



# Cochise County

Development Services  
Planning Division

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

## APPLICATION FOR A SPECIAL USE

Applicant's Name: CHRISTOPHER SMYTHIES MD FAANS

Name of All Property Owner(s): CHIRICAHUA SKY VILLAGE LLC

Applicant Mailing Address:  
1081 80th Ave NE Medina WA 98039

Street # Town State Zip code

Subject Property Address (if different than mailing address):  
Lots 12 and 13 Chiricahua Mountain Es, Pearce, AZ 85625

Street # Town State Zip code

Email Address: csmythies@comcast.net

Phone Number: (206) 919 8298

Tax Parcel Number: 1) 40160009D and 2) 40160009M

Current Zoning Designation: RU-4

Comprehensive Plan Land Use Category/Growth Area: \_\_\_\_\_

Comprehensive Plan Land Use Designation: \_\_\_\_\_

Area Plan Designation (if applicable): \_\_\_\_\_

Size of Property (in acreage or square feet): 1) 36.13 acres and 2) 36.22 acres

How many acres will be cleared and developed? 0

Describe your relationship to this application. (Select one)

I am the property owner

I am an authorized agent for the property owner

**Bisbee Office**  
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
planningandzoning@cochise.az.gov

If the applicant is not the property owner, please attach a notarized letter of authorization to this application.

### **The Purpose of a Special Use**

Special Uses include uses or 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 to the existing uses. For this reason, a Special Use Permit requires a public hearing and approval by the Planning and Zoning Commission before it is allowed.

### **What is the Process?**

1. Pre-application meeting with County planning staff.
2. Citizen Review Process – the applicant must send notice to all property owners within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment. The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at time of application acceptance if there are compatibility concerns associated with the request.
3. Application Submittal
4. Technical review by relevant internal staff and external agencies
5. Public Hearing – Planning and Zoning Commission (Approval/Denial)

### **Appeals**

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 applications are available online "Appeal: Board of Supervisors."

### **Required Submittals**

1. This application
2. Citizen Review Report
3. Site plan -drawn to scale showing the existing and proposed District boundaries and an accurate legal description of the area being petitioned for amendment. See "concept plan instructions for special uses" (included in this application). Please see our website for an example plan: <https://www.cochise.az.gov/development-services/special-uses>
4. Letter of Authorization (for authorized agents, if applicable)
5. Hazardous or polluting materials attachment (only if hazardous materials are proposed, if applicable)
6. Deed restrictions (if applicable)
7. Outdoor lighting, manufacturers specifications (if applicable)
8. Processing Fee

### **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 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 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 roads;
- 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.

Please state the reason for this request and why it should be supported.

This requires a more lengthy answer than there is space and is addressed in a separate attachment.

Identify the utility company/service provider for each of the following services and state if additional provisions or future connections are required in the space below.

<b>Service Provider</b>	<b>Service Provider</b>	<b>Additional Provisions Required</b>
Water/Well	None planned	
Sewer/Septic	None planned	
Electricity	None planned	
Natural Gas	None planned	
Telephone	None planned	
Fire Protection	Fire extinguishers	
Waste Disposal	Will rent Porta-potties	

Is this request consistent with all deed restrictions or private covenants in effect for this property? If applicable, please include a copy of these restrictions/covenants with this application.

Yes
  No
  Not applicable (no deed restrictions or covenants)

Describe all **existing** structures/uses present on the subject parcel. Note: the size and location of existing structures must be shown on the accompanying site plan.

None

Describe all **proposed** structures/uses on the parcel that to be placed on the parcel. Note: the size and location of proposed structures must be shown on the accompanying site plan.

None

Is the proposed special use consistent with stated purpose of the current zoning district? Explain.

Yes. Proposed use: Guest Lodging. Consistent with RU-4

Describe all intermediate and final products/services that will be produced/offered/sold, if applicable.

None

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

N/A

Will the project be constructed/completed within one year or phased?

One year

Phased

If this is a phased project, describe the phases here and physically depict them on the site plan.

What are the days and hours of operation (if applicable)?

Days of the week: 24/7

       AM to        PM

Number of employees (if applicable):

Initially 0 Future: 0

Total average daily traffic generated (non-residential uses):

How many vehicles will be entering and leaving the site (per day)? 2-4, on average.

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

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

East-west, on E. Papago St. from S. Clovis Rd.

If more than one direction, estimate the percentage that travel in each direction.

50-50

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

Daytime, new moons, winter

Will your property be served by a private well? If private well, show the location on the site plan. Also, please answer the following:

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

Will your property be served by a septic system?  Yes  No

If yes, show the septic tank, leach field and 100% expansion area on the site plan, and indicate whether the system is existing or proposed.

