



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: SU 22-14 (Chiricahua Sky Village Mod), Application for a Special Use Authorization Modification
DATE: July 5, 2022, for the July 13, 2022, Meeting

Docket SU 22-14 (Chiricahua Sky Village Mod)

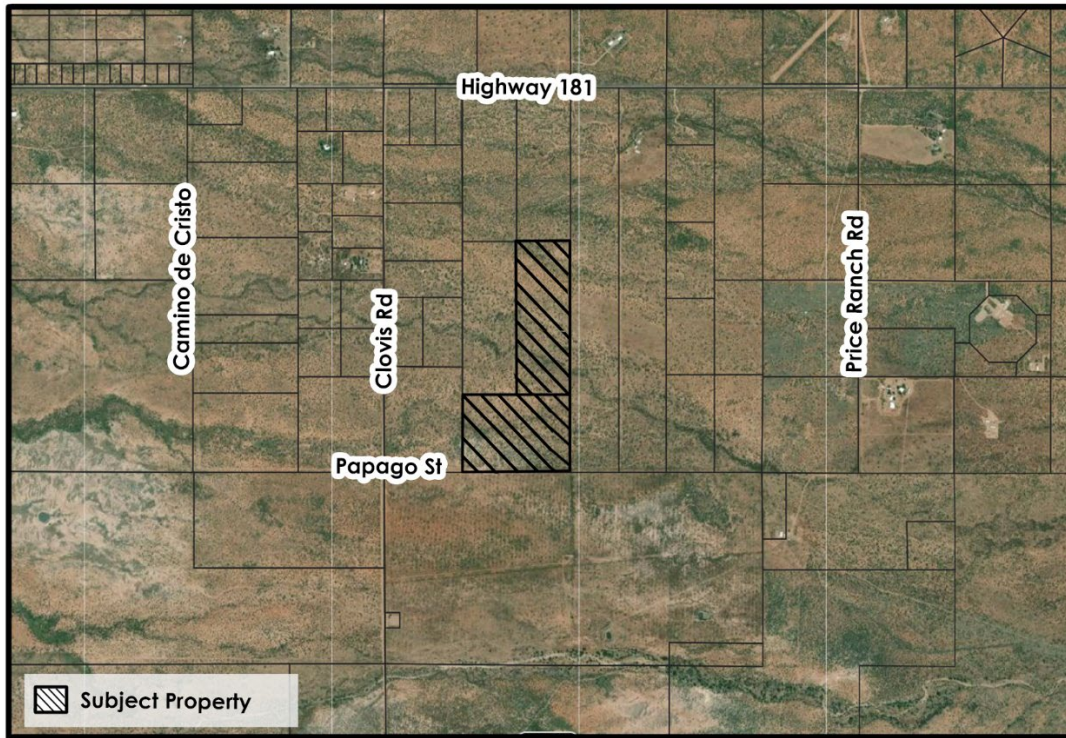
The applicant, Chiricahua Sky Village, LLC, represented by Christopher Smythies, requests a Modification of a Special Use Authorization* to construct an amateur astronomer campground (guest lodging) on a 72.38-acres of land in Pearce, Arizona. The establishment of guest lodging is subject to site development standards contained in the Cochise County Zoning Regulations and requires Special Use Authorization from the Planning and Zoning Commission in a rural zoning district. The proposed development, located on two adjacent parcels APN 401-60-009D and APN 401-60-009M, is located 10 miles west of the Coronado National Forest, approximately 0.4 miles south of Highway 181 and 0.3 miles east of Clovis Road, where indicated on the location map.

*In March of 2022, the applicant was granted conditional approval to construct guest lodging on Parcel 401-60-009D. Since that approval was granted, the applicant has purchased Parcel 401-60-009M, which is immediately adjacent to the south. The applicant wishes to expand the use, increase the density, and modify some conditions of the original approval through this modification request.

