



**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Christine McLachlan, AICP, Planner II  
**FOR:** Daniel Coxworth AICP, Development Services Director  
**SUBJECT:** SU 23-02 (Sirota Guest Lodging) Application for a Special Use Authorization  
**DATE:** January 23, 2023, for the February 8, 2023, Meeting

**Docket SU 23-02 (Sirota guest Lodging)**

The applicant, Ronald Sirota, requests Special Use Authorization to offer guest lodging on a 10-acre (parcel 208-67-026) and a portion of an adjoining 10-acre parcel 208-67-025A in unincorporated Benson, Arizona. The establishment of guest lodging (607.01) is subject to Special Use Authorization from the Planning and Zoning Commission in a rural zoning district. The business is located at 440 W Cimmaron Ln Benson, AZ and 536 W Alamo Ln Benson, AZ. Currently Parcel 208-67-026 has a home, storage buildings, well house, and a guest cottage. Parcel 208-67-025A, has a small home, storage building, and RV hookups. This request is an expansion of an approved home occupation permit, which allows a trail ride and horseback riding business on the property. This authorization would permit overnight guest stays on the subject parcels.

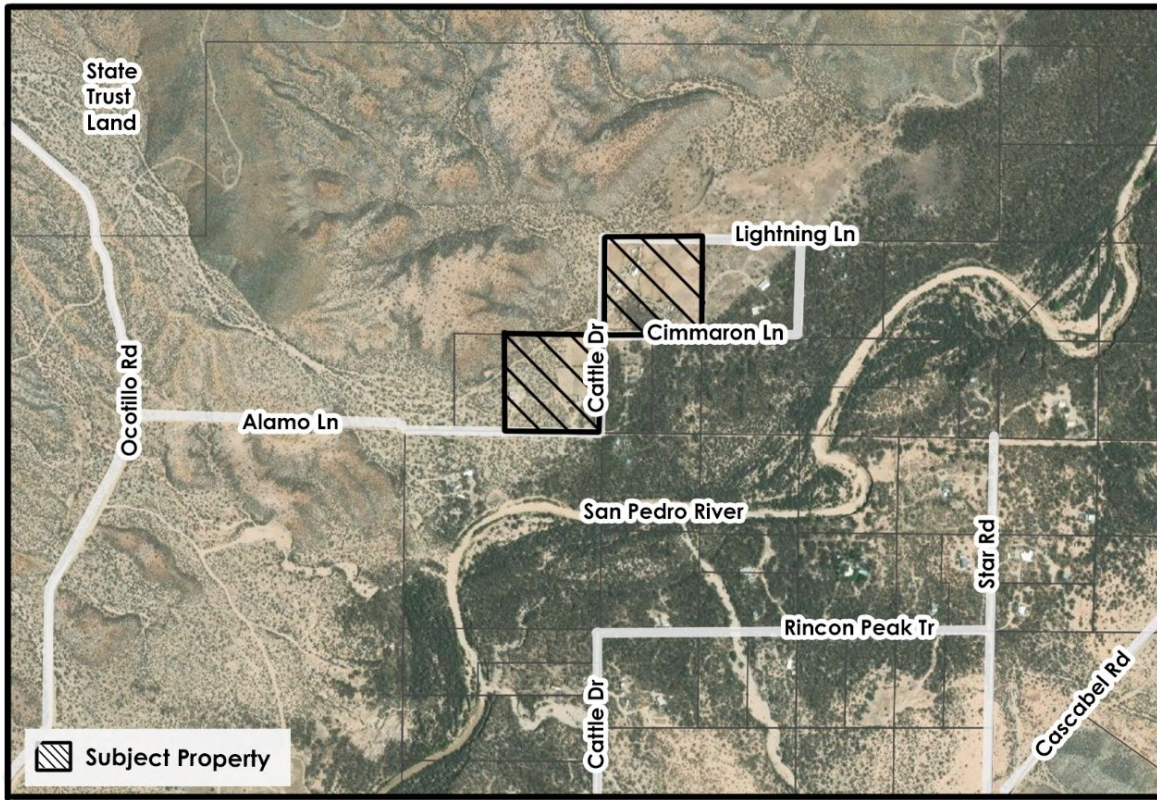
**I. Description of Subject Parcel and Surrounding Uses**

**Parcel Size:** 10-acres (parcel 208-67-026) and a portion of an adjoining 10-acre parcel 208-67-025A  
**Current Zoning:** RU-4 (Rural; one dwelling per 4 acres)  
**Proposed Zoning:** Same  
**Growth Area:** Category D  
**Comprehensive Plan Designation:** Rural Residential  
**Area Plan:** Tres Alamos Area Plan  
**Existing Uses:** Residential, commercial riding stables  
**Proposed Uses:** Residential, commercial riding stables and guest lodging

**Surrounding Zoning and Uses (See Figure 2)**

<i>Relation to Subject Parcel</i>	<i>Zoning District</i>	<i>Use of Property</i>
North	RU-4	Undeveloped
South	RU-4	Low Density Residential
East	RU-4	Low Density Residential
West	RU-4	Low Density Residential/Undeveloped

Figure 1: Location Map



Location  
 SU 23-02 Sirota Guest Lodging



**II. SITE HISTORY**

- 1996: Single family residence constructed (APN 208-67-026)
- 1/25/2001: Building permit for 780 SF opt-out residential structure and septic issued (APN 208-07-025A)
- 2016: APN 208-67-026 purchased by Ronald Sirota (applicant)
- 5/3/2017: Home Occupation Permit issued for homebased horseback trail riding and lessons (APN 208-67-026)
- 5/26/17: Septic permit for APN 208-07-025A, includes 3 seasonal RV hookups
- 2020: APN 208-67-025A purchased by Ronald Sirota (applicant)

The applicant received a home occupation permit for a homebased trail riding business in 2017. While commercial stables are a permitted use in the rural zoning category the county received a complaint regarding guest lodging in November of 2022, without special use authorization. The guest cabin could be eligible for classification as a short-term rental, which would also be a permitted use. However, the applicant would need to obtain a transaction Privilege Licensees from the Arizona Department of Revenue. Rentals would be limited to fewer than 30 consecutive days, and the structure would need to meet all applicable uniform residential or building code standards. Tents and recreational vehicles cannot be considered short term rentals.

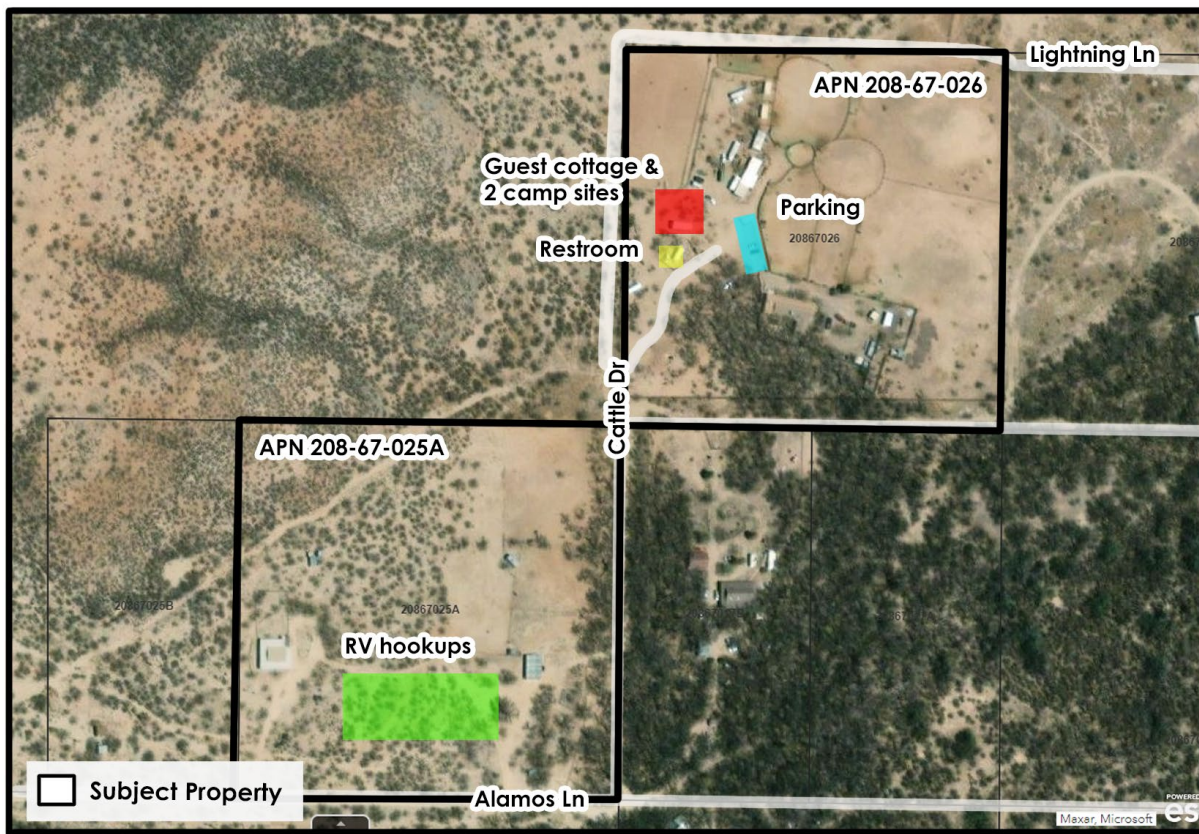
The applicant subsequently filed this request in a timely manner.

**III. REQUEST DESCRIPTION**

The applicant, Ronald Sirota, requests Special Use Authorization to offer guest lodging on a 10-acre (parcel 208-67-026) and a portion of an adjoining 10-acre parcel 208-67-025A in unincorporated Benson, Arizona. Guest Lodging is defined as follows in the Zoning Regulations, "Guest Lodging – 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."

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. Currently Parcel 208-67-026 has a home, storage buildings, well house, and a guest cottage. Periodic tent camping is also allowed near the guest cottage. Parcel 208-67-025A, has a small home, storage building, and three RV hookups. This request is an expansion of an approved home occupation permit, which allows a trail ride and horseback riding business on the property and would permit overnight guest stays on the subject parcels.

