

DRAFT

PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON Wednesday, MARCH 11, 2026

A regular meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, MARCH 11, 2026, at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Kim DePew, Chair; Robert Montgomery, Vice Chair; Randall Limbach, Member; Gerry Gonzalez, Member; Frank Ambriz, Member; John Benedict, Member; Larry Saunders, Member; Pati Fickett, Member; Neil Tucker, Member

Staff Present: Christine McLachlan, Development Services Director
Matthew Taylor, Planning Division Manager
Sharon Larsala, Planner I
Bert Whitehead, Deputy Civil County Attorney

Attendees: Alison Morse, Speaker (Call to the Public, R-26-01)
Susan Drougas, Applicant (RZ26-01)
Kathryn Switzer, Applicant (SU26-01)
Bennie Schmidt, Applicant (SUA25-04)
Tricia Gerrodette, Speaker (SUA25-04)
Pamela Bouilly, Speaker (SUA25-04)
Holly Richter, Speaker (SUA25-04)
Simon Kiere, Speaker (SUA25-04)
Joanne Roberts, Speaker (SUA25-04)
Sharon Rock, Speaker (SUA25-04, R-26-01)
Amanda Glover, Speaker (R-26-01)
Christine Atchison, Speaker (R-26-01)
Dan Baker, Speaker (R-26-01)
Cheryl Knott, Speaker (R-26-01)
Donna Quisenberry, Speaker (R-26-01)
Mignonne Hollis, Speaker (R-26-01)
Mr. Rucker, Speaker (R-26-01)
Tracy Sheppard, Speaker (R-26-01)
Kelly Overacker, Speaker (R-26-01)
Mary Ann Boles, Speaker (R-26-01)

Chair DePew called the meeting to order at 4:00 p.m.

PLEDGE OF ALLEGIANCE, ROLL CALL, AND INTRODUCTION

APPROVAL OF THE PREVIOUS MONTH'S MINUTES

Vote: 7 - 0 Approved

CALL TO THE PUBLIC

Alison Morse spoke during call to the public.

PUBLIC HEARINGS

1. Docket RZ26-01: An applicant-initiated request to rezone APN 117-02-314D (formerly APNs 117-02-309, 312, 313, and 314C) from SR-43 (Single-Household Residential District, one dwelling per 43,000 square feet) to SR-174 (Single-Household Residential District, one dwelling per 4 acres). The property totals about 7.6 acres and is located at the northeast corner of Justin Street and Cochise Stronghold Road in Sunsites Unit #2.

Motion by Member Randall Limbach, Second by Vice Chair Robert Montgomery.

Case planner Larsala provided a presentation, which is preserved in the files. Susan Drougas, applicant, provided a statement.

Chair DePew opened the public hearing. No one spoke in support or opposition. The applicant waived rebuttal. Chair DePew closed the public hearing.

Commission Discussion: None.

Case planner Larsala stated staff recommends approval without special conditions.

Vote: 9 - 0 Approved

2. Docket SU26-01: An applicant-initiated Special Use Authorization request to allow educational services (private school) at 5048 E. Bevers Street near Sierra Vista (APN 107-69-039A). The property totals about three acres and is zoned R-36 (Residential District, one dwelling per 36,000 square feet).

Motion by Vice Chair Montgomery, Second by Member Neil Tucker.

Case planner Taylor provided a presentation, which is preserved in the files. Kathryn Switzer, applicant, provided a statement.

Chair DePew opened the public hearing. No one spoke in favor or opposition. The applicant waived rebuttal. Chair DePew closed the public hearing.

Commission Discussion: Member Ambriz questioned whether the applicant will install school signs and whether Bevers Street is a dedicated road or easement. Case Planner Taylor stated that Bevers Street is a dedicated right-of-way improved by the County.

Case planner Taylor further stated that the applicant currently has a banner on the fence and may install permanent signage on the property with approved permits.

Member Benedict questioned if the applicant would hold any events on the property during the three-day school sessions, referring to a letter of opposition raising that concern. Ms. Switzer stated that any gatherings will be low-key, family-oriented, and not occur late at night or without supervision. Vice Chair Montgomery stated that he is familiar with the area of the proposal and is not aware of opposition, believing the proposal would be a beneficial resource for the community. Member Gonzalez questioned whether there is a certification process for the teachers. Ms. Switzer responded that since the school is not a public institution but a private home school support venture, she provides training for the teachers, who are certified through traditional educational methods to effectively support both parents and children. Member Saunders questioned whether there would be any overnight stays. Ms. Switzer responded no. Member Saunders further questioned how the Commission's role relates to the staff recommendation mentioning a waiver. Case Planner Taylor stated that the applicant is requesting waivers for landscaping and improved driveway and parking area requirements, and if the Commission approves the Special Use, the waivers would be granted. Member Limbach questioned the schedule of monthly meetings as listed on the website. Ms. Switzer responded that the school operates nine academic days per month with multiple activities occurring in separate rooms on those same days, consistent with the schedule shown online. Vice Chair Montgomery stated that he previously homeschooled his child and could have benefited from similar assistance and asked if the applicant is providing that kind of support to parents in similar situations. Ms. Switzer responded yes, explaining that the program offers education and support for both children and parents. Chair DePew questioned how long the school has been in operation. Ms. Switzer responded that the school began operating in August 2025.

