov>

> Subject: Proposed Comm. Tower near Portal

>

> Dear Mr. Gardner:

>

> Thank you for sending me the notice of the proposed tower on Hwy 80, between mileposts 410 & 411 in the general Portal area. I would like more info before replying to this notice.

>

> Questions:

>

> Light on tower:

> What kind of aviation safety beacon light are they proposing to install on the tower? Strobe light? Constant red light? I am in favor of the added safety for pilots, at least the medivac pilots, but...

> Astronomers in the area value their dark skies!

>

> Radiation concerns:

> It will be great to improve communication in this area, but...

> Are there dangers to birds such as hawks and eagles? I understand that these towers can put out dangerous radiation that could harm birds which roost or nest on the tower. But I've also heard they may have developed safety measures that can protect the birds. Southeastern Arizona, especially the Portal area, is such a prime birding area and attracts people from all over the world. So I feel that many persons will be concerned if the tower may be harmful to birds.

>

> Thank you for your consideration and please reply, if possible, to my concerns. If not, could you please refer me to a source of information that will help me find answers to my concerns?

>

> Ann Beeghly

> birdthedesert@aol.com

> Owner of property near proposed tower site

>

>

Undecided

### Special Use Docket SU-19-02 (Bechtel Killion)

\_\_\_\_ YES, I SUPPORT THIS REQUEST  
Please state your reasons:

Pro's

The Communication in the Area  
will benefit the Residents of the Area  
which is great.  
Safety of Communication is Important.

Undecided

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

However \*

I Bought There B/c of Serenity and beauty  
of the Area, which will now be altered.  
From a selfish stand point I guess I  
would be happier if I rec'd a small  
compensation

(Attach additional sheets, if necessary)

PRINT NAME(S): Charles C Fry DuAnn Fry

SIGNATURE(S): Charles C Fry  
DuAnn Fry

Parcel # 402-60-00801

YOUR TAX PARCEL NUMBER: NO 8 7 digit (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Friday, March 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Peter Gardner at the contact information listed on page one by March 12, 2019 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the **public hearing on March 13, 2019**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Security Code  
C-14272

Paperless Code?  
COC-6 KTHCAEB

# Special Use Docket SU-19-02 (Bechtel Killion)

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

*No Comment*

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

(Attach additional sheets, if necessary)

PRINT NAME(S): JAY C. TOWSEY

SIGNATURE(S): Jay C. Towsey - Trustee

YOUR TAX PARCEL NUMBER: 402-73-~~00500~~<sup>00520</sup>-005 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Friday, March 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Peter Gardner at the contact information listed on page one by March 12, 2019 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the **public hearing on March 13, 2019**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Special Use Docket SU-19-02 (Bechtel Killion)

X

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Wireless COMMUNICATIONS DRIVE THE ECONOMY OF THE USA. POOR FACILITIES MEAN POOR SERVICE. IMPROVED FACILITIES MEAN BETTER SERVICE. CONTINUE TO INVEST IN IMPROVED FACILITIES!

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Wayne Rutschman, RE MOR, CTI, INC.

SIGNATURE(S):

Wayne Rutschman exhibit #1

YOUR TAX PARCEL NUMBER:

See attached list

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

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Friday, March 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Peter Gardner at the contact information listed on page one by March 12, 2019 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the public hearing on March 13, 2019. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Exhibit "A"

~~Parcel Address~~

CTI, Inc.

Cochise Co. MAULET & IV BAR

RANCHES

County - Parcel	Description	County - Parcel	Description
<del>01-204-42-0000</del>		02-412-32-0010	
<del>01-204-42-0000A</del>		02-412-32-0040	
<del>01-204-42-0000B</del>		02-412-32-0050	
<del>02-402-53-0100</del>		02-412-32-0070	
<del>02-407-53-0100</del>		02-412-38-0010	
<del>02-411-03-0020</del>		<del>03-112-23-0050</del>	
02-412-01-0010		<del>03-101-23-0040</del>	
02-412-01-005K		<del>05-105-51-0030</del>	
02-412-01-0060		<del>07-101-70-0040</del>	
02-412-01-0070		<del>07-115-06-1350</del>	
02-412-04-0010		<del>10-216-10-0050</del>	<del>10105 N CASA GRANDE TR</del>
02-412-04-0030		<del>10-216-12-0150</del>	<del>10649 N CASA GRANDE TR</del>
02-412-04-0040		<del>10-215-12-0160</del>	<del>10651 N CASA GRANDE TR</del>
02-412-04-0060		<del>10-216-12-0170</del>	<del>10649 N CASA GRANDE TR</del>
02-412-05-0010		<del>10-220-25-1640</del>	<del>7312 N SECRET CANYON DR</del>
02-412-07-0010		<del>10-220-25-1860</del>	<del>7321 N SECRET CANYON DR</del>
02-412-07-0020		<del>10-226-27-0400</del>	<del>8205 N FAIRWAY VIEW DR</del>
02-412-07-0040		<del>11-503-46-0420</del>	
02-412-08-0020		<del>12-306-04-0150</del>	
02-412-09-001A		<del>12-400-05-000A</del>	
02-412-09-001B		<del>12-400-05-0020</del>	
02-412-10-0030			
02-412-13-0030			
02-412-15-0010			
02-412-16-0010			
02-412-18-0240			
02-412-19-0020			
02-412-19-0030			
02-412-20-0010			
02-412-20-0020			
02-412-21-0010			
02-412-22-0020			
02-412-25-0010			
02-412-26-0010			