I. Description of Subject Parcel and Surrounding Uses

Parcel Size:	72.38-acres
Current Zoning:	RU-4 (Rural; one dwelling per 4 acres)
Proposed Zoning:	Same
Growth Area:	Category D
Comprehensive Plan Designation:	Rural
Area Plan:	None
Existing Uses:	Vacant
Proposed Uses:	Guest Lodging (Campground)

Figure 1: Request Location



Location
 SU 22-13 Chiricahua Sky Village Modification



Surrounding Zoning and Uses (See Figure 3)

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped/Vacant
South	RU-4	Undeveloped/Vacant
East	RU-4	Undeveloped/Vacant
West	RU-4	Undeveloped/Vacant

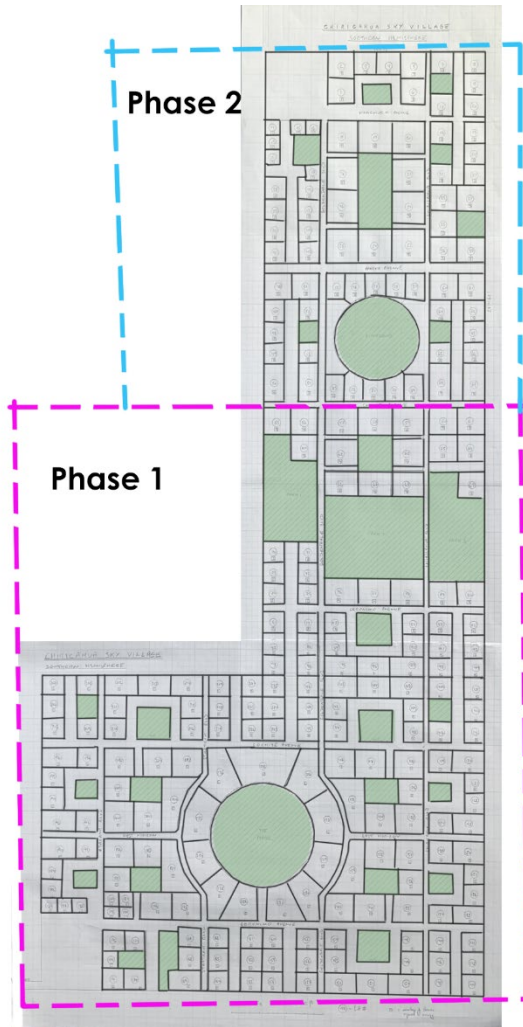
II. SITE HISTORY

March 2022, granted a special use authorization (SU 22-04 Chiricahua Sky Village)

III. REQUEST DESCRIPTION

The applicant, Chiricahua Sky Village represented by Christopher Smythies, requests a Special Use Authorization to construct an amateur astronomer campground (guest lodging) on a 72.38-acre undeveloped parcel of land in Pearce, Arizona. The establishment of a campground is subject to site development standards contained in the Cochise County Zoning Regulations and requires Special Use Authorization from the Planning and Zoning Commission in a rural zoning district. The proposed development, parcel 401-60-009D and M, is located 10 miles west of the Coronado National Forest, approximately 0.4 miles south of Highway 181 and 0.3 miles east of Clovis Road. The property is undeveloped.

Figure 2: Concept Plan (Please note, this is a rendered version of the submitted site plan, for additional clarification. For the original version please see the attached application.)



According to the submitted concept plan and application, it includes:

- 120 campsites (phase I), 60 campsites (phase II)
- The ability for members to construct small observatories on campsites, which are semi-permanent improvements, if they choose to do so.
- The ability for members to construct small storage huts on campsites, which are semi-permanent improvements, if they choose to do so.
- A limited number of semi-permanent on-site tents
- Two shipping containers for secure storage



Clovis Road headed south



Clovis Road, just south of intersection with Papago St



Papago St, at SW property line



Subject property facing east from Clovis Rd

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.

With the information provided, nine (9) factors apply to this request. The Project, as submitted, fully complies with eight factors, and partially complies with one factor. The hazardous materials factor does not apply.

1. Compliance with Duly Adopted Plans: Complies

The Comprehensive Plan describes Category D- Rural Areas as follows:

This category includes the outlying rural areas between cities and unincorporated communities and characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands. Non-residential development is geared toward providing local services, tourism or intensive uses that are not appropriate in more the densely populated parts of the county, such as power plants and feedlots.

The proposed camping use is also consistent with the following Comprehensive Plan Elements:

- The Rural Character Element states: "Preserve the dark night skies of Cochise County, to the greatest extent possible." As a camping site geared towards attracting astronomers this development is supportive of the County's dark sky goal. Additionally no outdoor lighting is proposed.