Case planner Taylor stated that staff is recommending approval with special conditions relative to right-of-way permitting, hours and days of operation, and number of students and waivers from on-site driveway, parking area, and landscaping standards.

Vote: 9 - 0 Approved

3. Docket SU26-02: An applicant-initiated Special Use Authorization request to allow a swap meet on the south side of Highway 82 about one mile east of Highway 90 near Huachuca City (APNs 106-25-043C and 043D). The property totals about two acres and is zoned GB (General Business District).

Motion by Member Larry Saunders, Second by Member Gerry Gonzalez.

Withdrawn by Charles Spegal, applicant, prior to the meeting. Withdrawal accepted and docket removed from the agenda.

Vote: 9 - 0 Approved

4. Docket SUA25-04 (Hereford Road RV Park Appeal): The appellants, Bennie and Janell Schmidt, filed an appeal with the Board of Supervisors against a decision made by the Planning and Zoning Commission on September 10, 2025, where the Commission failed to approve Special Use Authorization *Docket SU25-14* to allow a recreational vehicle park on

30.7 acres located along Hereford Road approximately 4 miles north of E. Highway 92 (tax parcel 104-34-010A). The parcel is zoned RU-4 (Rural District, one dwelling per 4 acres) and the proposed use requires Special Use approval per Section 2.15.070 of the Zoning Regulations.

The Board of Supervisors heard the appeal during a public hearing on November 18, 2025, remanding the Special Use request back to the Planning and Zoning Commission for further proceedings. The Commission will hear the requested Special Use during a public hearing on March 11, 2026, and forward a recommendation to the Board of Supervisors. The Board will either affirm, reverse, or modify the Commission's recommendation during a subsequent public hearing.

Motion by Member Randall Limbach, Second by Member Neil Tucker.

Case planner Taylor provided a presentation, which is preserved in the files. Bennie Schmidt, applicant, provided a statement.

Chair DePew opened the public hearing. Tricia Gerrodette spoke in opposition. Pamela Bouilly spoke in opposition. Holly Richter spoke in opposition. Simone Kiere spoke in opposition. Joanne Roberts spoke in opposition. Sharon Rock spoke in opposition. The applicant provided a rebuttal. Chair DePew closed the public hearing.

Commission Discussion: Member Ambriz asked whether the two wells are registered with the State of Arizona as irrigation wells. Mr. Schmidt stated the wells are registered. Member Gonzalez thanked the applicant for the presentation, commending the organized plan and collaboration with multiple agencies and acknowledging concerns raised by the opposition. Mr. Schmidt responded that he intends to donate \$10,000 for river cleanup. Member Tucker inquired about projected water use. Mr. Schmidt responded that usage would be approximately 400 gallons per RV site over a 2–3 day stay, which is an overestimate. Vice Chair Montgomery noted that the updated presentation provided more detailed information and visuals, addressing many prior questions. Vice Chair Montgomery acknowledged changes to property access, setbacks, and the reduced number of RV pads from the initial proposal and asked how the applicant plans to regulate trespassing. Mr. Schmidt replied that on-site monitoring will be conducted to prevent unauthorized activities. Mr. Schmidt added that the proposed project footprint is 3 acres out of the 30 acre site. Member Gonzalez emphasized the importance of protecting the river, stating that acknowledging its presence alone is insufficient. Member Saunders asked about the number of RVs. Mr. Schmidt responded that it had been reduced from 30 to 24. Chair DePew requested clarification on the term "full hookup," fencing materials, and potential river access. Mr. Schmidt explained that "full hookup" refers to water and APS electric service with connections to each RV space, that barbed wire is currently in place but fencing materials could be adjusted per County recommendations at the permitting stage, and that there are no plans to develop river access. Vice Chair Montgomery further commented that while the applicant could pursue a subdivision, he instead seeks to conserve the land and provide a setting for public enjoyment.