## Special Use Docket SU-19-02 (Bechtel Killion)

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

We feel the communications tower will be beneficial to the local residents plus the emergency workers. We also think it would help to raise property worth/value.

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

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(Attach additional sheets, if necessary)

PRINT NAME(S): Stacy A. Wright & Ann R. Wright

SIGNATURE(S): Stacy A. Wright  
Ann R. Wright

YOUR TAX PARCEL NUMBER: 402-61-00608 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Friday, March 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Peter Gardner at the contact information listed on page one by March 12, 2019 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the **public hearing on March 13, 2019**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

Special Use Docket SU-19-02 (Bechtel Killion)

COCHISE COUNTY

MAR 21 2018

PLANNING

YES, I SUPPORT THIS REQUEST  
Please state your reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

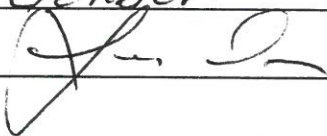
1) light will be to bright, can't sleep! 2) will block view of mtz  
3) may hurt properties value? plan to be here for rest of life, don't want to sell.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Larry Genber

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 402 61 00103 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

## Special Use Docket SU-19-02 (Bechtel Killion)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

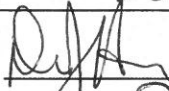

BLOCK SOME VIEW AND NOT WANTING  
ELECTRICAL EMITTING NEAR US

(Attach additional sheets, if necessary)

PRINT NAME(S):

DEBRA & JAKE HARNEY

SIGNATURE(S):

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

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Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

## Special Use Docket SU-19-02 (Bechtel Killion)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

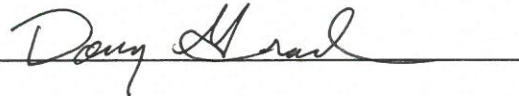
WE LIVE OUT IN RURAL AZ TO BE AWAY FROM THE CITY AND ALL ITS  
MANIFESTATIONS. WHY YOU NEED TO DROP A TOWER RIGHT IN OUR BACKYARDS,  
REDUCING OUR PROPERTY VALUES AND OUR OPEN VIEWS, IS BEYOND ME.  
WHY YOU CAN'T PIGGYBACK ONTO THE OTHER RODEO TOWER ALREADY CONSTRUCTED  
IS BEYOND ME. PLACING THIS TOWER NEXT TO KILLION MAKES NO SENSE.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Doug Grano

