



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Director  
**SUBJECT:** Docket SU22-21 (Slope Away)  
**DATE:** October 18, 2022, for the November 9, 2022, Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Ms. Tanya Bok requests a Special Use Authorization to approve three short term rentals. One will be an approximately 320 square foot cargo container, and the other two will consist of canvas tents of 645 and 290 square feet.

The project is located immediately south of 998 N Slope Along Way. The property is also identified as Assessor Parcel Number 119-11-004C consisting of approximately 10 acres.

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

Parcel Size: 10 acres  
Current Zoning: RU-4 (Rural; one dwelling per 4 acres)  
Proposed Zoning: Same  
Growth Area: Category D  
Comprehensive Plan Designation: Agriculture and or Green Space  
Area Plan: MSSVCP  
Existing Uses: Cargo container shop  
Proposed Uses: Up three short term rentals

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural Residential
South	RU-4	Vacant land
East	RU-4	Rural Residential
West	RU-4	Rural Residential

### **Planning, Zoning and Building Safety**

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**II. PARCEL HISTORY**

A permit for a cargo container shop and septic were issued in 2021.

**III. NATURE OF REQUEST**

The Applicant requests Special Use Authorization to approve three short term rentals. One will be an approximately 320 square foot cargo container, and the other two will consist of canvas tents of 645 and 290 square feet.

Section 607.01, Guest Lodging which is defined as *A building or group of buildings furnishing rooms or an area for accommodation for overnight or short-term lodging such as a hotel or motel, resorts, guest ranches, group camps, and campgrounds and may include recreational facilities, restaurants, meeting rooms or similar facilities. This definition does not include Recreational Vehicle Parks or Bed and Breakfast land uses.*

**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, eight (8) factors apply to this request. The project, as submitted, fully complies with seven (7) of the factors. With the recommended condition, the project complies with one (1) additional factor.

**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 use is also consistent with the following Comprehensive Plan Elements:

The Economic Development Element states *Goal 1. Support the preservation and expansion of the Cochise County’s tourism, technology, agriculture, security, renewable energy, and transportation sectors...*

The Mid Sulphur Springs Valley Community Plan states under the Agricultural/ruraldensity and greenspace: *Consider Special Uses that provided support services for agriculture and recreation on public lands.*

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

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.

This project is to allow guest lodging that will be designed to fit into the site and the rural area.

**3. Development along Major Streets: Not applicable**

The project is not located along a major street. Slope Along and Dream Catcher are not county-maintained roads. Conditions and requirements will be discussed under other sections.

**4. Traffic Circulation Factors: Complies with condition**

The proposed project will slightly increase traffic on Slope Along and Dream Catcher. The increase would be less than if there were to be three single family residences constructed. The Applicant will be required to sign a private maintenance agreement.



The Engineering and Natural Resources reviewed the project and has the following conditions:

1. The Applicant shall sign a Private Road Maintenance Agreement (PMA) for Slope Along and Dream Catcher Ways.

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

The site has existing electricity and a well. The Applicant will be advised to verify capacity of well and whether the well was permitted for commercial use as proposed. A septic has already been applied for the cargo container. Additional provisions will need to be provided and will be worked out through the commercial permit phase.



**6. Significant Site Development Standards: Complies**

**Site Plan:**

The site shows a mix of cabins, recreational vehicle sites, camping, a market, growing areas etc. The site is able to accommodate the development. The site plan submitted for permits will need to be detailed, fully dimensioned, showing all setbacks, structure sizes, parking, etc. Additionally, an ongoing table shall be provided and updated with each permit submittal showing over all lot coverage.

**Setbacks:**

Setbacks to all property lines shall be maintained at twenty feet.

**Lot Coverage:**

The residential Land Use district restricts lot coverage to a maximum of 25%. As proposed, approximately 1% is proposed to be covered with impervious surfaces.

**Height:**

The RU-4 allows for a height of up to 30 feet. Any proposed fencing shall be less than eight (8) feet.

**Lighting:**

All lighting required shall be shown on the non-residential permit application and will be required to be fully shielded and comply with the Outdoor Lighting Regulations.

**Landscaping:** No landscaping or screening is required.



**7. Public Input: Complies**

The applicant mailed letters to property owners within 750 feet of the property prior to application submittal.

The Planning Department mailed letters to the same property owners within 750 feet of the subject property, published a legal ad in the *Sierra Vista Herald*, and posted a legal notice on the property. To date, staff has received one (2) letters in support to the request.

#### **8. Hazardous Materials: Not applicable**

There are no proposed hazardous materials.

#### **9. Off-Site Impacts: Complies**

The potential off-site impacts could include temporary construction traffic, dust, noise. Long term impacts could include visual, minor increase in traffic, and moderate noise increase. The sites will be located over 100 feet from propertylines which will help mitigate most issues.

#### **10. Water Conservation: Complies**

The applicant anticipates approximately 50 gallons of water per day with a totally yearly usage of 10,500 gallons. The applicant will make provisions to conserve water including rainwater harvesting, gray watering, and composting toilets.

#### **V. WAIVERS**

None requested.

#### **VI. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to allow up to three short term rentals.

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

1. With the recommended Condition of Approval, the proposed use would fully comply with eight of the eight applicable Special Use factors used by staff to analyze this request;
2. This project will provide the diversity of business discussed within the Comprehensive Plan by providing support of entrepreneurship of a different type of business in the County.
3. The Comprehensive Plan states: *...entrepreneurship are essential and should be encouraged as part of an economy-based land use policy. Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness but will also foster resilience in the face of economic challenges such as natural disasters.* This business adds to that diversity.
4. The Comprehensive plan also states *Support the preservation and expansion of the Cochise County's tourism...*
5. Mid Sulphur Springs Valley Community Plan states *...Consider Special Uses that provided support services for agriculture and recreation on public lands...*
6. Two letters of support received.

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

1. None identified

**VII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **Approval** of the Rezoning and Special Use request.

Should the Commission approve the Applications, staff recommends the following Conditions:

1. The Applicant shall sign a Private Road Maintenance Agreement (PMA) for Dream Catcher and Slope Along Ways;

Sample Motion:

*Mr. Chairman, I move to approve Special Use Docket SU22-20) located on parcel, 119-11-004C with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*