Figure 2: Concept Plan



Concept Plan  
SU 23-02 Sirota Guest Lodging



**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 of the ten factors apply to this request. The proposal, as submitted, fully complies with four factors, does not comply with one factor (public input), complies with conditions on three factors. The development along major streets and hazardous materials factors do not apply.

**1. Compliance with Duly Adopted Plans: Complies**

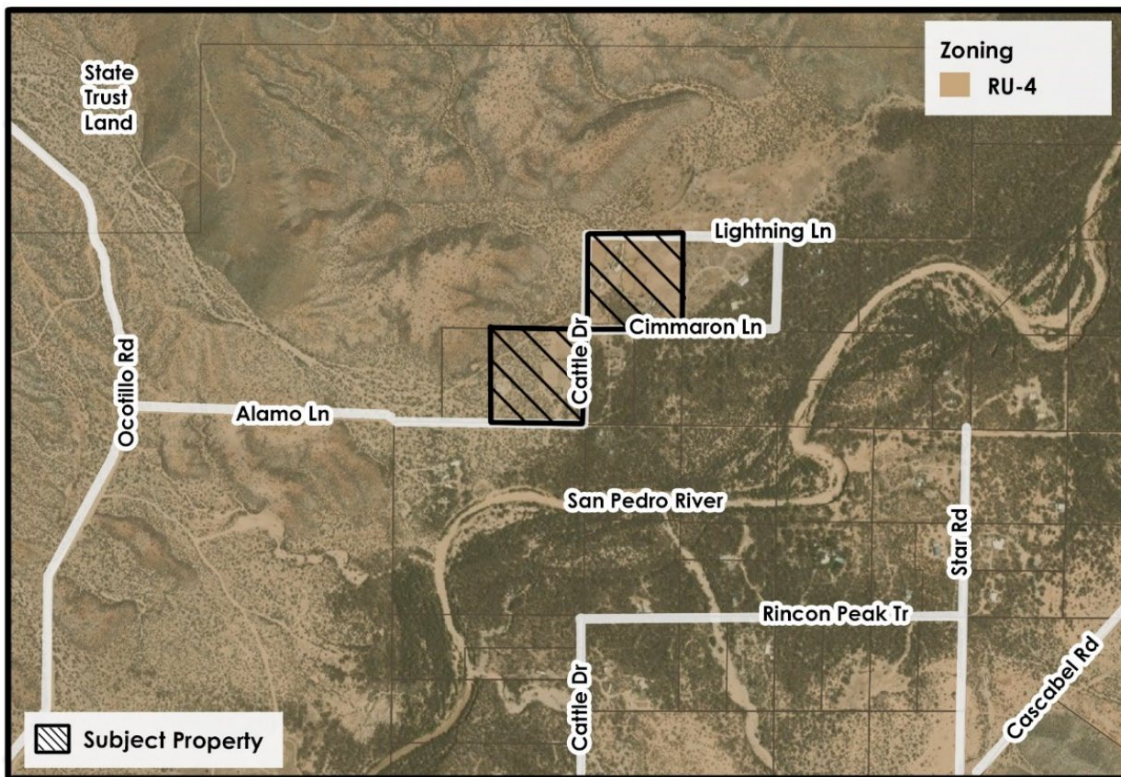
The project supports the goals of the Cochise County Comprehensive Plan including goals in the Economic Development and Land Use Elements. The Economic Development element supports entrepreneurship and small business development. Additionally, the proposal supports the Comprehensive Plan Rural Residential Designation. As stated in the Comprehensive Plan, “Due to the well-established residential character of these areas, rezonings or special uses to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate. Less intensive businesses that serve area residents may be appropriate.” This is a small, locally owned business.

The subject parcels also fall within the "Tres Alamos Area Plan." As stated in the vision statement, "In the year 2020 the Tres Alamos communities will maintain a rural quality characterized by quiet, peacefulness, neighborliness, the beauty of the rural environment and large lot sizes. The community will maintain a trail network while protecting wildlife pathways, green open spaces and dark night skies. New development will contribute to this Vision and will honor the rich ranching history of the area and will preserve historic sites and trails." The proposed use preserves the large lots and contributes to enjoyment of scenic routes for horseback riding.

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

The property is zoned RU-4, which is rural zoning, one dwelling per four acres. The surrounding area is similarly zoned. As stated in Section 601 (Purpose) of the zoning regulations: RU (Rural) Zoning Districts are established to achieve the following purposes (relevant statements cited):

- 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;
- 601.04 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; and
- 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



The applicant wishes to offer guest lodging on two adjacent rural parcels. It will be within a small cottage, on limited tent sites and/or at existing RV hookups, in support of their existing business. The use is consistent with five of the seven purpose statements for rural zoning districts. In particular, it meets the less common purpose of providing recreational services that are compatible with rural living.

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

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. The subject parcels are on local, dirt private roads that are not County-maintained. The nearest arterial road is interstate 10, south of Benson.

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

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. The applicant wishes to include guest lodging as an additional component within an existing business. According to the application, the business attracts one or two additional vehicles to the parcel daily. As stated in Section 1807.02 of the Zoning Regulations, "No building permit for 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." Because this parcel does not access to a public road, a private maintenance agreement (PMA) is required. Through the PMA the applicant must agree to participate with the other property owners to maintain a passable roadway condition along Alamo Lane and Cimmaron Lane for the duration of the commercial use.

*Recommended Condition 4: The applicant will be required to enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway, timely removal of horse manure attached.*

### **5. Adequate Services and Infrastructure: Complies with conditions**

The site currently includes the following (see figure 2):

- Residence
- Tack Barn/storage/workshop
- Hay Barn
- Guest Cabin
- Storage Building
- Exercise Room/storage
- Well house
- 3 RV hookups
- Two tent sites

The property also includes a well and septic systems. It is served by SSVEC for electricity. The nearest fire district is the Pomerene Volunteer Fire District. In order to ensure that the property maintains a level of adequate services and does not overburden the area services and infrastructure, staff recommends limiting the amount and type of guest lodging.

*Recommended Condition 5: Guest lodging is limited to four rental RV sites, two tent camping sites, and one guest cottage.*

*Recommended Condition 6: The designated guest lodging, other than the guest cottage, shall not be used or occupied for permanent residential living purposes. Seasonal use is permitted for up to six months a calendar year by the same occupant.*

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

The Zoning Regulations do not contain site development standards specifically for guest lodging outside of recreational vehicle parks. Consequently, only site development standards that apply to a broad range of nonresidential uses, like parking and floodplain requirements, or those that apply to uses within RU-4 zoning, apply in this case.

- Landscape/Irrigation (Section 1806): The site is within Category D growth area, making it is exempt from landscape and irrigation requirements.
- Parking and Loading (Section 1804): This use is subject to the schedule of required off-street parking in Section 1804.05 of the Zoning Regulations, which requires “1-per guest room or suite of rooms plus 1 per three- employees in the largest working shift” for guest ranches. The applicant will need to demonstrate their site meets these requirements during future permitting.
- The proposed use complies, and/or will comply, with all site development standards for RU-4 zoning, including maximum site coverage, setbacks, distance between structures.

#### **7. Public Input: Does not complies**

See Section IV. Public Comment for additional discussion. Five adjacent landowners submitted letters of opposition. The opposition from adjacent landowners is included in this docket for review by the commission. This response is significant enough to warrant additional considerations. Per the Zoning Regulations (1716.02. G.), “If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns.”

Concerns noted included the following specific considerations:

- The commercial nature of the business, which was at odds with the residential surroundings
- Dust
- Traffic
- General lack of regulation of the business use
- Odor, horse manure
- Off leash dogs

Should the commission choose to support the request, staff recommends that the commission attach all conditions recommended by staff, which are intended to help address neighbor concerns. In addition, staff recommends replacement of the approved home occupation permit (HO-17-10) with a commercial permit for the trail-riding business. Staff feels the business exceeds the limits of the original approval. The recommendation is not contingent on the special use approval and can be initiated, administratively, by the Zoning Inspector following the date of this hearing.

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

No hazardous materials are proposed.

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

This factor is intended to ensure adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, and/or stormwater run-off. When evaluating guest lodging, the following potential off-site impacts were identified:

- No outdoor activity or material storage

- No odors or on-site activities that attract pests are anticipated – note, horseback riding which is not the subject of this application. Horses are kept on-site and according to the application, all rides occur primarily on Arizona State Land Trust land
- No outdoor lighting is proposed
- No additional employees will be employed (the application states there are currently 2 employees)
- No additional land clearing or construction is proposed

The primary off-site impact complaints appear to relate more to the horseback riding and lesson business. While commercial stables are a permitted use in rural zoning, the special use request of guest lodging closely relates, as it is intended to provide overnight housing for horseback riders. Moreover, as stated in Section 1716.03.F. of the Zoning Regulations: “A completed non-residential permit application and site plan meeting the requirements set forth in this Article, in substantial conformance with the approved concept plan and modifications and accompanied by any additional documentation required by the Planning Commission as a condition of Special Use Authorization approval, shall be submitted within 12-months of approval of the Special Use Authorization.” If the Commission approves the special use request, Development Services will require an approved use permit from the applicant, which demonstrates conformance with conditions placed by the commission, as well as all site development standards related to rural zoning, commercial riding stables, and guest lodging.