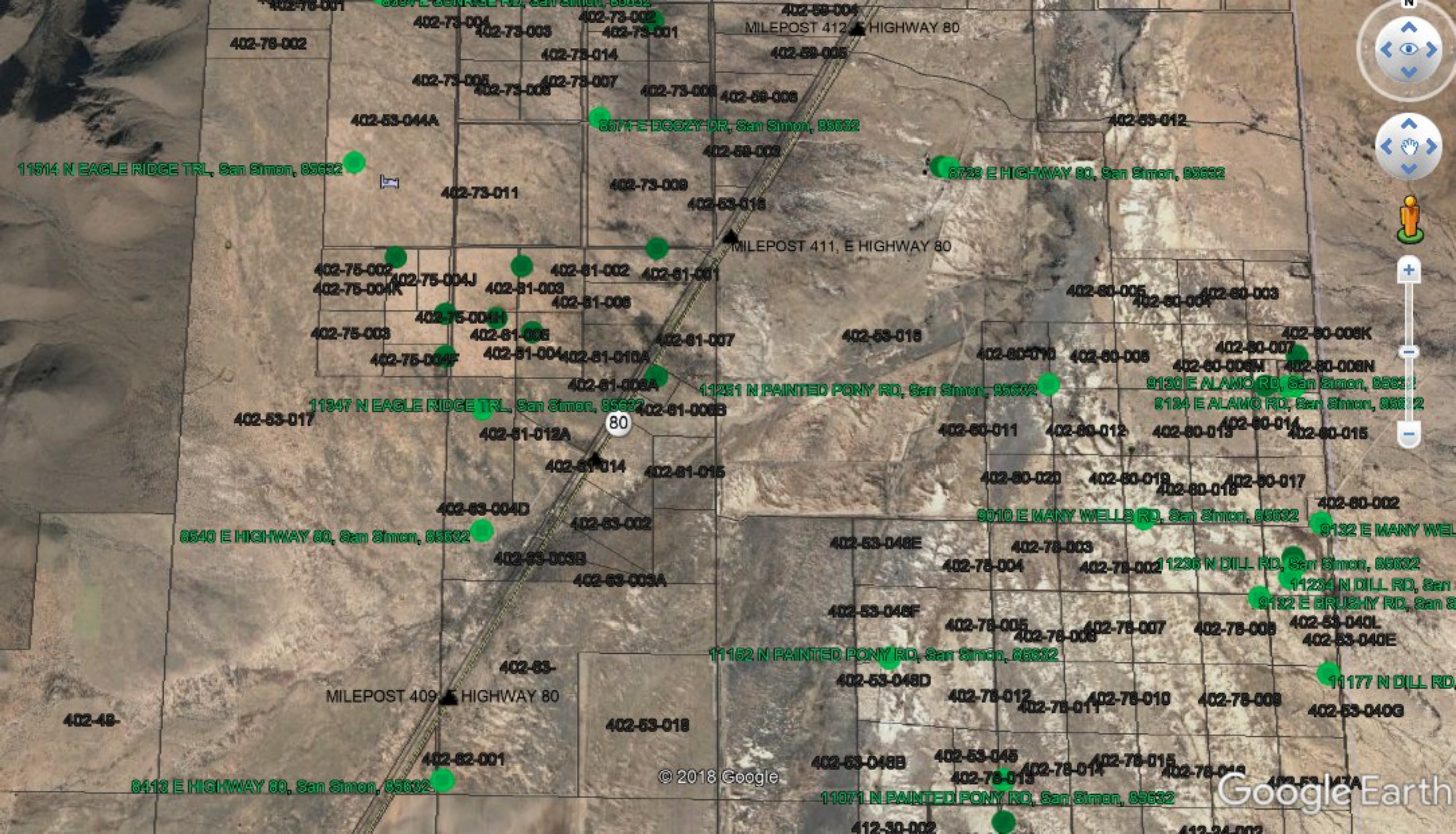
SIGNATURE(S):



