



Cochise County

Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Dan Coxworth, Development Services Director
THROUGH: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ21-15 (Hurtado)
DATE: October 28, 2021

APPLICATION FOR A REZONING

The applicant requests a rezoning from SR-12 (Single-Household Residential, one dwelling per 12,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).

At their meeting of November 10, 2021 the Planning and Zoning Commission unanimously recommended approval of the request to the Board of Supervisors.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Francisco Hurtado
Location: 2378 E. Hurtado Ln, Douglas AZ
APN: 406-01-026K and L
Parcel Size: 18.52 Acres
Current Zoning: SR-12 (Single-Household Residential, one dwelling per 12,000 square feet)
Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)
Growth Area: D – Rural Areas
Plan Designation: Rural
Area Plan: None
Existing Uses: Single Family Home
Proposed Uses: Single Family Homes with small farm vineyard

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-10	Vacant
South	RU-2	Vacant
East	SR-12	Vacant
West	SR-12	Vacant

Planning, Zoning and Building Safety

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

II. PARCEL HISTORY

SFR built in 2009

III. NATURE OF REQUEST

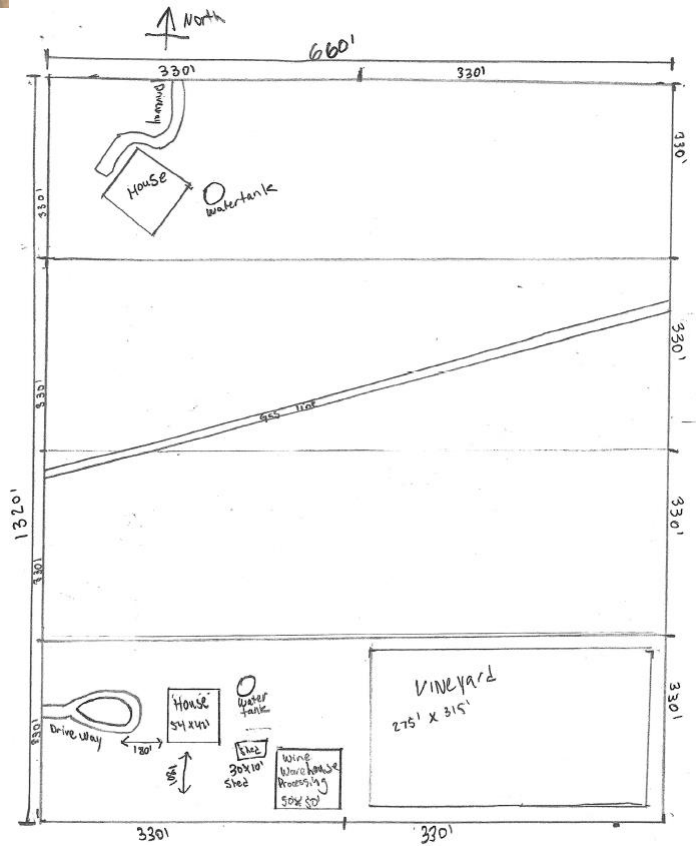
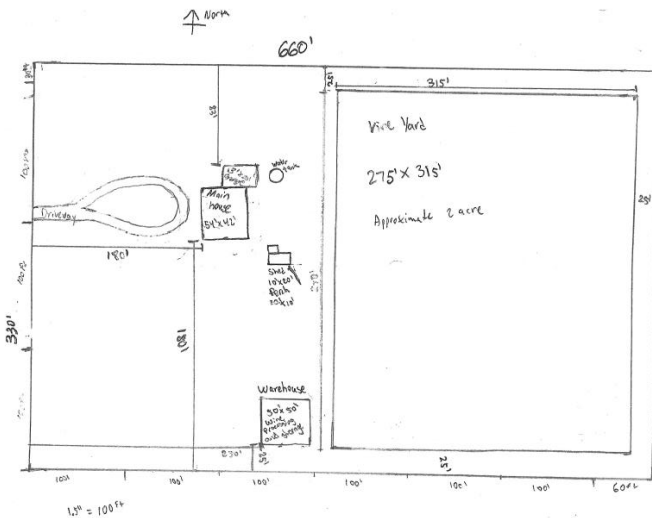
The applicant is requesting to amend the zoning of their parcel from SR-12 to RU-4. The area is rural and largely vacant. The parcel is located between defunct subdivisions. The applicant's home is the only one in the area. The applicant is requesting the amendment to construct a small farm winery on the property. A downzoning will not have any negative impacts on the surrounding properties, though the winery could result in modest increase in traffic.