Given the neighborhood feedback, and their specific concerns with the use, staff recommends the following conditions to better integrate the business into the neighborhood:

*Recommended Condition 4: The applicant will be required to enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway, removal of horse manure attached.*

*Recommended Condition 7: The property owner shall follow best management practices for odor and pest control at all times. Horse manure shall not be allowed to accumulate on site to create nuisance odors and flies. The property owner shall retain the services of a licensed pest control service if they are unable to control flies.*

*Recommended Condition 8: All onsite riding areas shall be adequately maintained to prevent the creation of nuisance dust during training and riding activities. Periodic watering of these areas is required, as necessary, to control dust.*

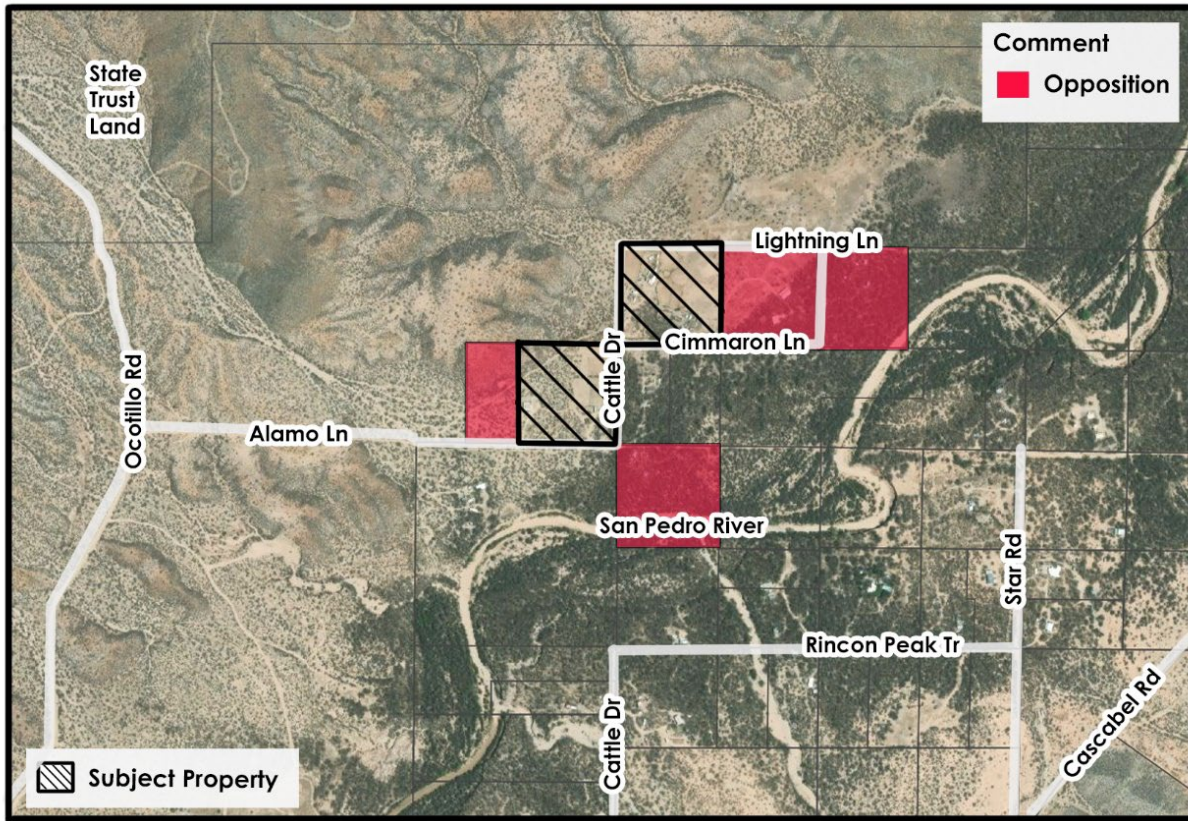
#### **10. Water Conservation: Complies**

The current house and business are served by a private well. The proposed use of limited guest lodging is not water intensive, and no additional development is proposed. Also, it is outside of the Sierra Vista Sub-Watershed.

#### **VI. PUBLIC COMMENT**

The applicant mailed letters to property owners within 750 feet of the property prior to application submittal and received no written responses.

Figure 4: Citizen Review



Public Comment  
 SU 23-02 Sirota Guest Lodging



The case planner 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 legal notices on the property. To date, staff has received responses from six adjacent landowners. Their complete responses are included as an attachment to this docket.

**VII. WAIVERS**

None requested.

**VI. SUMMARY AND CONCLUSION**

This is a special use request for guest lodging on parcels 208-67-026 and 208-67-025A in unincorporated Benson, 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 or partially complies with four of the criteria used to evaluate special use requests;*
3. *Commercial riding stables are a permitted use in rural zoning;*

4. *This is an established, locally owned existing business that promotes local and regional tourism; and*
5. *The business provides a recreational service to area residents.*

**Factors Against Approving the Special Use**

1. *Letters of opposition from 5 neighbors;*
2. *Off-site impact concerns of neighbors (conditions recommended); and*
3. *Does not fully comply with four factors used to evaluate special use requests (conditions recommended)*

**VII. RECOMMENDATION**

Home Occupation Permit (Docket No. HO-17-10): The business has expanded to a level that exceeds the limits of the original permit. Staff recommends replacement of the home occupation permit with a commercial permit for the commercial riding stables business.

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 12-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 18-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;
3. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.
4. The applicant will be required to enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway, removal of horse manure attached;
5. Guest lodging is limited to four rental RV sites, two tent camping sites, and one guest cottage;
6. The designated guest lodging other than the guest cottage, shall not be used or occupied for permanent residential living purposes. Seasonal use is permitted for up to six months a calendar year by the same occupant;
7. The property owner shall follow best management practices for odor and pest control at all times. Horse manure shall not be allowed to accumulate on site to create nuisance odors and flies. The property owner shall retain the services of a licensed pest control service if they are unable to control flies; and
8. All onsite riding areas shall be adequately maintained to prevent the creation of nuisance dust during training and riding activities. Periodic watering of these areas is required, as necessary, to control dust.

**Sample Motion:**

*Madam Chair, I move to approve Docket SU-23-02 (Sirota Guest Lodging), with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.*



# Cochise County

Development Services  
Planning Division

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

## APPLICATION FOR A SPECIAL USE

Applicant's Name: Ronald Sirota

Name of All Property Owner(s): \_\_\_\_\_

Applicant Mailing Address:

**440 W Cimmaron Lane Benson Az 85602**

Street #	Town	State	Zip code

Subject Property Address (if different than mailing address):

Street #	Town	State	Zip code

Email Address: doublerguestranch@gmail.com

Phone Number: 520 212 6943

Tax Parcel Number: 208-67-026 and 208-67-025A4

Current Zoning Designation: ru4

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): 11 acres

How many acres will be cleared and developed? None

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.

I have learned recently that a portion of our business, that being hosting guests overnight, is not a permitted use currently for this property. The purpose of this application is to remedy this and bring into compliance that aspect of our business. For many years we have operated successfully a horseback riding business for we are properly permitted. We maintain a permit with the Arizona State Land Trust where our rides are conducted. Our business is small and we operate with minimal to no impact on any of our neighbors. We do not plan to increase or change in any way what we currently offer to the public as you will note from the responses below. Rather we only seek to come into compliance with county regulations. We are very responsible neighbors. We totally at our own expense maintain W. Alamo lane to include having a grader come in annually to repair the road which often can become impassable in the summer rains. We maintain our property meticulously. Our horses are well maintained. Any droppings on the road are usually picked up daily. +

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.

Service Provider	Service Provider	Additional Provisions Required
Water/Well	well	none
Sewer/Septic	septic	none
Electricity	Sulphur Springs	none
Natural Gas	n/a	none
Telephone	MTE	none
Fire Protection	n/a	none
Waste Disposal	n/a	none

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.

1. Residence
2. Tack Barn/storage/workshop
3. Hay Barn
4. Accessory Living Quarter
5. Storage Building
6. Exercise Room/storage
7. Well house

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, the RU zoning classification aligns at several levels with a small guest ranch business. Specifically, 606.01 "To preserve the character of areas designated as rural in Cochise County". It is exactly those features...our mountains, vegetation, history and natural beauty that draw people from all over the world to our area. We have maintained all those features on our property and have no intention of making any modifications that would negatively impact this. 601.02 "To encourage non residential and non agricultural activities which serve the local needs and provide a service compatible to rural living". Horseback riding and learning about and experiencing our local beauty and history are the fundamental draws for people to visit a guest ranch. I firmly believe that the above activities are very compatible with rural living activities. 601.05 "To provide recreational support services that are compatible with rural living". A guest ranch offers recreational activities such as

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

Not applicable

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).

Not applicable

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.  
Not applicable

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

Days of the week: 7 days a week

8 AM to 7 PM

Number of employees (if applicable):

Initially 2 Future: 2

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

How many vehicles will be entering and leaving the site (per day)? one or two and many days

Total trucks (e.g., by type, number of wheels, or weight)? none

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

Via West Alamo Lane and Ocotillo Road our guests travel into Benson for meals and to

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

not applicable

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

There is no heavy traffic at any time. The 1-2 daily create no impact to local traffic

Water Use:

Estimate the total gallons of water needed for the proposed use: per day n/a per year n/a

Please indicate your water source well

If your property is served by a private well, show the existing or proposed location on the site plan.

List any strategies you will employ, on site, to minimize water use, recycle water, and/or enhance onsite natural recharge.

Not applicable

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.)

Permanent legal access

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

Ocotillo to West Alamo Lane to Cimmaron Lane

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.

Not applicable

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

Yes  No

Are you requesting any modifications or waivers from site development standards? If yes, explain.  
No

Is the subject property within Sierra Vista Sub-Watershed Overlay Zone? If so, please indicate this, and that you understand that it may 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.

No responses at this time have been received

Describe any outdoor activity associated with your special use proposal, if applicable.

Horseback riding which is not the subject of this application. All our rides occur primarily on Arizona State Land Trust land for which we have a permit in place.

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.

Not Applicable

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.

Not applicable

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.