The Planning Commission recommended approval to the Board of Supervisors with special conditions recommended by staff, amending condition #1 to reduce the number of recreational vehicle spaces from 30 to 24 in accordance with the applicant's statement.

Vote: 7 - 2 Approved

NO: Member Randall Limbach
Member John Benedict

5. Docket R25-05: A staff-initiated text amendment to the Cochise County Subdivision Regulations to allow administrative review and approval of Preliminary Plats, Final Plats, and Plat Amendments. Senate Bill 1286 was signed into law on March 25, 2025, amending Sections § 11-269, § 11-822, and § 11-823 of Arizona Revised Statutes, authorizing counties to implement administrative review and approval of subdivision plats pursuant to an adopted county ordinance.

Motion by Member Randall Limbach, Second by Member Larry Saunders.

Case Planner Taylor provided a presentation, which is preserved in the files.

Chair DePew opened the public hearing. Speaker Tricia Gerrodette expressed concerns that this proposed change makes the process for a citizen trying to find proposed subdivisions very difficult. Chair DePew closed the public hearing.

Board Discussion: Member Ambriz asked what a subdivision committee is and whether the Planning and Zoning Commission would have jurisdiction over subdivision reviews. Case Planner Taylor explained that the committee consists of the Development Director, County Engineer, and County Health Director, and that under the new regulation, subdivision reviews would be administrative rather than go through the Commission. Chair DePew asked how the public would be informed of proposed subdivisions. Case Planner Taylor stated that information would be posted on the department website and submittals would remain accessible through Citizenseive, though subdivisions would no longer appear on Commission or Board of Supervisors meeting agendas for recommendations or approvals. Chair DePew also asked about the difference between resolutions and ordinances. Case Planner Taylor clarified that subdivision regulation amendments are typically done by resolution, but an ordinance is required to amend and effectively readopt the regulations with amendments authorized by Senate Bill 1286. Vice Chair Montgomery asked if any subdivisions have been filed since 2007 that have been withdrawn and who would review subdivisions if the text amendment passed. Case Planner Taylor responded that the County has received few subdivision plat submittals since 2007 with just one successful plat approval in 2015, and that the proposed amendment shifts approval authority to County staff. Member Saunders asked if the proposed changes align with the Senate bill. Case Planner Taylor confirmed the bill authorizes the Board of Supervisors to make the process administrative with an adopted ordinance. Vice Chair Montgomery asked which office determines water adequacy and Case Planner Taylor responded that the Arizona Department of Water Resources is the final authority on water adequacy. Chair DePew clarified that Senate Bill 1286 is not a mandate, noting that the Commission overall though with exceptions may lack the technical expertise regarding plat review, and expressed support for the regulation. Member Gonzalez asked who reviews and incorporates agency comments during subdivision review. Case Planner Taylor said the process remains unchanged, with staff collecting and reviewing comments as part of the approval process. Vice Chair Montgomery asked if there is an appeal process for denied applications, and Case Planner Taylor confirmed that appeals would continue to go to the Board of Supervisors.

Vote: 8 - 1 Approved

NO: Member Frank Ambriz

6. Docket R26-01: A staff-initiated text amendment to the Cochise County Zoning Regulations to define "Data Center," require Special Use Authorization in certain districts, and establish standards for their siting, development, and operation.

Motion by Member Randall Limbach, Second by Member Gerry Gonzalez.

Case Planner Christine McLachlan provided a presentation, which is preserved in the files.

Chair DePew opened the public hearing.

Amanda Glover stated that a clear definition and strict standards for data centers should be established but that data centers should not be allowed in Cochise County. Christine Atchison expressed concerns about data center impacts and that baseline chemical testing and increased setbacks should be a part of special use approvals. Dan Baker expressed concerns about data centers and emphasized the need for harmful chemical testing. Cheryl Knott is opposed to data centers and urged the Commission to implement a temporary moratorium for data centers. Chair DePew read comments submitted by Diana Lamar expressing concerns about impacts caused by data centers and supporting a moratorium to avoid rushed decisions. Allison Morse expressed opposition to the proposed regulations as written and stated that more time is needed to assess data center impacts. Donna Quisenberry supports a delay in allowing data centers to assess water depletion and improve accountability. Mignonne Hollis supports the proposed text amendment, stating that data centers could offer economic opportunities. Mr. Rucker (no speaker request form submitted, first name not captured by audio) expressed concerns about data center impacts on utility costs and straining resources while offering few jobs. Tracy Sheppard supports a moratorium on data centers and expressed concerns regarding noise, energy, and water impacts. Sharon Rock supports a moratorium on data centers given current water conditions. Kelly Overacker expressed concerns about data centers, including noise, energy consumption, water, and carbon footprint. Mary Ann Boles stated that data centers are a poor fit for the County and questioned why they cannot be prohibited.