Does your parcel have permanent legal access\*? If no, what steps are you taking to obtain such access? (\*Our Zoning Regulations state that no building permit for a nonresidential 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.)

Our parcels have permanent legal access via Clovis south from Hwy 181 for one mile to Papago then east along the section line. This easement is recorded on a map available to the public.

Which streets or easements will be used for traffic entering or exiting the property? (Please label on the accompanying plan)

E. Papago St.

What impact will this have on the traffic volume of roads serving this subject property?

None

How many driveway cuts are proposed along streets or easements to allow site access? State whether this is an increase/decrease and whether any existing cuts will need relocation.

None. The same. Nothing will need relocating.

Does the subject parcel have site access onto a major road?



Yes



No

Are you requesting any modifications or waivers from site development standards? Please explain.

No.

Is the subject property within Sierra Vista Sub-Watershed Overlay Zone? If so, please indicate this, and that you understand that it will be subject to additional plan reviews and inspections whenever a building permit is required.

Yes, and I understand the permitting requirements

No, it's outside the boundaries

Please describe your citizen review process (if applicable). Specifically, state whether you received any responses to your mailed notice or public meeting. Explain how your special use application has incorporated the feedback you received.

Describe any outdoor activity associated with your special use proposal, if applicable.  
Visual observing and astro-imaging using telescopes at night.

Will outdoor storage of equipment, materials or products be needed? If yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

No

Will any noise or vibrations be produced that can be heard or felt on neighboring properties on a regular basis? 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?

No

Will odors be created? If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties?

No

Will any on-site activities attract pests, such as flies or mice? If yes, what measures will be taken to prevent a nuisance on neighboring properties?

No

Will additional dust be created on a regular basis? If yes, what measures will be taken to prevent this dust from escaping onto neighboring properties or roadways?

No

Is outdoor lighting proposed? If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please submit manufacturer's specifications for all light fixtures.

Yes  No

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

Yes  No

Show on-site drainage flow on the site plan. Will drainage patterns on site be changed? If so, please indicate on the site plan and describe below.

No plans to change rainage patterns

If more than one acre is to be cleared, describe the proposed dust and erosion control measures to be used and show on site plan, if appropriate.

N/A

If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be provided. 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. What specific water conservation measures are proposed (for applicable site 1+ acres)? Describe here and/or show on the site plan submitted with this application.

N/A

Do you anticipate the use of any hazardous or dangerous materials? If yes, please complete a "Hazardous or Polluting Materials Attachment" and attach it to this application.

Yes  No

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. In addition, 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. Failure to obtain permits may result in fines or other penalties.

Christopher Smythies MD FAANS

May 15th, 2022

---

Applicant Signature

Date

## **PLEASE STATE THE REASON FOR THIS REQUEST AND WHY IT SHOULD BE SUPPORTED**

### **Background**

Cochise County's greatest natural resource is its exceptional dark sky, a direct result of its sparse population and absence of light pollution. The observing conditions under this dark sky are even further enhanced by smooth atmospheric airflows, long nights, and abundant clear skies. Here, the Milky Way is bright enough to cast shadows across the ground. Through a telescope, a distant galaxy that may not be visible from anywhere else pops out of the inky blackness. Adjust a knob and its wispy spiral arms sharpen into focus. A dark sky is a beautiful, awe-inspiring sight that few people around the world ever get to see. In Cochise County, one only must look up.

Chiricahua Sky Village is an LLC is owned by amateur astronomers who live in diverse regions of the United States. Many of us are from the Pacific Northwest where, four years ago, we established the highly successful Goldendale Sky Village, a similarly organized dark sky site in eastern Washington (please visit YouTube and watch our 5-minute video to get an excellent idea of who we are and what we do). We are willing to travel long distances to observe under the best dark sky possible, especially over the winter months, and out of the hundreds of potential destinations in North America, we have chosen Cochise County. In March of 2022 we bought a 36-acre parcel just off Highway 181 (40160009D), and two months later we bought an adjacent parcel of equal size (40160009M).

In exchange for making capital contributions and becoming shareholders in the LLC, members are given the right to use plots of land ranging in size from 2,500 sf to 25,000 sf within the village. Right now, in its infancy, our LLC has 39 members, but it will inevitably grow as other astronomers discover what a great place Cochise County is for observing and join us. Such a gathering of amateur astronomers may catch the attention of neighbors and county officials, but there is no need for alarm. We are nocturnal creatures, spending our nights looking through our telescopes and our days sleeping. We have a minimal impact on our surrounding environment, bringing our water with us and getting our electricity from solar panels. Most of us have our own RVs. Those that don't, sleep in tents and use Porta-potties. Garbage and whatever small amount of grey water is generated are removed in containers and disposed of properly.