Ronald Sirota

1/3/2023

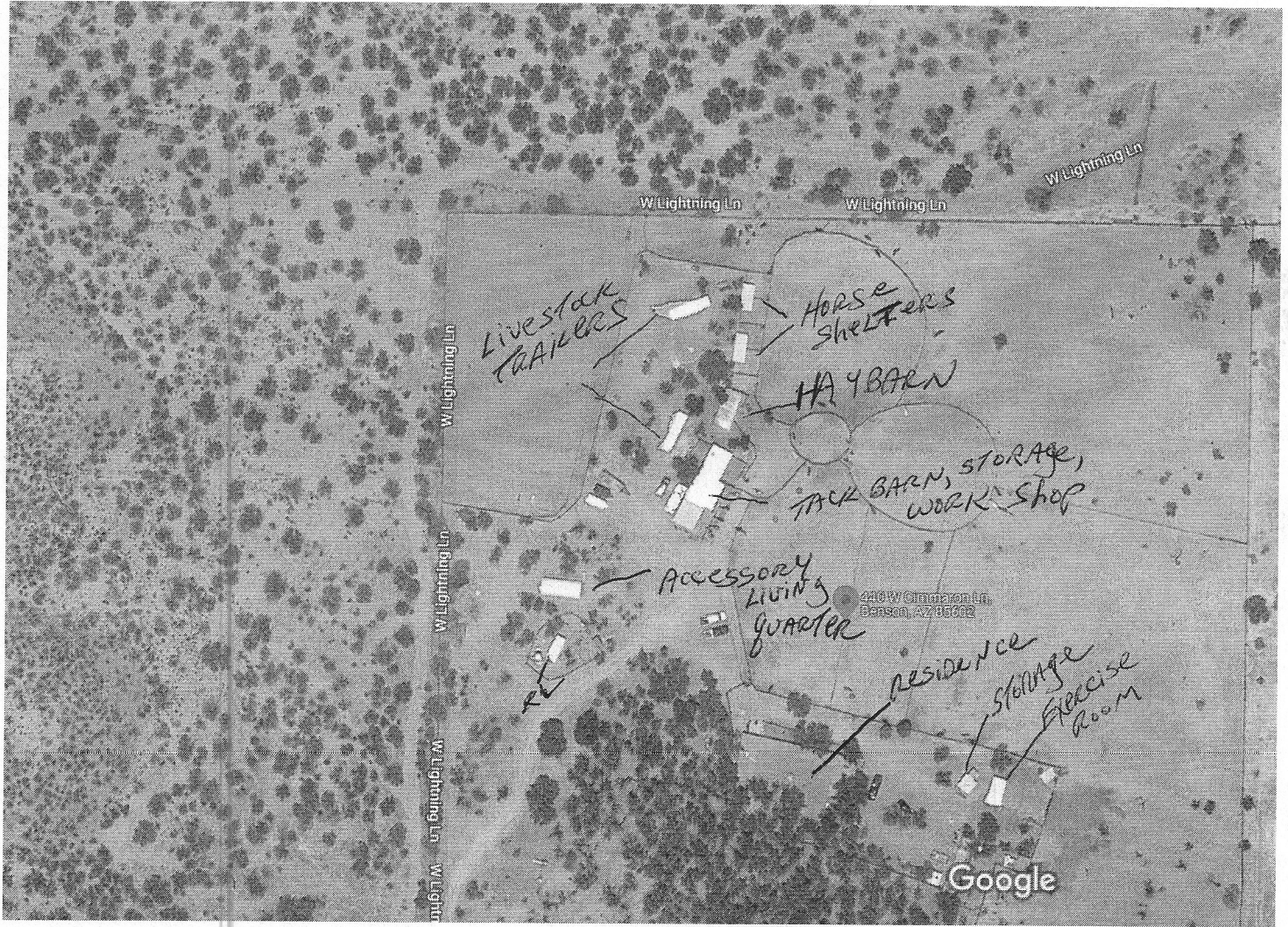
Applicant Signature

Date

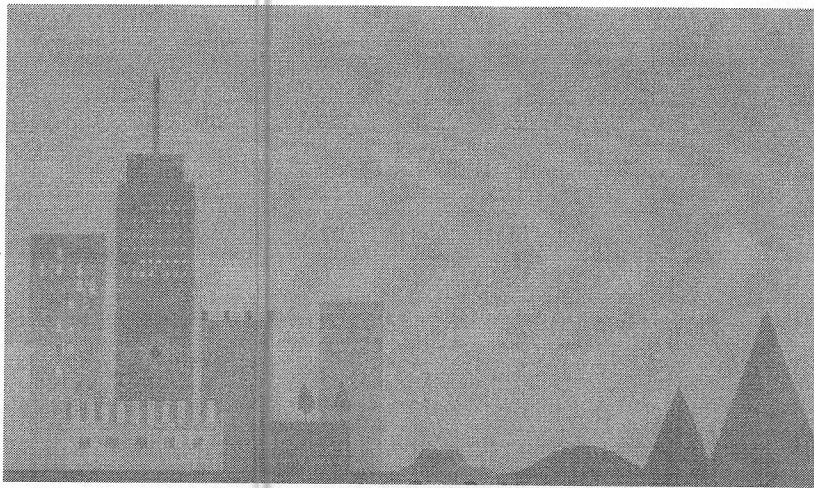
Is the proposed use consistent with the stated purpose of the current zoning district? (from application)

Yes, the RU zoning classification aligns at several levels with a small guest ranch business. Specifically, 606.01 "To preserve the character of areas designated as rural in Cochise County". It is exactly those features...our mountains, vegetation, history and natural beauty that draw people from all over the world to our area. We have maintained all those features on our property and have no intention of making any modifications that would negatively impact this. 601.02 "To encourage non residential and non agricultural activities which serve the local needs and provide a service compatible to rural living". Horseback riding and learning about and experiencing our local beauty and history are the fundamental draws for people to visit a guest ranch. I firmly believe that the above activities are very compatible with rural living activities. 601.05 "To provide recreational support services that are compatible with rural living". A guest ranch offers recreational activities such as horseback riding and other cowboy related activities that are totally compatible with rural living. 601.07 Our proposed special use (guest ranch) is considerate to the rural character of our area, is sensitive to the natural environment and harmonious and in scale with the existing development

# Google Maps 440 W Cimmaron Ln



Imagery ©2023 CNES / Airbus, Maxar Technologies, Map data ©2023 50 ft



Home

Special Use Docket SU 23-02 (Sirota Guest Lodging)

Cochise  
County  
JAN 30 2023  
Development  
Services

YES, I SUPPORT THIS REQUEST  
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:  
Please state your reasons:

See attached page

PRINT NAME(S):

JUDY MARTINEZ

SIGNATURE(S):

Judy Martinez

YOUR TAX PARCEL NUMBER: 20867016 B (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **January 29, 2023** to be included in the staff report to the Board.

RETURN TO: Christine McLachlan  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
(Or scan and email to: [cmclachlan@cochise.az.gov](mailto:cmclachlan@cochise.az.gov))

NO, I do not support this request for these reasons.

I've counted as many as 56 vehicles go around the corner of our property easement in one day; all employees and customers of Ron Sirota. Alamo Lane is a one lane wide, dirt, gravel, rock easement about a mile long, with two blind hills and several washes crossing it. All the traffic makes it difficult and sometimes dangerous driving from my place to Ocotillo Rd. and back home. RVs and more vehicles would only make Alamo Lane more hazardous to drive on. It must be noted that the trail riding is not done on Mr. Sirota's properties. He uses Alamo Lane to get his horses and customers and unleashed dogs to his trails that are on the west side of Ocotillo Rd, adding more to the traffic problems.

All this traffic produces dust and the winds blow east right to your home, which is a health hazard for my husband, age 87, who has COPD and emphysema.

No more traffic, Please.

Judy Martinez

Special Use Docket SU 23-02 (Sirota Guest Lodging)

       YES, I SUPPORT THIS REQUEST

Please state your reasons:



NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

NO!

- Excessive traffic beyond normal residential flow and numbers.
- Safety hazard having so much traffic on a single track road with multiple hills that cause blind spots.
- Excessive dust from the traffic is a health risk to neighbors.
- Undocumented or permitted septic usage - where are the septic for his "cabin", currently lived in RVs & new building structure that's over 200sqft on his parcel at 440 W Cimmaron Ln? Health Hazard!

PRINT NAME(S):

Laurel Goeglein

He is also already in violation of his Home Occupation Permit on many accounts!!!

SIGNATURE(S):

Laurel Goeglein

Please see attached documents and pictures for evidence! Thank you!

YOUR TAX PARCEL NUMBER:

203-67-02907

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **January 29, 2023** to be included in the staff report to the Board.

RETURN TO:

Christine McLachlan  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
(Or scan and email to: cmclachlan@cochise.az.gov)

Dear Cochise County Planning and Zoning Commission,

I am writing in regards to Sirota Guest Lodging Docket SU 23-02. I DO NOT AGREE or condone Ronald Sirotas Special Use Authorization of guest lodging on either of his parcels, 440 W Cimmaron Ln or 536 W Alamo Ln Benson, Az 85602. His presence and business in our neighborhood since late 2016 has had a very negative impact on all our lives and giving him permission to increase his business and flow of traffic in our small residential neighborhood will be detrimental. He never received permission from his neighbors nor were we ever contacted by the county for his Home Occupation Permit he is currently using. Ronald Sirota is currently in violation of several restrictions on the Home Occupation Permit guidelines. He has had a complete disregard for county and state regulations and complete disrespect for his neighbors since day 1 of living in our neighborhood. In the following I have listed his current Home Occupation Violations and reasoning as to why I DO NOT PERMIT his special use authorization for guest lodging in my neighborhood:

First off, the amount of traffic his current business of horse back trail rides and illegally rented lodging brings in our small residential neighborhood is just insane. We live approximately 15 miles north of Benson off Ocotillo Rd and down a single lane dirt track road. Our small residential RU 4 zoned and small single track road are NOT designed and equipped to handle the mass amounts of traffic that come and go out of his residences every single day. This is well above and beyond the normal residential traffic. For example, a neighbors camera showed over 50 cars in ONE DAY passing her gate. Besides Ronald Sirotas residence, there are only 4 full time occupied residences in our neighborhood. This was not all our traffic!!! He has horse back trail rides every day, typically at least 2 rides a day and not to mention all the traffic from his illegally rented lodging. This is a lot of people coming into our small neighborhood causing undo wear and tear on our small Alamo Ln and following easements as well as costing Cochise County more money in maintenance to grade Ocotillo Rd that has several miles of dirt before reaching Alamo Ln. We have never seen this amount of traffic in our neighborhood or Ocotillo Rd until Ronald Sirota started operating his business all over our neighborhood and surrounding areas. In addition to the crazy amount of traffic, this is also a safety hazard for residents. Our single track road on Alamo Ln has several hills and blind spots where people have previously gotten into accidents with on coming traffic. People from out of town who don't know how to drive our road are a safety hazard to all the local residents as well as residents along Ocotillo Rd.