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

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



402-78-001  
402-78-002

402-73-004  
402-73-003  
402-73-002  
402-73-001  
402-73-014

402-59-004  
MILEPOST 412  
HIGHWAY 80  
402-59-005

402-73-005  
402-73-006  
402-73-007  
402-73-008  
402-59-006

402-53-012

11514 N EAGLE RIDGE TRL, San Simon, 85632

6574 E DOGZY DR, San Simon, 85632

6728 E HIGHWAY 80, San Simon, 85632

402-73-011

402-73-009

402-53-018

MILEPOST 411, E HIGHWAY 80

402-75-002

402-75-004K

402-75-004H

402-75-003

402-75-004F

402-81-003

402-81-005

402-81-004

402-81-002

402-81-006

402-81-007

402-81-001

402-81-008

402-81-009

402-81-010A

402-81-008A

402-81-009B

402-81-012A

402-81-014

402-81-015

80

11251 N PAINTED PONY RD, San Simon, 85632

11347 N EAGLE RIDGE TRL, San Simon, 85632

9130 E ALAMO RD, San Simon, 85632

8134 E ALAMO RD, San Simon, 85632

402-53-017

402-80-011

402-80-012

402-80-013

402-80-014

402-80-015

402-80-020

402-80-019

402-80-018

402-80-017

9010 E MANY WELLS RD, San Simon, 85632

402-80-002

9132 E MANY WELLS RD, San Simon, 85632

6540 E HIGHWAY 80, San Simon, 85632

402-83-004D

402-83-002

402-83-003B

402-83-003A

402-53-048E

402-78-003

402-78-004

402-78-002

1236 N DILL RD, San Simon, 85632

11234 N DILL RD, San Simon, 85632

9122 E BRUSHY RD, San Simon, 85632

402-53-048F

402-78-005

402-78-006

402-78-007

402-78-008

402-53-040L

402-53-040E

11152 N PAINTED PONY RD, San Simon, 85632

402-53-048D

402-78-012

402-78-011

402-78-010

402-78-009

11177 N DILL RD, San Simon, 85632

402-53-040G

MILEPOST 409  
HIGHWAY 80

402-83-001

402-53-018

402-48-

6413 E HIGHWAY 80, San Simon, 85632

402-82-001

© 2018 Google

402-53-048B

402-53-045

402-78-013

402-78-014

402-78-015

402-53-047A

11071 N PAINTED PONY RD, San Simon, 85632

412-30-002

412-34-002

Google Earth



**Cochise County**  
**Community Development**  
Planning, Zoning and Building Safety Division

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

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

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

By signing below, I acknowledge that:

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

**Planning, Zoning and Building Safety**

1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

**Highway and Floodplain**

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

---

Signature

Date

---

Print Name/Firm

Owner

Agent

**Special Use Project Guide**  
**Effective January 1, 2013**

**Submittal Review Timelines**

Overall review time will be 130-business days.

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

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

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

## THE SPECIAL USE APPLICATION PROCESS

Special Uses are activities with a greater potential for impacts on neighboring properties than the permitted uses in a Zoning District. Examples of Special Uses are manufacturing, RV Parks, guest ranches, hospitals and schools. These more intense uses must be carefully reviewed to decide if they could make good neighbors. For this reason, a Special Use Permit requires a public hearing and approval by the Planning and Zoning Commission before it is allowed. For more detail review the adopted process in the Zoning Regulations Section 1716.

The following summarizes the steps involved in processing a Special Use Permit:

Step 1- Attend an informal pre-application meeting with County staff to review the Site Plan and discuss requirements and procedures.

Step 2- Complete the Citizen Review Process to be submitted as part of the application. The Citizen Review Process is explained at the pre-application meeting noted in Step 1.

Step 3 - Submittal of the attached application with completed questionnaire, citizen review report, Site Plan, and all attachments.

The information you provide on this form will help the Planning Department and the Planning and Zoning Commission make a fair and accurate review of your proposed Special Use.

While the form may seem long the questions are designed to be as straightforward as possible. It is important to answer every question that applies to your proposed use completely. *The Planning Department will be happy to meet with the Applicant to answer any questions and to go over the application and site plan prior to formally submitting the packet and fee as well as after submittal.*

The application will be considered complete and will be accepted by the Planning Department after all items in the checklist of required submittals are accurately completed and/or shown on the site plan, the fees are paid and the project is fully described by answering the questions in the questionnaire. *Failure to provide all the information needed to process the application could result in a delay of the Special Use process. Fees for a Special Use are \$300 payable to the Cochise County Treasurer. (Note: This does not include associated building permit fees if the special use is approved).*

Step 4 - Technical Review by Interested Agencies

The Planning Department will ask for technical review from agencies that have expert knowledge of the proposed use. These agencies can include County Departments such as Highway and Floodplain and Health and Social Services, and local fire districts. State agencies such as the Fire Marshall or the Departments of Environmental Quality and Transportation are also notified, if necessary.

Step 5 - Analysis and Recommendation

The information provided by the Applicant and by reviewing agencies and an analysis of pertinent factors noted in the Section 1716.02 of the Zoning Regulations will be used by the Planning Department to analyze the request. A report will be written and a recommendation provided to the Commission.

Recommendations can include:

1. Approval;
2. Approval with conditions which help protect neighbors, the public, and the environment from noise, odors, dust or other impacts; or

3. Denial if it appears the proposal is not in the public interest or cannot be designed to be a good neighbor.

Occasionally, a hearing will be tabled for further information gathering.

#### Step 6 - Public Hearing and Planning Zoning and Commission Action

The Commission will hold a Public Hearing. This Public Hearing is usually held about six to eight weeks after an application is accepted.

The Planning Department will mail a notice of the public hearing to nearby property owners within 300 feet of the site. A legal notice is also placed in the local newspaper and posted on the Applicant's property.

The Public Hearing provides an opportunity for Applicants to explain their proposal to the Commission. It also offers an opportunity for the public to express support or concerns regarding the proposal.

The Planning Department recommends that Applicants take the time to discuss their proposal with neighbors before the Public Hearing. Such prior contact can go along way in relieving the natural worries of neighbors when a change is suggested on nearby property.