The subject property is not within an Area Plan.

2. Compliance with the Zoning District Purpose Statement: Complies

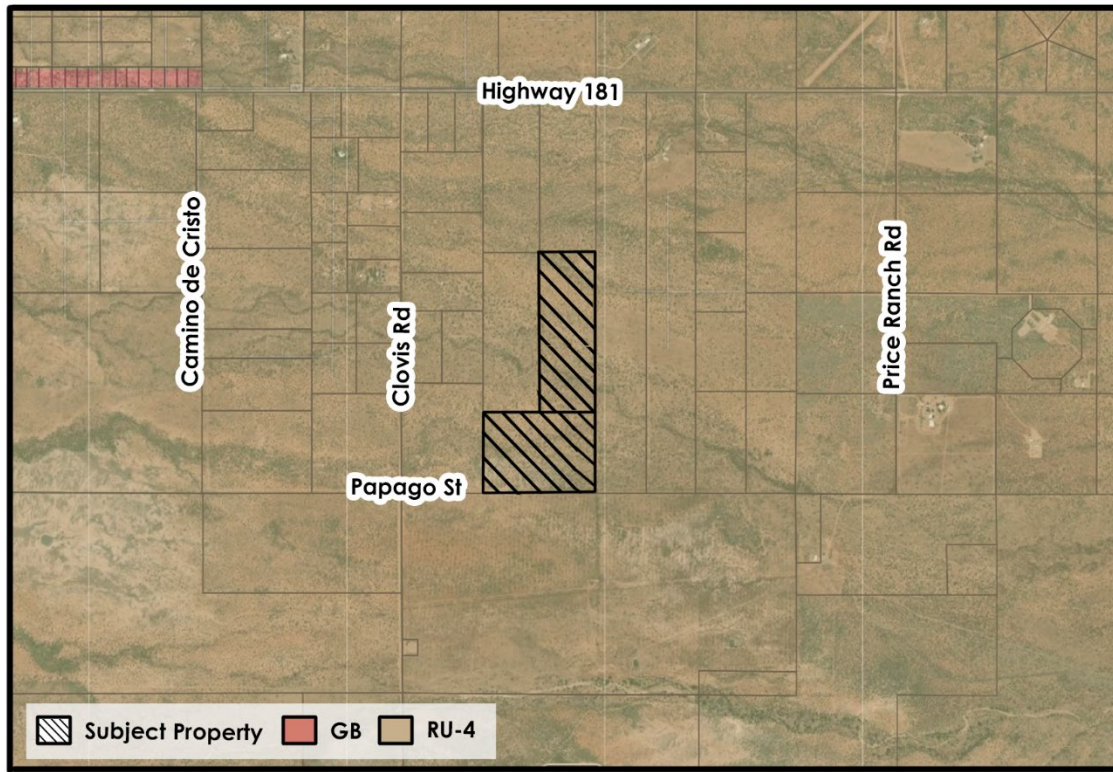
As stated in Section 601 (Purpose) of the zoning regulations:

RU (Rural) Zoning Districts are established to achieve the following purposes:

- 601.01** To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;
- 601.02** To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;
- 601.03** To preserve the agricultural character of those portions of the County capable of resource production;
- 601.04** To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;
- 601.05** To provide recreational support services that are compatible with rural living;
- 601.06** To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County; and
- 601.07** To allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.

The proposed use is intended to help support appreciation in nature and night skies. The applicant does not propose any services, such as electrical or water hookups at the site. Most specifically, the use is consistent with 601.05, which states the purpose of the established: "To provide recreational support services that are compatible with rural living."