Secondly, he is not just doing horse back riding lessons and trail rides on his parcels. He is riding all over his neighbors easements, private land and State Land creating deep trails that are having a geological impact causing erosion and changing the flow of water. His dude trail strings typically have between 2-15 horses averaging on the higher end of about 8-10 horses per ride and I've personally witnessed them doing 2-3 rides a day. This is a lot of people coming into our neighborhood!!! This is NOT the normal flow of residential traffic in our neighborhood!!! Due to the mass amounts of traffic and dude string rides every day, it is causing enormous amounts of dust pollution from cars and horse back riding. We have several elderly citizens in our neighborhood that are over 80yrs old and this is causing breathing and allergy issues. In particular, one neighbor has to be on oxygen and the dust negatively affects his health and unfortunately Ron's clients traffic has impeded his Oxygen delivery previously. This is a health and safety issue for all of us neighbors. In addition to the dust, Ronald Sirota never cleans up

his horse manure from rides in our roads or even on his property to the point that its spilling over into our road. When it rains his horse manure runs down our roads and into surrounding neighbors properties. Where we live along the San Pedro River we have dark clay that retains water for days and has very slow percolation rates so having his manure in standing water for days on end isn't exactly healthy.

In addition to the health concerns from the dust and pile up of horse manure, we are all seriously concerned about the septic or lack thereof on his 440 W Cimmaron Parcel for his lived in RVs, rental "cabin" (really a shed), outhouse and newly built structure thats over 200sq ft and appears to have a bathroom. Where are the septic for these structures and were they permitted? Along the San Pedro River the water table is very shallow and this is a major health concern if he were to contaminate our drinking water.

He is also in violation of the number of employees and his signage. According to the Home Occupation Guidelines he's not supposed to have more than 2 employees and he currently has 4 trail leads and a lady renting an RV space at 536 W Alamo Ln that claims she's working for him as well. He has a huge Double R Ranch sign over his gate at 440 W Cimmaron Ln and has also put up a sign off his property on a neighbors easement without permission at the end of Alamo Ln.

In accordance with the guidelines he's not supposed to have sales and rentals from his site and unfortunately has been selling food and beverages from his location. As stated on his website, which so conveniently has recently been removed, he offers all inclusive stays which include meals or dinner after a horseback ride. The Food and Beverage Inspector has previously been to his location for complaints neighbors made against this and Ronald Sirota denied serving food to customers. Please see attached photos from his website and clients reviews for evidence that he is indeed serving food without a Food and Beverage License. In addition to illegally selling food and beverages he is also selling t-shirts, demin shirts, sweatshirts, hats and mugs to clients.

Ronald Sirota is also in violation of "Canine at Large" on a daily basis. Dogs typically accompany their dude strings and wonder around the neighborhood and unfortunately like to bark and chase the cars, bicycles, motorcycles, runners etc. This has also had a negative impact on residents as some of his dogs have been aggressive to neighbors in the past and when they confronted him about the dogs he said "Just shoot it." On another note, Ronald Sirota and his employees all seem to think we need to stop our daily lives so they can ride all over us and our neighborhood. We have been asked to stop our daily activities such as chain sawing, mowing, riding bicycles and to move our vehicles while waiting for our own gates to open so they can ride on by with their clients on horseback. On top of this, we have to wait behind dude strings, his clients cars and RVs every single day when we leave our properties. His business has had such a negative impact on our lives that many residents have had to change daily routines and stop their daily walks for health because its stressful every time we leave our homes.

In addition to being in violation of his Home Occupation Permit, he is also illegally renting out his RV spaces for extended periods of time. This has been happening for a couple years now unfortunately. One of the current RVs has been parked and fully lived in on his 536 W Alamo Ln parcel since November 9th, 2022...thats 82 days as of writing this letter. The mobile home has been parked and hooked up since November 26th, 2022 and a third RV showed up

yesterday. Is there not a time limit for the duration of stay in a small residential neighborhood in an RV? It's outrageous the amount of people that come and go to stay at 536 W Alamo Ln. They often times impede the flow of traffic by blocking the road trying to figure out how to pull in because our road wasn't designed for huge ass RVs (nor his property) to come and go and they slow the flow of residential traffic greatly in our neighborhood because it is a small rough dirt road and these big RVs have to take it extremely slow. They have no business driving down our small single dirt track road or even being in our neighborhood.

In conclusion, I request that all operations of Ronald Sirotas Double R Ranch cease completely in our small residential neighborhood and his request for a Special Use Permit for lodging be DENIED. His business has had such a negative impact on all our lives in our neighborhood and people in the surrounding areas. The health risks from the dust pollution, horse manure build up, septic or lack thereof and safety issue from the mass amount of traffic is of a great concern to all of the neighbors. Please put yourself in our shoes, if you had lived out here since the 60s, 70s and 80s and had a huge horse back trail riding business move into your neighborhood completely destroying the peace and tranquility of your small residential neighborhood out in the middle of the desert, how would you feel?

Thank you for your time and consideration and letting us have a voice in this matter.

Sincerely,

Laurel Goeglein

199 W Lightning Ln  
Benson, Az 85602  
Parcel: 208-67-02907

## Signage



## Dust Pollution





## Horse Manure



**Alamo Ln- Small Single Lane Dirt Road with multiple hills**



536 W Alamo Ln "Illegal RV Park"

January 29th, 2023



November 9th, 2022

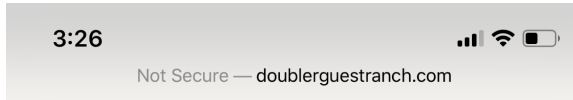


## Daily Huge Dude Strings

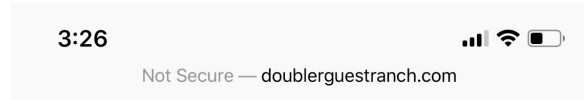
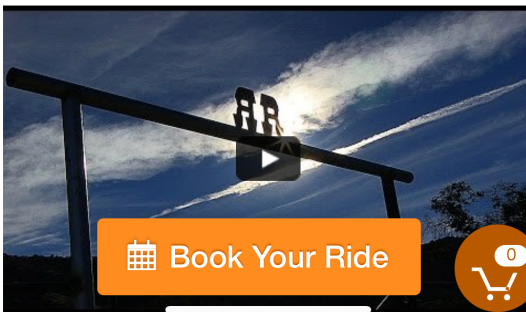




## Serving Food and Beverages WITHOUT a License



# Our All Inclusive Stays



**Weekend Getaway : Check in 3 pm  
Friday, Check out 1 pm Sunday**  
\$475 per person

Rates are inclusive of accommodation, all meals, horseback riding, and all other ranch activities, such as roping, target shooting, archery, horse shoe pitching and barrel racing. Vegetarian and gluten free meals available with advance notice.

Enhance your riding experience by taking one or more Horseback riding lessons. \$40 per person for groups of 2 or more and private lessons \$50. Lessons are one hour in duration.

A 20% deposit required at booking.

Service charge of 15% and local sales tax of 9.6% added to bill at checkout.

No refunds for cancellations occurring within 60 days of arrival date.

Shuttle service available for pick ups and drop offs at Tucson Intl airport \$60 per person each way.

Pick ups at Phoenix Intl rates upon request.

Shuttle service to Tombstone, Kartchner Caverns, Bisbee, Old Tucson and Biosphere 2 available. Call for rates.

## Horseback Riding



10:22

Double R Guest Ranch

Home Services **Reviews** Photos Videos

**Sarah Foster** recommends Double R Guest Ranch. 5 months ago

Amazing sunset horseback riding with beautiful views, well trained horses (especially for beginners), and delicious dinner

Like Comment Share

**Jim Bauman** recommends Double R Guest Ranch. 6 months ago

Great trail ride and lovely horses. Definitely off the beaten path so be careful driving there after a rainstorm or with a low clearance vehicle. If staying overnight make sure you bring some snacks with you any don't count on WiFi or cell signal. Also be comfortable with dogs as there are nine of them on the property, but all very friendly. Other than that it's a beautiful, peaceful place with friendly owners and staff and a truly western and wonderful experience.

Call Now

Home Watch Marketplace News Notifications Menu

10:29

Double R Guest Ranch

Home Services **Reviews** Photos Videos

**Laurie Edwards** recommends Double R Guest Ranch. 2 years ago

Recently returned to VT from spending 4 days at the Double R Ranch. I can't thank Ron, Trina and the whole ranch family enough for the experience I had hoped for. The ranch family looked after us at all times, they ensured our safety, our happiness and satisfied our appetite with 3 delicious meals each day. The riding was so relaxing, the sweet kind horses also looked after us and allowed us to take in every bit of the scenery. "No worries". While Ron was training some new horses, he took the time to give me some hands on training instruction.... See More

1 Comment

Like Comment Share

**Jennifer Stanhope** recommends Double R Guest Ranch. 2 years ago

What an amazing experience! The guest house was warm and very comfortable. Food was incredible and the

Call Now

Home Watch Marketplace News Notifications Menu

10:10



Departure times vary according to the time of year.

\$75

### Sunset Dinner Ride

Enjoy Arizona's spectacular sunsets and then return to the Ranch for a delicious ranch dinner by candlelight. Ride is 90 minutes in length and suitable for any level of rider. Be sure to bring your camera. Please call for departure times as it varies depending on the time of year.

\$100

### Sweetheart Ride

Treat your special someone to a special one hour ride followed by a picnic lunch served on the private ranch patio. Perfect setting for a birthday, anniversary, wedding proposal or any special occasion. No better way to say I Love You.