### **Our requests**

1. To merge parcels 40160009D and 40160009M into one parcel.
2. To increase the number of 'campsites' from the authorized 40 for our original parcel (Docket SU-22-04) to 236 for both parcels. While this may seem like we're packing in too many members, closer examination reveals that overcrowding is extremely unlikely to occur. The members come from far away and it is estimated that only 10-20% of them will actually be present during any given new moon. (Brief explanation: observing only takes place for a couple of weeks around a new moon when there is little or no moonlight to spoil the dark sky. For the

rest of the month, there will be few people, if any, at the village.) We will accept a reasonable occupancy limit if it would help allay fears.

3. To build small observatories. These come in two varieties: those with roll-off roofs and those with domes. Neither are very large, with just enough space inside for a telescope and an observer. At this stage there is no way of knowing which members will want to have an observatory.

4. To build small huts for shelter from inclement weather and storing things. At Goldendale Sky Village these are limited in size to 120 sf and only 6 members out of a total of 52 members have them. At this stage there is no way of knowing which members will want to have a hut.

5. To set up a few tents for those members who may be flying in from distant parts of the country and don't have RV's. These tents will be high quality and have an attractive appearance.

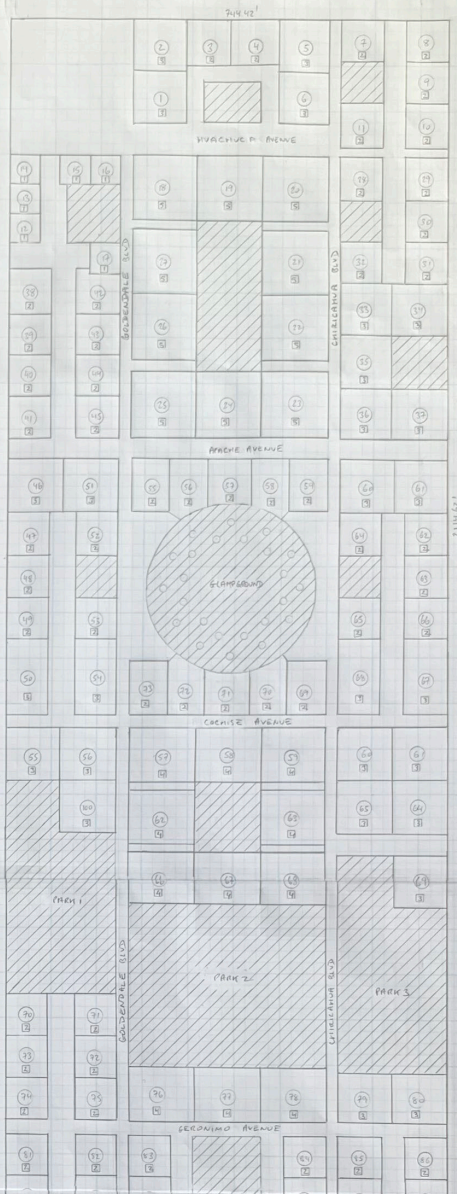
6. To have a couple of 40' shipping containers for secure storage. At this time, we don't know specifically where such containers will be placed. Somewhere in the middle of the property.

### **Why our requests should be supported**

Approval of this Special Use Modification will enhance Cochise County's reputation for being an astronomer-friendly place, making it a must-go destination for dark sky enthusiasts who come not only from across the United States but also from other countries around the world where the stars are being extinguished by rampant light pollution. Together let's preserve, protect, and sensibly develop Cochise County's most precious natural resource - its dark sky.