After the Public hearing is closed, the Commission will usually vote on the Special Use application. If the application is approved, associated building/use permit fees and follow-up inspections will be required.

The Commission action can be appealed to the Board of Supervisors by anyone who disagrees with the outcome. Appeals must be filed within fifteen (15) calendar days of the Commission action. The fee for an appeal is \$300 and applications are available in Planning Department offices and on the Planning Department website: [www.cochise.az.gov](http://www.cochise.az.gov); at the upper menu click on Departments; scroll down to Planning and Zoning; on the left side menu scroll down and click on Planning Division; scroll down and click on Special Uses; scroll down and click on "Download Special Use Application"

## SPECIAL USE FACTORS

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Section 1716.02 of the Cochise County Zoning Regulations provides a list of ten (10) factors to evaluate special use applications. The Commission, and the Board if the special use is appealed, shall consider the criteria or factors listed below in deciding whether or not to approve a Special Use Permit.

Most special uses have both factors in favor and factors against. In a specific special use request, an individual factor may weigh more heavily than other factors. All factors will be analyzed and balanced against other factors when making a recommendation. Compliance or non-compliance with applicable special use criteria serves as the basis for analyzing the special use permit and determining factors in favor or factors against the special use. The special use factors represent policy decisions by the Commission and the Board, reducing uncertainty concerning their probable response to a given request. A property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may receive approval in spite of non-compliance with one of the other criteria. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a special use request may result in a denial.

Compliance with applicable factors below constitutes factors in favor of the special use:

### FACTORS FOR, OR AGAINST, THE SPECIAL USE REQUEST

Compliance with applicable factors below constitutes factors in favor of the special use:

#### **A. Compliance With Duly Adopted Plans**

The special use is consistent with Master Development Plans, transportation plans, Area Plans, the Growth Category and Land Use designation of the Comprehensive Plan and/or other land use plans, if any, that have been adopted for the area encompassing the special use.

#### **B. Compliance with the Zoning District Purpose Section**

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

#### **C. Development along Major Streets**

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.

#### **D. Traffic Circulation Factors**

1. The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102.B.3 (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.

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

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.

## **F. Significant 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.

## **G. Public Input**

If there is major public opposition to a proposed special use, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

## **H. Hazardous Materials**

Impacts from special uses that may involve hazardous materials have been adequately mitigated.

### **I. Off-site Impacts**

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

## **J. Water Conservation**

The special use complies with the water conservation policies in Section 102.E of the County Comprehensive Plan.

### **Site Plan or Concept Plan**

#### **1. Site Plan**

For special uses proposing a single, unphased project, a site plan in conformance with site plan requirements adopted in 1705 of the Zoning Regulations has been submitted. This site plan will serve as the plan for issuance of the building permit.

## 2. Concept Plan

In the case of phased special uses on one property or a special use where construction is not anticipated within one year, a concept plan may be reviewed by the Commission in lieu of the site plan requirements set forth in Section 1705. However, the issuance of a building/use permit for each use and/or phase shall be conditioned upon submittal of a site plan complying with the requirements set forth in Section 1705 and shall be in substantial conformance with the approved concept plan; at the time of permit issuance, if the special use is not in substantial conformance with the approved concept plan and is not within the general purview of the original notice, then the matter shall be heard at a public hearing before the Planning and Zoning Commission to modify the plan following the procedures set forth in Section 1716 herein. Note: Any anticipated waivers of the site development standards, such as setbacks, screening, etc., must be requested, justified and approved by the Commission prior to building permit issuance. The Concept Plan, at a minimum, includes:

- The type(s) of use(s) planned for the site is specified.
- The general location, size and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping and any significant topographical features such as washes, wetlands, cultural, archaeological or historical sites, hills, and rock outcroppings.
- Project phasing.
- Other information deemed necessary to effectively review the special use.

## 3. Project Phasing

A statement has been submitted that a site plan will be submitted within one year of the first phase and building permits will be submitted for the entire project within 5 years.

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

TAX PARCEL NUMBER \_\_\_\_\_

APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTACT TELEPHONE NUMBER \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

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

ADDRESS \_\_\_\_\_

\_\_\_\_\_

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

Special Use Permit Public Hearing Fee (if applicable) \$ \_\_\_\_\_

Building/Use Permit Fee \$ \_\_\_\_\_

**Total paid** \$ \_\_\_\_\_

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**PART ONE - REQUIRED SUBMITTALS**

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

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

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report

6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

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

## **PART TWO - QUESTIONNAIRE**

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

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

1. What is the existing use of the property?

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What is the proposed use or improvement?