Figure 3: Zoning



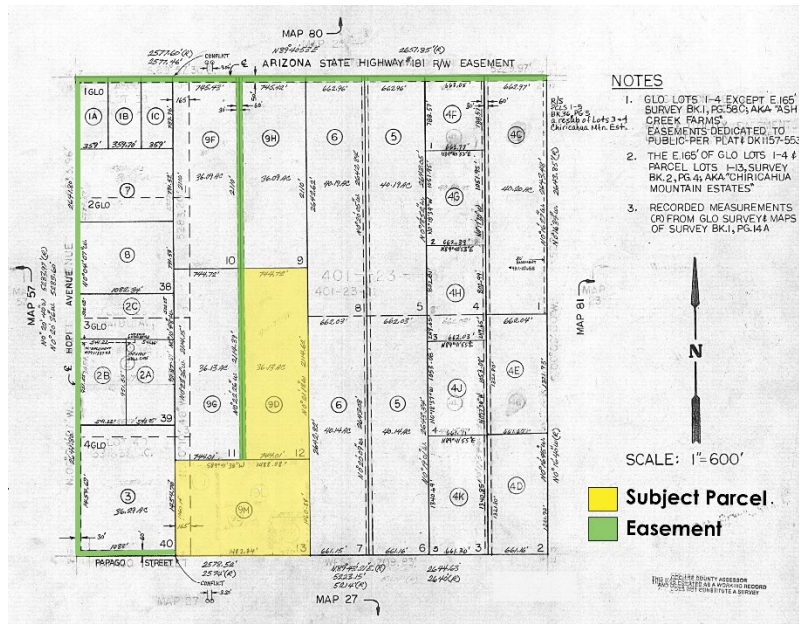
Zoning
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3. Development along Major Streets: Complies

The intent of this factor is to consider limitation on 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. As shown on the plat, Figure 4, future access to the site is limited to either one access point on Highway 181, where there is a 30'-wide easement that runs the entire span of the parcel, north-south, or from Clovis Rd and Papago Street. The applicant has indicated they prefer to have site access from Papago Street, which is a private road. Per the Zoning Regulations (1807.02), no building permit for a non-residential use shall be issued unless a site has direct permanent access to a publicly maintained street or to a street where a private maintenance agreement is in place.

Figure 4: Plat and Site Access



4. Traffic Circulation Factors: Complies with Conditions

Specifically, this factor stipulates that the Special Use Authorization request should not result in the use of any residential street for non-residential through traffic. The area can be characterized as rural with scattered low-density residential use. Because the use will rely on Clovis Road and Papago Street, which are private roads for a non-residential use, as noted above, a private maintenance agreement will be required.

5. Adequate Services and Infrastructure: Complies

As with the original special use application, there are no existing services to the site. The applicant intends to keep the site as rural as possible, with little-to-no services provided. Per the County’s Health Department, it may still need to apply for a campground permit from the health department in order to verify compliance with AAC R9-8-601 et seq, which are state health requirements for campgrounds. This may require the provision of water, safe for human consumption, and will regulate the placement and type of acceptable toilets.

6. Significant Site Development Standards: Complies with Condition/Waiver

There are different standards for primitive campgrounds and RV parks. The Zoning Regulations consider primitive campgrounds a type of “guest lodging” while RV parks are additional site development standards that are included in Section 1812 of the Zoning Regulations. Per the application, the applicant states that, “the 72-acre parcel of land would have multiple campsites, each with a place to park an RV and set up a telescope.” Additional storage options and tent camping is also requested.

Recreational Vehicle Parks are subject to a set of use-specific site development standards contained in Section 1812 of the Zoning Regulations. Among them are standards relative to density, road setbacks, site coverage, screening, parking and recreational facilities. All standards will be further evaluated following a formal building plan submittal to assure that the development standards are followed.

Development Standard	Proposed
The maximum density shall be the maximum density specified in the Zoning District in which the Park is located.	236 sites, waiver requested
Setback to roads: The minimum setback from all streets and from the perimeter of the park shall be 10-feet.	Complies
Site coverage: the maximum site coverage shall be 55-percent for each residential space and for the entire park, exclusive of rights-of-way and recreational areas. The maximum site coverage for recreational areas shall be 75-percent.	Complies
Screening: A six-foot high solid wall, fence or existing vegetative equivalent, or any combination thereof, shall be provided along all Park boundaries, except at vehicle and pedestrian access locations. Such screening shall not encroach upon the sight triangles.	Will be verified in permitting
Parking: One parking space per lot space	Will be verified in permitting
Recreational Facilities in Parks: Not less than 10-percent of the gross area of any park established under these Zoning Regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, or common open space.	Complies (Telescope Fields)

7. Public Input: Complies

See Section IV. Public Comment for additional discussion.

8. Hazardous Materials: Not Applicable

The Applicant states that the use of hazardous and dangerous materials is not anticipated on site.