\$140 PER COUPLE



# Number of Employees

10:13 📶 🔋




📍  
440 w. cimmaron lane  
benson, az  
85602

✉️  
doublerguestranch@gmail.com

☎️  
520.212.6943

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[f](#) [t](#) [p](#) 

🔒 doublerguestranch.com — Private

**Dogs At Large**



Special Use Docket SU 23-02 (Sirota Guest Lodging)

YES, I SUPPORT THIS REQUEST  
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:  
Please state your reasons:

Please see the following email and it's attachments.

PRINT NAME(S): Nathan Strait

SIGNATURE(S): Nathan Strait

YOUR TAX PARCEL NUMBER: 208-67-02907 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **January 29, 2023** to be included in the staff report to the Board.

RETURN TO: Christine McLachlan  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
(Or scan and email to: [cmclachlan@cochise.az.gov](mailto:cmclachlan@cochise.az.gov))

**From:** [nateshands@outlook.com](mailto:nateshands@outlook.com)  
**To:** [McLachlan, Christine](mailto:McLachlan,Christine)  
**Cc:** [laureljg86@gmail.com](mailto:laureljg86@gmail.com)  
**Subject:** Docket #: SU-23-02 Sirota Guest Lodging  
**Date:** Sunday, January 29, 2023 2:18:29 PM  
**Attachments:** [NS Response on 1-29-23 SU-23-02.png](#)  
[SU-23-02 Exhibit A.txt](#)  
[SU-23-02 Exhibit B.png](#)

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**CAUTION: EXTERNAL EMAIL\***

Good morning Christine,

Please find my email below and attachments to this email, as they are my response to The proposed Sirota Guest Lodging Docket SU-23-02.  
Thank you. Please see below.

(Submitted to Christine McLachlan-Case Planner on January 29th, 2023)

**Docket Case #: SU-23-02 Sirota Guest Lodging**

Name: Nathan Strait (Resident)  
Resident of: 199 E. Lightning Lane, Benson, AZ, 85602  
Parcel #: 208-67-02907

To Whom It May Concern,

In answer to the proposed change in use stated, NO!, Absolutely Not!  
Enough is enough! We, the residents of this neighborhood have had our quality of life destroyed by Mr. Sirota's already running home occupation, which also should have never been approved.

We were never informed of his existing business, and there was no public meeting prior to his business opening.

His home occupation letter for 440 West Cimmaron Lane for his existing business states 5-10 vehicles a week.  
Realistically, it's been 5-10 or more per day. That has increased traffic on Alamo Lane, a single lane dirt road with hills that create blind spots, to very unsafe levels, not to mention the dust, and wear & tear on the road. This additional traffic is also causing a considerable amount of

wear & tear on the county maintained dirt part of Ocotillo Road. The proposed Sirota Guest Lodging would bring even more traffic to an already unsafe situation. Please see the attached SU-23-02 Exhibit B, which is a screenshot from the Cochise County website.

In RU-4 Zoning you are allowed to run a recreational equine business if your parcel is 10 acres or larger. 440 W. Cimmaron Lane is a 9.98 acre parcel. 9.98 does not equal 10 in any court of law. RV stays are limited to about 2 weeks in our zoning. The two occupied RV's at the 536 West Alamo Lane parcel have been in use over 2 months straight! The existing zoning rule needs to be enforced on both of Mr. Sirota's parcels in question. The several RV's and cottages at the Double R Ranch have been occupied and rented out for several years at this point, despite my neighbors filing of complaints. No effort has been made by the county to enforce it's own zoning laws. The total amount of square footage of all the buildings being used by Mr. Sirota's current business already exceeds the county's rule of 25% of the size of the primary dwelling. Residents of our neighborhood have had our complaints fall on deaf ears.

Has the Existing Septic at 440 West Cimmaron Lane been approved for all this use? There's no way an existing septic designed for a 2 bedroom house was sized to accomodate 2 guest cottages & several RV's like it is already currently doing. What about his outhouse? Another Health and Safety Issue.

Has the existing Electric Service been engineered to handle all of this additional electricity use? Once again, this is Health & Safety issue, not to mention a fire hazard.

In RU-4 Zoning, you are allowed one head of livestock per acre. Mr. Sirota currently has approximately 20 head of livestock (horses & cows) on his 440 W. Cimmaron Lane parcel. This zoning regulation about livestock per acre is a regulation for a reason. It's a health and safety issue. That would mean 9 head of livestock maximum. The parcel at 536 W. Alamo Lane already has 4 horses on it.

Where do these horses get buried when they die? Has Mr. Sirota ever had permission from ADEQ to bury horses on his property without the state required liner? We have all seen dead horses on both of these parcels. Again, this is a health & safety issue, and could be contaminating our water supply.

I'm live almost a quarter mile away, and I can smell the horse manure constantly, and when it rains, the whole neighborhood smells like an unkept stable. I used to be able to sleep with nice fresh, clean, & cool air coming through

my open window, but this has been destroyed by Mr. Sirota and his business. When it rains hard in monsoon, the manure washes into adjacent and non-adjacent parcels, including all the way into my driveway.

Mr. Sirota, his employees, tenants, & customers often have off leash dogs with them on their "trail rides", this is a violation of Cochise County's 'Canine At Large' law. That's a \$600 fine per dog, per infraction, and it's a daily occurrence. Some of these dogs are aggressive towards motorists, pedestrians, and god forbid you want to ride a bicycle around your own neighborhood with your kids, nieces, nephews, or grandchildren. Please see the attached Exhibit C. This picture from 1/20/2023 is one of the 'Double R Ranch's' many dogs, one of the less aggressive ones. On that particular day there were 5 dogs on the trail ride off leash. That's a \$3000 fine.

The "trail ride" Mr. Sirota's current business sells is a ride through other property owners privately owned easements either on the road, or right near the road on trails that were made without the property owners permission. Now these trails are carved deep into these other property owners land creating some erosion.

When they are riding with their customers they expect you to stop driving/riding/working and yield to them, even asking you to stop whatever yard work or chores you are doing. They ride past 6 times a day, thats 6 times they tell you to turn your chainsaw, mower, weed eater, or any other power tool off. I can't go to town or come home from work without being impeded by the constant dude strings and all the extra traffic. It's ridiculous, what if someone is having a medical emergency? Someone could die, because some Californian wanted a horse ride? How is that acceptable?

Mr. Sirota's existing business serves food and wine according to it's website. Does the county health department know about this? Reviews of their food online are great, not the sort of food that comes pre-packaged. Health & Safety, once again.

This proposed expansion to Mr. Sirota's already illegally operating business is Unacceptable.

The Arizona Revised Statutes state that commercial use of another property owners easement is not allowed, and with good reason. because this would mean someone is using someone elses land to make money without permission. Also, property owner's whose parcels are being ridden through could be held legally liable for accidents causing bodily harm that occur on their parcel(s), easement or otherwise. Mr. Sirota has never had permission to ride on any of our parcels, and while he states he has insurance, it's not legally possible to have insurance for his business operating on parcels he doesn't own.

It is illegal for the county to continue to impose this legal liability on the residents of our

neighborhood according to state law. I have asked the State Attorney General's office to look into this. The attached document (SU 23-02 Exhibit A) from the A.R.S. clearly spells out what a recreational user of an easement is, i.e. Mr. Sirota and his guests are not recreational users.

Having the state's permission to ride on state land does not convey permission to ride through other privately owned parcels to get there. They also ride on APL's high voltage power line access road, which is also private property. APL has locked the gate several times, and they cut the locks and keep doing their rides.

Mr. Sirota's customers show up at all of our houses, any time of day or night because they are city people, usually from California, and now lost in the country, to the degree that everyone keeps their gates locked now. We used to be able to leave them open.

The existing continuing operation of Mr. Sirota's 'Double R Ranch' and the newly proposed 'Sirota Guest Lodging' are unacceptable.

It is time to start enforcing the existing zoning rules and regulations as they are written & legally adopted. It is not time to allow further expansion of a business that is operating in clear violation of our state and county's laws.

Acceptable resolution for this, in my view, would be no less than the 'Double R Ranch' only rides on it's 9.98 acre parcel, NOT ON ANYONE ELSE'S property whether it's easement or not, because currently they do both, and it's illegal.

It's trespassing, a safety issue, and an unauthorized legal liability placed on the property owners whose rights are being violated daily.

For rides on state land, the 'Double R Ranch' should transport it's horses to said state land, and it's employees and customers can ride there.


The 'Sirota Guest Lodging' proposal is laughable at this point, and absolutely unacceptable. He has been in clear violation of state and county laws for a few years now. I have never complained before, because the repeated complaints by my neighbors were ignored by county building officials, and they were told the burden of proof is on us. When exactly does the responsibility of the county come into play?

Thank you for your time & consideration in this matter. Please feel free to call or email me with any questions.

Best Regards,

*Nathan Strait*

Nathan Strait  
(520) 812-3450



This E-mail is from an **EXTERNAL** address. **DO NOT click on links or open attachments unless you trust the sender and know the content is safe.** If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to [cochise.az.gov@missedspam.com](mailto:cochise.az.gov@missedspam.com) or contact IT support at 520-432-8301.

From the Arizona Revised Statutes:

33-1551. Duty of owner, lessee or occupant of premises to recreational users or educational users; liability; definitions

A. A public or private owner, easement holder, lessee, tenant, manager or occupant of premises is not liable to a recreational user or educational user except on a showing that the owner, easement holder, lessee, tenant, manager or occupant was guilty of wilful, malicious or grossly negligent conduct that was a direct cause of the injury to the recreational user or educational user. A recreational user or educational user accepts the risks created by the user's activities and shall exercise reasonable care in those activities.

B. A landowner, easement holder, lessee, tenant manager or occupant of private or public land is not liable for damages in any civil action for unknown conditions on the land. Installing a sign or other form of warning of a dangerous condition, use, structure or activity, or any modification made for the purpose of improving the safety of others, or failing to maintain or keep in place any sign, other form of warning or any modification made to improve safety does not create liability on the part of an owner, easement holder, lessee, tenant manager or occupant of land if there is no other basis for that liability.