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2. 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?

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

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4. 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)

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5. 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.

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6. Provide the following information (when applicable):

- A. Days and hours of operation: Days: \_\_\_\_\_ Hours (from \_\_\_\_\_ AM to \_\_\_\_\_ PM)

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

C. Total average daily traffic generated:

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

(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 heavies

\_\_\_\_\_

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 \_\_\_\_\_**

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

Attached \_\_\_\_\_ NA \_\_\_\_\_

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic		
Electricity		
Natural Gas		
Telephone		
Fire Protection		

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

1. Describe any activities that will occur outdoors.

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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. \_\_\_\_\_

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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?

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

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

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

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6. 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.

7. 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. \_\_\_\_\_

8. 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).

9. 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.

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

\_\_\_\_\_

11. 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.)

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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**SECTION D - Hazardous or Polluting Materials**

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

Does the proposed use have any activities involving such materials?

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

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

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

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

**SECTION E - Applicant's Statement**

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

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

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

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

## Concept Plan Instructions for Special Uses

Sometimes, an applicant will seek approval for a particular special use or uses on a piece of property well ahead of actual construction or operation of that use. Often the exact dimensions of structures or configuration of uses on the property are not known yet until the uses have been approved and the applicant has invested resources into site planning. The Zoning Regulations (Section 1716.02.K.2) allow for the submittal of a "Concept Plan" in lieu of a site plan in the case of phased special uses on one property or a special use where construction is not anticipated within one year. However, if the use(s) are approved by the Planning and Zoning Commission, then a detailed site plan meeting the requirements of Section 1705 of the Zoning Regulations will be required for each use or phase, and shall be in substantial conformance with the approved special use. If the site plan is not within substantial conformance with the approved use and concept plan, then the special use will need to be reviewed, in a public hearing, by the Commission once again to modify the original proposal. **Note: any anticipated waivers of site development standards such as setbacks, screening, landscaping or parking spaces must be requested, justified, and approved by the Commission prior to the issuance of a building permit.**

In order to adequately review the proposed special use(s) on a piece of property, a Concept Plan must include at a minimum the following information:

- Parcel boundaries and adjacent roads;
- The general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries, washes and road travelways;
- The general location and minimum number of parking spaces to be provided, including proposed surface and width of driveways;
- Proposed screening and landscaping;
- Any significant topographical features (washes, hills, rock outcroppings, wetlands) and cultural features of the property and adjacent parcels;
- If applicable, project phasing (approximate schedule of uses and construction) and any other information deemed necessary to effectively review the Special Use.



**Cochise County**  
**Community Development**  
Planning, Zoning and Building Safety Division

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

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

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

By signing below, I acknowledge that:

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

**Planning, Zoning and Building Safety**

1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

**Highway and Floodplain**

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

By signing below, I acknowledge that:

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

By signing below, I acknowledge that:

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

---

Signature

Date

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Print Name/Firm

Owner

Agent

**Special Use Project Guide  
Effective January 1, 2013**

**Submittal Review Timelines**

Overall review time will be 130-business days.

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

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

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

## THE SPECIAL USE APPLICATION PROCESS

Special Uses are activities with a greater potential for impacts on neighboring properties than the permitted uses in a Zoning District. Examples of Special Uses are manufacturing, RV Parks, guest ranches, hospitals and schools. These more intense uses must be carefully reviewed to decide if they could make good neighbors. For this reason, a Special Use Permit requires a public hearing and approval by the Planning and Zoning Commission before it is allowed. For more detail review the adopted process in the Zoning Regulations Section 1716.

The following summarizes the steps involved in processing a Special Use Permit:

Step 1- Attend an informal pre-application meeting with County staff to review the Site Plan and discuss requirements and procedures.

Step 2- Complete the Citizen Review Process to be submitted as part of the application. The Citizen Review Process is explained at the pre-application meeting noted in Step 1.

Step 3 - Submittal of the attached application with completed questionnaire, citizen review report, Site Plan, and all attachments.

The information you provide on this form will help the Planning Department and the Planning and Zoning Commission make a fair and accurate review of your proposed Special Use.