Commission Discussion: Member Benedict stated that the Commission cannot outright ban data centers and read a prepared statement formally requesting the County implement a 120-day moratorium on all new data center applications, stating that A.R.S. § 11-833 authorizes this when there is a compelling need to protect public health and safety, specifically aquifer sustainability and electrical grid reliability. Member Benedict moved to direct staff to publish a 120-day moratorium public notice in accordance with A.R.S. § 11-833. Member Limbach seconded the motion.

Mr. Whitehead stated there is a motion already before the Commission regarding the proposed text amendment. Mr. Whitehead also stated that moratoriums are used to allow additional time to develop regulations but that these regulations have already been developed and are before the Commission, stating further that the County could still implement a moratorium after enacting the proposed data center regulations. Mr.

Benedict confirmed the text amendment should move forward with Commission action. Director McLachlan reiterated that moratoriums are typically used to allow regulations to be developed and adopted and that proposed data center regulations are before the Commission being developed following two separate work sessions. Director McLachlan stated that if the intent of a moratorium is to develop a competent ordinance, staff has already prepared one addressing concerns identified in two work sessions, and it is currently proceeding through the public hearing process, so an additional pause may not add value. Member Benedict stated that the regulations have moved quickly and emerging concerns, such as potential contamination from closed-loop flushing systems, air quality effects, and evaporative emissions possibly containing carcinogens, are not addressed in the current text. Member Benedict again stated that the Commission should first adopt guardrails, then pursue a 120-day pause to further strengthen them.

Mr. Whitehead suggested moving forward with the text amendment motion, which stands alone, then addressing the moratorium motion. Vice Chair Montgomery expressed the opinion that the Board of Supervisors would not support the moratorium and expressed concerns about what was provided to the Commission. Member Gonzales stated the Commission does not feel it has enough information to make the best decision for Cochise County and Chair DePew asked whether all commissioners had read the proposed code and stated that, if more time is needed, it can be requested, but if they have already read it questioned what additional information is needed. Director McLachlan referenced Exhibit A, the proposed definition of data centers shown on the screen. Vice Chair Montgomery stated that he does not support a moratorium and that data centers cannot be stopped outright, so regulations are necessary. Member Limbach requested confirmation that additional information would be provided by experts and Chair DePew confirmed that a closed session of experts was scheduled by Sky Islands Regional Partnership on the 23rd of March.

Mr. Whitehead, revisiting the moratorium issue, stated that the Commission would recommend the Board issue public notice on the proposed moratorium. Member Fickett stated that data centers are effectively at the County's doorstep, and it is best to establish requirements now and have applicants show they have adequate resources to establish data centers. Member Limbach stated that the County needs solid expert advice to address data centers. Member Gonzales stated that while the Commission may not fully understand data centers, it does know about water, the environment and potential negative impacts and more time could help. Chair DePew agreed and noted that the proposed amendment requires water use planning and allows denial of substandard data centers. Member Tucker stated that much of the public input appears driven by hysteria, that data centers are already operating elsewhere, and that the County must focus on what conditions it can impose to protect local resources by requiring data centers to provide some of their own, which the proposal begins to do. Member Benedict again stated that he did not intend to create confusion, that he respects the work invested in the amendment and wants to pass it to establish guardrails but that a moratorium provides time for work sessions or expert input to improve the amendment. Vice Chair Montgomery stated that he agrees and that there are benefits to the technology, including potential reductions in property taxes, some job creation, improved funding for fire personnel, and other primarily financial advantages.

The Planning Commission recommended approval of Docket R26-01 without changes by a vote of 9-0.

Under a separate motion (Motion by Member Benedict, Second by Member Limbach), the Planning Commission recommends the Board of Supervisors publish a notice and hold a public hearing to implement a 120-day data center moratorium by a vote of 5-4 (Fickett, Montgomery, Tucker, and DePew dissenting).

Vote: 9 - 0 Approved

PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS

CALL TO COMMISSIONERS ON RECENT MATTERS

ADJOURNMENT

Chair DePew adjourned the meeting at 7:25 p.m.

APPROVED:

Kim DePew, Chair

ATTEST:

Christine McLachlan, Development Services Director

Commissioner Randall Limbach passed away on March 19, 2026, eight days after this meeting. The Planning and Zoning Commission and Development Services Department are deeply saddened by his passing and sincerely grateful for his service to Cochise County. We miss him and offer our condolences to his family, friends, and those who knew him.