C. This section is applicable to the duties and liability of any governmental entity, nongovernmental organization or person that provides monies, that reasonably performs maintenance, that reasonably makes or supports improvements or that takes similar reasonable action regarding land made available to the public for recreational or educational purposes.

D. This section does not create a duty of care or basis of liability for injury to persons or property. This section does not relieve any person using the land of another for recreational or educational purposes from any obligation that the person may have in the absence of this section to exercise care in the person's use of that land and in the activities on the land or from legal consequences for failing to employ such care.

E. Any person that uses the land of another for recreational or educational purposes with or without permission is liable for any damage to the land, property, livestock or crops that the person may cause while on that land.

F. This section does not limit the liability that otherwise exists for maintaining an attractive nuisance, except with respect to dams, channels, canals and lateral ditches used for flood control, agricultural, industrial, metallurgical or municipal purposes.

G. For the purposes of this section:

1. "Educational user" means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to enter premises to participate in an educational program, including the viewing of historical, natural, archaeological or scientific sites. A nominal fee that is

charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section.

2. "Grossly negligent" means a knowing or reckless indifference to the health and safety of others.

3. "Park" includes outdoor school grounds that are open to recreational users, excluding swimming pools and other aquatic features.

4. "Premises" means agricultural, range, open space, park, flood control, mining, forest, water delivery, water drainage or railroad lands, and any other similar lands, wherever located, that are available to a recreational user or educational user, including paved or unpaved multiuse trails and special purpose roads or trails not open to automotive use by the public and any building, improvement, fixture, water conveyance system, body of water, channel, canal or lateral, road, trail or structure on such lands.

5. "Recreational user":

(a) Means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to travel across or to enter premises to hunt, fish, trap, camp, hike, ride, engage in off-highway vehicle, off-road recreational motor vehicle or all-terrain vehicle activity, operate aircraft, exercise, swim or engage in other outdoor recreational pursuits. The purchase of a state hunting, trapping or fishing license, an off-highway vehicle user indicia or a state trust land recreational permit or payment by an agency of this state to an owner, easement holder or lessee for public recreational access to the premises is not the payment of an admission fee or any other consideration as provided in this section. A nominal fee that is charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section.

(b) Does not include a student who is registered at a school during designated times that the student is allowed to be on the school grounds as determined by district personnel or who is participating in a school-sanctioned activity.

6. "School" has the same meaning prescribed in section 15-101.

## EXHIBIT B

Method of Adjustment

Open Review Process

Comprehensive & Area Plans

Home Occupations

Modifications

Other Development Plans

For Land Division

Planning & Zoning Commission

Planning

Addressing

Special Events

Special Uses

### Purpose

A home occupation is a way for a property owner to conduct a small-scale, non-residential activity in a home or workshop as a secondary use.

### Restrictions include:

- Any need for parking generated by the conduct of such home occupation shall be met off the street
- Any outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
- ★ No more than two people, other than the residents of the dwelling or immediate family members, shall be employed.
- ★ No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- ★ Signage is limited to one on-site non-illuminated identification sign, not to exceed 4 square feet and 5 feet in height, and vehicular signs.
- ★ The generation of noise, vibrations, noxious odors, dust, heat, or glare detectable beyond any property line is prohibited.
- The storage or use of hazardous materials of a type and amount that could create safety concerns or are not appropriate to dispose of in residential garbage or sewer systems is prohibited.
- ★ There shall be no change to the residential appearance of the premises and the primary function of the occupation shall not be the sales or rentals of goods from the site. May occupy an area no greater than  $\frac{1}{4}$  of the floor area of the residence. This applies whether occurring within the residence or in a detached structure. (For example, if your house is 1200 square feet, the area for a home occupation, whether in the house or in a workshop, cannot exceed 300 square feet).

### How to Apply

What kinds of activities are allowed for a home occupation?

Is a home occupation the same as a business?

View All

### Quick Links

Public Meeting

ArcGIS Interact

How Can We Help?

View All

## EXHIBIT C



**From:** Loretta Goeglein  
**To:** McLachlan, Christine; Kirschmann, Robert; Johnson, Natalie J; laureljg86@gmail.com; stevenbreitengross@gmail.com; Amaya, Dora  
**Subject:** RE: Public hearing  
**Date:** Monday, January 30, 2023 7:46:10 PM

CAUTION: EXTERNAL EMAIL\*

What else saddens me is neighbors that walked for health were shuttered when Double R moved in. The constant traffic of vehicles, horses and loose dogs caused a fear of a confrontation. An unknown event wondering if they would be forced off road, bitten by a dog, kicked by a horse, the dust generated by the vehicle / animal traffic, dodging horse manure. Some of these people are elderly. It is sad we cannot enjoy our healthy rural lifestyle with a commercial business in our small neighborhood. Please do not let this continue.

Loretta & Brian Goeglein  
608 W Alamo Ln

208 67 025B3

[Sent from Yahoo Mail on Android](#)

On Wed, Jan 25, 2023 at 12:53 PM, McLachlan, Christine  
<CMcLachlan@cochise.az.gov> wrote:

Thank you for your response Loretta, I will include your comments with my memo to the commission. Also, here is a link to the legal notice with information about the hearing date, time, and location:  
<https://www.cochise.az.gov/DocumentCenter/View/10767/Legal-Notice-SU-23-02-Sirota-Guest-Lodging-PDF>

Take care,

**Christine McLachlan, AICP**  
Planner II  
Cochise County, Development Services  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
520-432-9266  
[cmclachlan@cochise.az.gov](mailto:cmclachlan@cochise.az.gov)

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[www.cochise.az.gov](http://www.cochise.az.gov)

GIS Online: [INFOMap](#)  
Apply for a permit online: [CITIZEN SERVE](#)

---

**From:** Loretta Goeglein <lorettagoeglein@yahoo.com>  
**Sent:** Wednesday, January 25, 2023 12:46 PM  
**To:** McLachlan, Christine <CMcLachlan@cochise.az.gov>; Kirschmann, Robert <RKirschmann@cochise.az.gov>; Johnson, Natalie J <NJohnson@cochise.az.gov>; laureljg86@gmail.com; stevenbreitengross@gmail.com; Amaya, Dora <DAmaya@cochise.az.gov>  
**Subject:** Fw: Public hearing

CAUTION: EXTERNAL EMAIL\*

Please include this e-mail thread from March last year to Docket SU-23-02 Double R Guest Ranch special use authorization. We did not get to have a voice when he got his home occupation permit. Please deny this request. As a property owners, we are **against** this SU-23-02 special use authorization.

Loretta Goeglein  
Brian Goeglein  
Parcel - 208 67 025 B

PS - you can view his website to see the cars parked there exceed normal traffic in our neighborhood and the dust he has created by horses and vehicle traffic and this is not a "small scale" occupation which all are in violation of his original Home Occupation permit.

----- Forwarded Message -----

**From:** Loretta Goeglein <lorettagoeglein@yahoo.com>  
**To:** damaya@cochise.az.gov <damaya@cochise.az.gov>  
**Sent:** Thursday, April 7, 2022 at 09:47:30 AM MST  
**Subject:** Fw: Public hearing

----- Forwarded Message -----

**From:** Loretta Goeglein <lorettagoeglein@yahoo.com>  
**To:** gr9050@gmail.com <gr9050@gmail.com>  
**Sent:** Tuesday, March 29, 2022, 03:49:55 PM MST  
**Subject:** Fw: Public hearing

----- Forwarded Message -----

**From:** Johnson, Natalie J <njohnson@cochise.az.gov>  
**To:** Loretta Goeglein <lorettagoeglein@yahoo.com>; Kirschmann, Robert <kirschmann@cochise.az.gov>; Laureljg86@gmail.com <laureljg86@gmail.com>; stevenbreitengross@gmail.com <stevenbreitengross@gmail.com>; McLachlan, Christine <cmclachlan@cochise.az.gov>  
**Sent:** Tuesday, March 15, 2022, 08:47:51 AM MST  
**Subject:** RE: Public hearing

Good Morning Loretta,

I have placed the link below for records requests. Please go to the link and fill out the request, once completed and submitted the Attorney's office will forward to our department.

<https://www.cochise.az.gov/FormCenter/County-Attorney-4/Public-Records-Inspection-Copy-Request-F-53>

Respectfully,

**Natalie Johnson, R.S.**

B.S. Business Administration  
Director of Environmental Health

Cochise County Health & Social Services

Division of Environmental Health

126 W 5<sup>th</sup> Street

Benson, AZ 85602

520-586-8208 phone

520-586-2051 fax

**Online portal to apply and pay License fee** [https://www.citizenserve.com/Portal/PortalController?Action=viewMyRequests&czPagePrefix=Portal\\_&installationID=335](https://www.citizenserve.com/Portal/PortalController?Action=viewMyRequests&czPagePrefix=Portal_&installationID=335)

**Public Programs...Personal Service**

[www.cochise.az.gov](http://www.cochise.az.gov)

---

**From:** Loretta Goeglein <lorettagoeglein@yahoo.com>

**Sent:** Monday, March 14, 2022 3:16 PM

**To:** Kirschmann, Robert <RKirschmann@cochise.az.gov>; Laureljg86@gmail.com; stevenbreitengross@gmail.com; McLachlan, Christine <CMcLachlan@cochise.az.gov>; Johnson, Natalie J <NJohnson@cochise.az.gov>

**Subject:** Re: Public hearing

**CAUTION: EXTERNAL EMAIL\***

Natalie,

Just wanted to find out any information on the septic tank usage by groups visiting this small business.

Also on providing food and lodging.

Was directed to you as the permitting department doesn't handle these issues.

Please go back and read entire e-mails.

<https://www.doublerguestranch.com/>

here is a link to this small business

Sincerely

Loretta Goeglein

On Thursday, March 10, 2022, 08:48:16 AM MST, McLachlan, Christine <cmclachlan@cochise.az.gov> wrote:

Hi Loretta, here's a link to information about home occupations: <https://www.cochise.az.gov/246/Home-Occupations>

A violation of the permit is anything that goes beyond what is listed under the restrictions sections – this includes traffic generated, signage, and overall size of the use. Food service and sanitation (sewer/septic) falls under the county health department review and requirements. Here's some info about food safety and septic:

<https://www.cochise.az.gov/464/Food-Safety>

<https://www.cochise.az.gov/290/Septic-Systems>

Let me know if you have any other questions.