While the form may seem long the questions are designed to be as straightforward as possible. It is important to answer every question that applies to your proposed use completely. *The Planning Department will be happy to meet with the Applicant to answer any questions and to go over the application and site plan prior to formally submitting the packet and fee as well as after submittal.*

The application will be considered complete and will be accepted by the Planning Department after all items in the checklist of required submittals are accurately completed and/or shown on the site plan, the fees are paid and the project is fully described by answering the questions in the questionnaire. *Failure to provide all the information needed to process the application could result in a delay of the Special Use process. Fees for a Special Use are \$300 payable to the Cochise County Treasurer. (Note: This does not include associated building permit fees if the special use is approved).*

Step 4 - Technical Review by Interested Agencies

The Planning Department will ask for technical review from agencies that have expert knowledge of the proposed use. These agencies can include County Departments such as Highway and Floodplain and Health and Social Services, and local fire districts. State agencies such as the Fire Marshall or the Departments of Environmental Quality and Transportation are also notified, if necessary.

Step 5 - Analysis and Recommendation

The information provided by the Applicant and by reviewing agencies and an analysis of pertinent factors noted in the Section 1716.02 of the Zoning Regulations will be used by the Planning Department to analyze the request. A report will be written and a recommendation provided to the Commission.

Recommendations can include:

1. Approval;
2. Approval with conditions which help protect neighbors, the public, and the environment from noise, odors, dust or other impacts; or

3. Denial if it appears the proposal is not in the public interest or cannot be designed to be a good neighbor.

Occasionally, a hearing will be tabled for further information gathering.

#### Step 6 - Public Hearing and Planning Zoning and Commission Action

The Commission will hold a Public Hearing. This Public Hearing is usually held about six to eight weeks after an application is accepted.

The Planning Department will mail a notice of the public hearing to nearby property owners within 300 feet of the site. A legal notice is also placed in the local newspaper and posted on the Applicant's property.

The Public Hearing provides an opportunity for Applicants to explain their proposal to the Commission. It also offers an opportunity for the public to express support or concerns regarding the proposal.

The Planning Department recommends that Applicants take the time to discuss their proposal with neighbors before the Public Hearing. Such prior contact can go along way in relieving the natural worries of neighbors when a change is suggested on nearby property.

After the Public hearing is closed, the Commission will usually vote on the Special Use application. If the application is approved, associated building/use permit fees and follow-up inspections will be required.

The Commission action can be appealed to the Board of Supervisors by anyone who disagrees with the outcome. Appeals must be filed within fifteen (15) calendar days of the Commission action. The fee for an appeal is \$300 and applications are available in Planning Department offices and on the Planning Department website: [www.cochise.az.gov](http://www.cochise.az.gov); at the upper menu click on Departments; scroll down to Planning and Zoning; on the left side menu scroll down and click on Planning Division; scroll down and click on Special Uses; scroll down and click on "Download Special Use Application"

## SPECIAL USE FACTORS

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Section 1716.02 of the Cochise County Zoning Regulations provides a list of ten (10) factors to evaluate special use applications. The Commission, and the Board if the special use is appealed, shall consider the criteria or factors listed below in deciding whether or not to approve a Special Use Permit.

Most special uses have both factors in favor and factors against. In a specific special use request, an individual factor may weigh more heavily than other factors. All factors will be analyzed and balanced against other factors when making a recommendation. Compliance or non-compliance with applicable special use criteria serves as the basis for analyzing the special use permit and determining factors in favor or factors against the special use. The special use factors represent policy decisions by the Commission and the Board, reducing uncertainty concerning their probable response to a given request. A property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may receive approval in spite of non-compliance with one of the other criteria. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a special use request may result in a denial.

Compliance with applicable factors below constitutes factors in favor of the special use:

### FACTORS FOR, OR AGAINST, THE SPECIAL USE REQUEST

Compliance with applicable factors below constitutes factors in favor of the special use:

#### **A. Compliance With Duly Adopted Plans**

The special use is consistent with Master Development Plans, transportation plans, Area Plans, the Growth Category and Land Use designation of the Comprehensive Plan and/or other land use plans, if any, that have been adopted for the area encompassing the special use.

#### **B. Compliance with the Zoning District Purpose Section**

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

#### **C. Development along Major Streets**

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.

#### **D. Traffic Circulation Factors**

1. The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102.B.3 (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.

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

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.

## **F. Significant 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.

## **G. Public Input**

If there is major public opposition to a proposed special use, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

## **H. Hazardous Materials**

Impacts from special uses that may involve hazardous materials have been adequately mitigated.

### **I. Off-site Impacts**

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

## **J. Water Conservation**

The special use complies with the water conservation policies in Section 102.E of the County Comprehensive Plan.

### **Site Plan or Concept Plan**

#### **1. Site Plan**

For special uses proposing a single, unphased project, a site plan in conformance with site plan requirements adopted in 1705 of the Zoning Regulations has been submitted. This site plan will serve as the plan for issuance of the building permit.