9. Off-Site Impacts: Complies

The intended use is for a primitive campground. There will be limited noise, odors, light, vibration produced by the use.

10. Water Conservation: Not Applicable

There is not an existing water source to serve the site. The applicant proposes that individual users will be responsible for bringing in all potable water for consumption. No dumping stations for grey or black water are proposed.

VI. PUBLIC COMMENT

The applicant mailed letters to property owners within 1,000 feet of the property prior to application submittal and received no responses.

The case planner mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the *Sierra Vista Herald*, and posted legal notices on the property. To date, staff has received no responses.

VII. WAIVERS

The applicant originally proposed a 236-campsite development. The applicant agreed to a reduction prior to the hearing. According to Section 1812.01 Maximum Density of Parks, this 78-acre site would be limited to 18 spots. Staff recommends the condition tied to this waiver:

The applicant shall be limited to no more than 120 individual campsites within phase I of the development, as indicated by the concept plan. Provided the applicant can demonstrate that the occupancy rate is on, average 20% or lower over a one-year period, and at no point exceeds 50%, from the date of opening, the applicant may be administratively approved for up to an additional 60 campsites (phase 2). Only one recreational vehicle or tent is permitted at each camp site. No more than 25 semi-permanent tents are permitted (condition 4).

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve the construction of an amateur astronomer campground (guest lodging) on 72.38-acres of undeveloped land in Pearce, Arizona.

Factors in Favor of Approving the Special Use

1. The project is consistent with goals and policies of the Comprehensive Plan and the purpose of the Zoning District;
2. The project complies with nine of the criteria used to evaluate special use requests;
3. The proposed use would provide additional recreational use;
4. The project would help support the conservation of dark skies and promote Cochise County as an astro-tourism destination;
5. The proposed use is sensitive the rural environment and compatible with the adjacent development;
6. Proposed improvements are primarily temporary or semi-permanent, and
7. Significant use of the site will occur during significant celestial/lunar events, such as new moons, and/or on weekends/holidays.

Factors Against Approving the Special Use

1. This requested development is relatively dense and rare astrological events could generate off-site impacts primarily in the form of traffic;
2. Conditions are recommended to ensure this remains a recreational use, rather than permanent residential use; and
3. The area is dry, outside of growth boundaries and far from fire service. Proper control/ regulation of campfires is needed.

VII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **Conditional approval** of the Special Use request, subject to the following conditions:

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 18-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 24-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, in addition, all standards and requirements of the County Health Services District shall be met, and all permits or licenses shall be obtained prior to operation;
3. Any changes to the approved Special Use shall be subject to review by the Planning Division and may require additional modification and approval by the Planning and Zoning Commission;
4. The commission grants a waiver to the density site development standard. The applicant shall be limited to no more than 120 individual campsites within phase I of the development, as indicated by the concept plan. Provided the applicant can demonstrate that the occupancy rate is on, average 20% or lower over a one-year period, and at no point exceeds 50%, from the date of opening, the applicant may be administratively approved for up to an additional 60 campsites (phase 2). Only one recreational vehicle or tent is permitted at each camp site. No more than 25 semi-permanent tents are permitted;
5. Each site shall be limited to one accessory structure, not to exceed 200 SF, with no utilities;
6. A maximum of two shipping containers are permitted onsite for storage purposes only. The location of the containers shall be subject to administrative approval;
7. No site shall be used or occupied for permanent residential living purposes. This is defined as more than 30-days without a 14-day break;
8. Hunting or keeping of livestock is prohibited;
9. No campfires are permitted outside of a firepan, fireplace, grill, or gas ring that is established or provided for that purpose. A Firewise Plan and/or Emergency Response Plan may be required by the Development Services Department;
10. Additional landscaping may be required if current vegetation is insufficient for screening. Site development shall be sensitive to the preservation of existing vegetation. No person shall cut wood on-site for any purpose; and
11. The property owner shall be responsible for maintaining the property in a clean and orderly state, free of any uncontrolled garbage. All solid waste shall be disposed at an authorized disposal facility.
12. The approval of this special use, and the conditions associated with it, will become void with any transfer of ownership.

Sample Motion:

Mr. Chairman, I move to approve Docket SU 22-13 (Chiricahua Sky Village Modification), with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.