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property is in a Category "D" Rural Area. The rezoning is located in a Rural area, with RU-10 zoning occurring to the north. The Comprehensive Plan allows for a downzoning to RU-4.



Compliance with Rezoning Criteria



Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests.

1. Provides an Adequate Land Use/Concept Plan: Complies

The proposal is intended to facilitate standard, rural home site development in addition to a small production winery. Still, the parcel would be eligible for the full range of allowed principal, accessory, and Special Uses per Article 6 of the Zoning Regulations.

The applicant is proposing a Farm Winery(grapes are grown on-site and are processed into wine, not to exceed 40,000 gallons per year). This is considered Agricultural Processing Services, Onsite. In Category D, which this site is, if at least 70% of the crop is grown onsite then no use (Special Use) or building permits are required.

2. Compliance with Applicable Site Development Standards: Complies

The proposed parcels each exceed 4 acres. The proposed home and vineyard will be able to meet development standards.

3. Adjacent Districts Remain Capable of Development: Complies

Surrounding properties remain able to develop.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

The parcel is located in a rural area with no nearby



homes. The downzone to larger lots will be compatible with current development patterns. Additionally, RU-10 zoning is located directly north.

6. Rezoning to More Intense Districts: Not Applicable

As indicated, this request is for a downzoning, which will reduce the permitted density.

7. Adequate Services and Infrastructure: Complies with condition

The current road network is in poor condition. There is



County right-of way to the property line (El Espanto). The road is non-county maintained from La Espada north, approximately one (1) mile.

8. Traffic Circulation Criteria: Complies

This rezoning request will not alter the existing roadway network's layout or function and will not require right-of-way



dedication or off-site improvements. Rezoning from SR-12 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic. However, the winery could result in modest increase in area traffic.



9. Development Along Major Streets: Not Applicable

This parcel does not take access off a major roadway.

10. Infill: Not Applicable

This factor applies only to rezoning requests to General Business, Light Industry, or Heavy Industry.

11. Unique Topographic Features: Complies

No unique topographic features exist that will prevent the development of the property.

12. Water Conservation: Complies with condition

As this proposed downzoning would reduce permitted maximum density, potential water

usage could decrease.

The property is located within the Douglas Irrigation Non-Expansion Area (INA). The Applicant has been in contact with the State Department of Water Quality and as they are only proposing two(2) acres of irrigated vineyard they would be allowed to proceed. A condition of approval is included that the applicant provides written authorization from the State prior to proceeding.

13. Public Input: Complies

As a downzoning, the applicant was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 1000 feet of the subject property on October 8, 2021. Staff posted the property on October 20, 2021 and published a legal notice in the Herald/Review October 13, 2021. The Department received one email in support and one letter in opposition.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Complies

The subject property is not located within an area plan; however, the Comprehensive Plan designates the area as Rural. RU-4 is consistent and compatible with the comprehensive plan and surrounding properties.



IV. SUMMARY AND CONCLUSION

The request is for a downzoning, from SR-12 (Single-Household Residential, one dwelling per 12,000) to RU-4 (Rural; one dwelling per four acres) on an 18.52-acre site in a fairly remote area in Douglas. The area is characterized by open expanses and widely scattered residential development.

Factors in Favor of Approval

1. The request complies with eleven of the applicable rezoning factors used by Staff to analyze this request;
2. The request would be in keeping with the character of the existing development in the area.
3. The request will provide additional tourism opportunities in the County

Factors Against Approval

1. One letter in opposition was received.

V. RECOMMENDATION

Based on the factors in favor of approval, the Planning and Zoning Commission unanimously recommended forwarding the rezoning request, from SR-12 (Single-Household Residential, one dwelling per 12,000) to RU-4 (Rural; one dwelling per four acres) on an 18.52-acre parcel to the Board of Supervisors with a recommendation of **approval**, subject to the following conditions:

1. The applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. The applicant's responsibility is to obtain any additional permits or meet any additional conditions that may apply to the proposed use pursuant to other federal, state, or local laws or regulations.
3. A Minor Land Division Application shall be submitted in compliance with the Zoning Regulations.
4. The Applicant shall provide written authorization for the State Department of Water Resources prior to proceeding with the vineyard.