## 2. Concept Plan

In the case of phased special uses on one property or a special use where construction is not anticipated within one year, a concept plan may be reviewed by the Commission in lieu of the site plan requirements set forth in Section 1705. However, the issuance of a building/use permit for each use and/or phase shall be conditioned upon submittal of a site plan complying with the requirements set forth in Section 1705 and shall be in substantial conformance with the approved concept plan; at the time of permit issuance, if the special use is not in substantial conformance with the approved concept plan and is not within the general purview of the original notice, then the matter shall be heard at a public hearing before the Planning and Zoning Commission to modify the plan following the procedures set forth in Section 1716 herein. Note: Any anticipated waivers of the site development standards, such as setbacks, screening, etc., must be requested, justified and approved by the Commission prior to building permit issuance. The Concept Plan, at a minimum, includes:

- The type(s) of use(s) planned for the site is specified.
- The general location, size and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping and any significant topographical features such as washes, wetlands, cultural, archaeological or historical sites, hills, and rock outcroppings.
- Project phasing.
- Other information deemed necessary to effectively review the special use.

## 3. Project Phasing

A statement has been submitted that a site plan will be submitted within one year of the first phase and building permits will be submitted for the entire project within 5 years.

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

TAX PARCEL NUMBER \_\_\_\_\_

APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTACT TELEPHONE NUMBER \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

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

ADDRESS \_\_\_\_\_

\_\_\_\_\_

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

Special Use Permit Public Hearing Fee (if applicable) \$ \_\_\_\_\_

Building/Use Permit Fee \$ \_\_\_\_\_

**Total paid** \$ \_\_\_\_\_

-----  
**PART ONE - REQUIRED SUBMITTALS**

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

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

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report

6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

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

## **PART TWO - QUESTIONNAIRE**

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

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

1. What is the existing use of the property?

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What is the proposed use or improvement?

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2. 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?

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

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4. 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)

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5. 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.

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6. Provide the following information (when applicable):

- A. Days and hours of operation: Days: \_\_\_\_\_ Hours (from \_\_\_\_\_ AM to \_\_\_\_\_ PM)

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

C. Total average daily traffic generated:

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

(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 heavies

\_\_\_\_\_

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 \_\_\_\_\_**

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

Attached \_\_\_\_\_ NA \_\_\_\_\_

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic		
Electricity		
Natural Gas		
Telephone		
Fire Protection		

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

1. Describe any activities that will occur outdoors.

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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. \_\_\_\_\_

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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?

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

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

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

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6. 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.

7. 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. \_\_\_\_\_

8. 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).

9. 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.

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

\_\_\_\_\_

11. 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.)

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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**SECTION D - Hazardous or Polluting Materials**

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

Does the proposed use have any activities involving such materials?

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

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

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

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

**SECTION E - Applicant's Statement**

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

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

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

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

## Concept Plan Instructions for Special Uses

Sometimes, an applicant will seek approval for a particular special use or uses on a piece of property well ahead of actual construction or operation of that use. Often the exact dimensions of structures or configuration of uses on the property are not known yet until the uses have been approved and the applicant has invested resources into site planning. The Zoning Regulations (Section 1716.02.K.2) allow for the submittal of a "Concept Plan" in lieu of a site plan in the case of phased special uses on one property or a special use where construction is not anticipated within one year. However, if the use(s) are approved by the Planning and Zoning Commission, then a detailed site plan meeting the requirements of Section 1705 of the Zoning Regulations will be required for each use or phase, and shall be in substantial conformance with the approved special use. If the site plan is not within substantial conformance with the approved use and concept plan, then the special use will need to be reviewed, in a public hearing, by the Commission once again to modify the original proposal. **Note: any anticipated waivers of site development standards such as setbacks, screening, landscaping or parking spaces must be requested, justified, and approved by the Commission prior to the issuance of a building permit.**

In order to adequately review the proposed special use(s) on a piece of property, a Concept Plan must include at a minimum the following information:

- Parcel boundaries and adjacent roads;
- The general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries, washes and road travelways;
- The general location and minimum number of parking spaces to be provided, including proposed surface and width of driveways;
- Proposed screening and landscaping;
- Any significant topographical features (washes, hills, rock outcroppings, wetlands) and cultural features of the property and adjacent parcels;
- If applicable, project phasing (approximate schedule of uses and construction) and any other information deemed necessary to effectively review the Special Use.