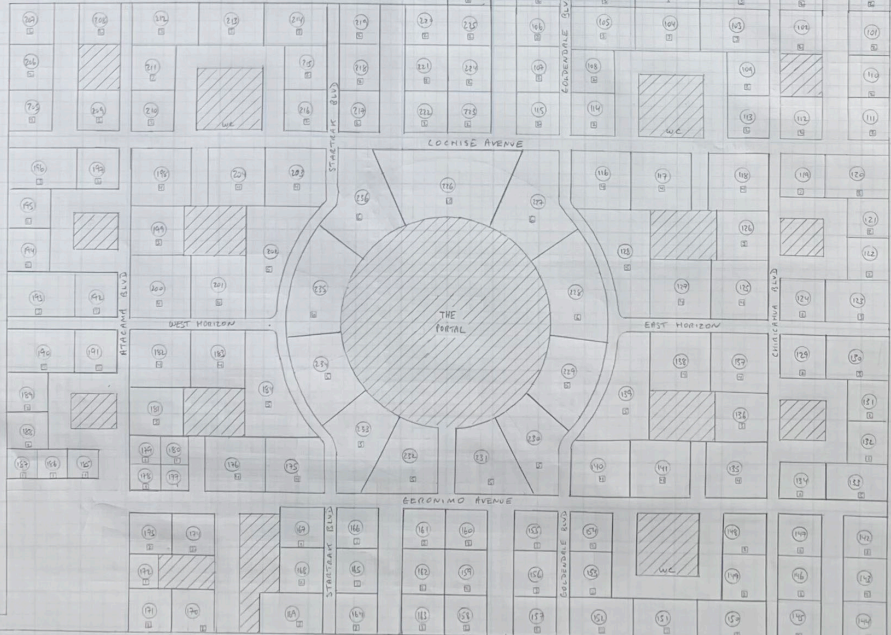
CHIRICAHUA SKY VILLAGE

NORTHERN HEMISPHERE



CHIRICAHUA SKY VILLAGE

SOUTHERN HEMISPHERE



Scale 1cm = 30m

① - Lot #      □ - number of trees

## **PLEASE STATE THE REASON FOR THIS REQUEST AND WHY IT SHOULD BE SUPPORTED**

### **Background**

Cochise County's greatest natural resource is its exceptional dark sky, a direct result of its sparse population and absence of light pollution. The observing conditions under this dark sky are even further enhanced by smooth atmospheric airflows, long nights, and abundant clear skies. Here, the Milky Way is bright enough to cast shadows across the ground. Through a telescope, a distant galaxy that may not be visible from anywhere else pops out of the inky blackness. Adjust a knob and its wispy spiral arms sharpen into focus. A dark sky is a beautiful, awe-inspiring sight that few people around the world ever get to see. In Cochise County, one only must look up.

Chiricahua Sky Village is an LLC is owned by amateur astronomers who live in diverse regions of the United States. Many of us are from the Pacific Northwest where, four years ago, we established the highly successful Goldendale Sky Village, a similarly organized dark sky site in eastern Washington (please visit YouTube and watch our 5-minute video to get an excellent idea of who we are and what we do). We are willing to travel long distances to observe under the best dark sky possible, especially over the winter months, and out of the hundreds of potential destinations in North America, we have chosen Cochise County. In March of 2022 we bought a 36-acre parcel just off Highway 181 (40160009D), and two months later we bought an adjacent parcel of equal size (40160009M).

In exchange for making capital contributions and becoming shareholders in the LLC, members are given the right to use plots of land ranging in size from 2,500 sf to 25,000 sf within the village. Right now, in its infancy, our LLC has 39 members, but it will inevitably grow as other astronomers discover what a great place Cochise County is for observing and join us. Such a gathering of amateur astronomers may catch the attention of neighbors and county officials, but there is no need for alarm. We are nocturnal creatures, spending our nights looking through our telescopes and our days sleeping. We have a minimal impact on our surrounding environment, bringing our water with us and getting our electricity from solar panels. Most of us have our own RVs. Those that don't, sleep in tents and use Porta-potties. Garbage and whatever small amount of grey water is generated are removed in containers and disposed of properly.

### **Our requests**

1. To merge parcels 40160009D and 40160009M into one parcel.
2. To increase the number of 'campsites' from the authorized 40 for our original parcel (Docket SU-22-04) to 236 for both parcels. While this may seem like we're packing in too many members, closer examination reveals that overcrowding is extremely unlikely to occur. The members come from far away and it is estimated that only 10-20% of them will actually be present during any given new moon. (Brief explanation: observing only takes place for a couple of weeks around a new moon when there is little or no moonlight to spoil the dark sky. For the

rest of the month, there will be few people, if any, at the village.) We will accept a reasonable occupancy limit if it would help allay fears.

3. To build small observatories. These come in two varieties: those with roll-off roofs and those with domes. Neither are very large, with just enough space inside for a telescope and an observer. At this stage there is no way of knowing which members will want to have an observatory.

4. To build small huts for shelter from inclement weather and storing things. At Goldendale Sky Village these are limited in size to 120 sf and only 6 members out of a total of 52 members have them. At this stage there is no way of knowing which members will want to have a hut.

5. To set up a few tents for those members who may be flying in from distant parts of the country and don't have RV's. These tents will be high quality and have an attractive appearance.

6. To have a couple of 40' shipping containers for secure storage. At this time, we don't know specifically where such containers will be placed. Somewhere in the middle of the property.

### **Why our requests should be supported**

Approval of this Special Use Modification will enhance Cochise County's reputation for being an astronomer-friendly place, making it a must-go destination for dark sky enthusiasts who come not only from across the United States but also from other countries around the world where the stars are being extinguished by rampant light pollution. Together let's preserve, protect, and sensibly develop Cochise County's most precious natural resource - its dark sky.