**Christine McLachlan, AICP**

Planner II

Cochise County, Development Services Department

1415 Melody Lane, Building F

Bisbee, AZ 85603

E: [cmclachlan@cochise.az.gov](mailto:cmclachlan@cochise.az.gov)

P: 520-432-9266

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GIS Online: [INFOMap](#)

Apply for a permit online: [CITIZEN SERVE](#)

**From:** Loretta Goeglein <lorettagoeglein@yahoo.com>  
**Sent:** Wednesday, March 9, 2022 4:36 PM  
**To:** Kirschmann, Robert <RKirschmann@cochise.az.gov>; Laurelg86@gmail.com; McLachlan, Christine <Cmclachlan@cochise.az.gov>; stevenbreitengross@gmail.com  
**Subject:** Re: Public hearing

CAUTION: EXTERNAL EMAIL\*

Christine,

Where would we find what is a violation for a home occupation permit?

What about a food handlers permit as they advertise dinners on their web-site, have you looked at that? Or is that another department concern (health department?)

[https://us01.i.antigena.com/l/zQizo8nVZZ3JmRbKBjKEpOMJ33FQc\\_bmweRG8yzkNemY\\_-JgMKElJwY1qS\\_-TJXdbEX1s58-aT4v1MoxFCLd1eTK2vT7AF5ICUQKS\\_3GhBQ6DW3rasXXVWRW57fdGV9SndOLLqNye7mYN-aU-3Z](https://us01.i.antigena.com/l/zQizo8nVZZ3JmRbKBjKEpOMJ33FQc_bmweRG8yzkNemY_-JgMKElJwY1qS_-TJXdbEX1s58-aT4v1MoxFCLd1eTK2vT7AF5ICUQKS_3GhBQ6DW3rasXXVWRW57fdGV9SndOLLqNye7mYN-aU-3Z)

The sewer size, can it handle all the traffic if it was for a single family residence, or again is this another department, health?

Thank you for your help with this issue.

Sincerely  
Loretta Goeglein

On Tuesday, March 8, 2022, 04:29:37 PM MST, McLachlan, Christine <cmclachlan@cochise.az.gov> wrote:

Hi Loretta, thanks for your email. Looking into the file we have on that parcel, it looks like it has an approved home occupation permit for "horseback trail riding and lessons at an existing residence." Home Occupations require that the site must maintain the appearance of a residential property with the exception of one permitted sign. It was most recently inspected for zoning complaints – related to guest lodging - in 2019. At the time, the inspector found no signs of guest lodging and the case was dismissed. It's entirely possible things have changed in the past couple years. You may submit a code complaint via our online permitting system, by clicking [here - online complaint portal](#). If you can, include photos. If the inspector finds evidence of a business beyond what was approved by the home occupation, one option could be for the applicant to go through the special use process that the Rasch property is currently going through. This would provide the opportunity for a public hearing and community input. The first step is for you, or another neighbor, to submit a current code complaint for us to investigate. Please let me know if you have any other questions or concerns.

Take care,

**Christine McLachlan, AICP**  
Planner II  
Cochise County, Development Services Department  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
E: cmclachlan@cochise.az.gov  
P: 520-432-9266

*Public Programs...Personal Service*  
[www.cochise.az.gov](http://www.cochise.az.gov)

GIS Online: [INFOMap](#)

Apply for a permit online: [CITIZEN SERVE](#)

---

**From:** Loretta Goeglein <lorettagoeglein@yahoo.com>  
**Sent:** Tuesday, March 8, 2022 3:53 PM  
**To:** McLachlan, Christine <Cmclachlan@cochise.az.gov>; Kirschmann, Robert <RKirschmann@cochise.az.gov>; Laurelg86@gmail.com; steven.breitengross@outlook.com  
**Subject:** Public hearing

CAUTION: EXTERNAL EMAIL\*

Christine,

Noticed you are reviewing the business on Ocotillo (Rasch).

We have another business further down on Ocotillo that there have been concerns as a business. Double R Ranch parcel 208 67 026. Several residents have complained to the County regarding this business. We were never given a voice to not allow this business in the quiet neighborhood. What can be done about this?

There has been an increase in road traffic, people lost trying to find the place, the horses have striped the trees and its a dust bowl. Concerns about septic usage as this was a single family residence prior to this business moving into the area, several "out buildings" used for overnights stay, out house????? RV's parked for days on end. When riding the horses they tend to stay in the road and make others get off the road in vehicles for

them to ride by....horses are off road not vehicles....

Owning property in this area and along Ocotillo we are concerned about the impact this has caused all these years and have been told there is nothing that can be done about it from the county.

Please ask the property owners in this area if they oppose or not opposed to this business you will be surprised.

Sincerely,

Loretta Goeglein

208 67 025B

2711 N Ocotillo

520-686-0438

Docket SU 22-05 (Rasch Contract Construction) The applicant, Kevin Rasch, requests a Special Use Authorization to repair and store heavy equipment on two unincorporated parcels of land north of Benson, Arizona. The establishment of a contract construction-type use 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. Parcels 208-29-009H and 208-29-009F, are developed with two existing single-family homes, carports, storage sheds. There is also heavy equipment on the property. The applicant seeks to remedy code compliance actions and legitimize a contract construction service business by special use. The location is 2248 N Ocotillo Road, Benson, AZ, on 8.27-acres

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Special Use Docket SU 23-02 (Sirota Guest Lodging)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

344 ~~Cammarow~~ <sup>Benson AZ</sup> LN - 85602

TAX PAYER# M960049201  
PARCEL 20867034

Sparks have been Owners since Jan. 1973

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We are RU4 (I think) we want him to have it

The current owner has been there since <sup>about</sup> 2016. He appears to do whatever he chooses without any concern for the zoning already in place. Now ~~he~~ seems to be becoming more of a business - more than ever. It does not fit what I thought we had permission to do. He advertises on <sup>COMPUTER</sup> also. Has offered rides across properties without concern for any trespassing it would appear. He was aware of the zoning - now it appears to be turning into a "trailer park" type rental or spaces. We do not want a business to be established - NOT now, or ever!

PRINT NAME(S):

Wm C. + Barbara + J. Sparks

SIGNATURE(S):

William C. Sparks

Barbara J. Sparks

and so many things to consider - he has already built MANY MANY rentals without permits + what about permits + septic systems? So much wrong already!! Please look at it!!

YOUR TAX PARCEL NUMBER: 20867034

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than January 29, 2023 to be included in the staff report to the Board.

RETURN TO: Christine McLachlan  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
(Or scan and email to: cmlachlan@cochise.az.gov)

Special Use Docket SU 23-02 (Sirota Guest Lodging)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

PRINT NAME(S): Martin Goeglein

SIGNATURE(S): Martin Goeglein

YOUR TAX PARCEL NUMBER: 208-67-02907 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **January 29, 2023** to be included in the staff report to the Board.

RETURN TO: Christine McLachlan  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
(Or scan and email to: [cmclachlan@cochise.az.gov](mailto:cmclachlan@cochise.az.gov))

1/30/2023

To whom it may concern,

This letter is in response to Docket SU 23-02 for the application request of a special use permit by Ronald H Sirota (Sirota Guest Lodging) which pertains to parcel # 208-67-026 located at 440 W Cimmaron In Benson, Az and parcel # 208-67-025A located at 536 W Alamo Ln Benson, Az .

I, Martin Goeglein, would like to address the court on the matter listed above as a co-owner of parcel #208-67-029 and a resident of 199 W Lighting Ln Benson, Az for more than 38 years in this small rural 10 parcel neighborhood that resides in Cochise County.

I find it in the courts best interest to know that since Ronald Sirota has resided on parcel 208-67-026 and immediately started operating Double R guest Ranch without any consent of the adjoining property owners nor the county, Ronald Sirota's unlawful business ventures have placed a heavy burden on the small community that was never designed to accommodate heavy traffic nor be used for commercial purposes and financial gains. This is a very small rural residential neighborhood that sits off Ocotillo rd. 15 miles to the north of the city Benson that is partially unmaintained and 8 miles of which is a dirt road.

In the last six years the neighborhood has been **overburdened** on multiple easements and our roads have seen 8 to 20 vehicles a day minimum with 2 – 5 people per car with the addition of RV's and 5<sup>th</sup> wheel trailers and the 10 horses that go up and down the roads 3-4 times a day as a direct result of Ronald Sirota's operations which has caused a significant wear on the residents' vehicles. The Negative impact on the roads, community and little remaining wildlife has made the area very unenjoyable for the surrounding neighbors. It used to be a peaceful and pleasant place to live and now it feels like a circus as a direct result of the Sirota Ranch, the beauty has left and the roads are worn out, the air is foul with a smell of manure and overfilled septic tanks from RVs and the driveways are either blocked by a line of horses or cars of people from the city which negatively affects ingress and egress and decreases emergency response and thus increases the risk of fires and accidents going in and out of our private one way road.

An approval of the special use permit will further destroy the community and act as a direct death sentence to all surrounding riparian areas/BLM/State trust land county roads and native history that is scattered around the San Pedro River valley. Let it be known that not only has there been multiple building violations by Ronald Sirota there has been extensive trespassing and destruction to signs, gates and roads .

On behalf of myself and the community I ask the court to deny the special use application and revoke any other commercial/business related permits due to the **"Increase of Burden"** beyond the original intent of the parcels in which the deeds were written, and easements created. Currently the easements in which Ronald Sirota and his clients are using have been heavily burdened with overuse beyond their legal scope and as easement holders we are within our right as (i.e., Servient tenants) to place a surcharge on Ronald Sirota and a credit will be due for every easement that is burdened by the Guest Ranch if they allowed to continue operating.

Furthermore, I ask of the court to enforce all county building codes to both Parcels listed on Docket SU 23-02.

Please see exhibits below.

Sincerely,

Martin Goeglein





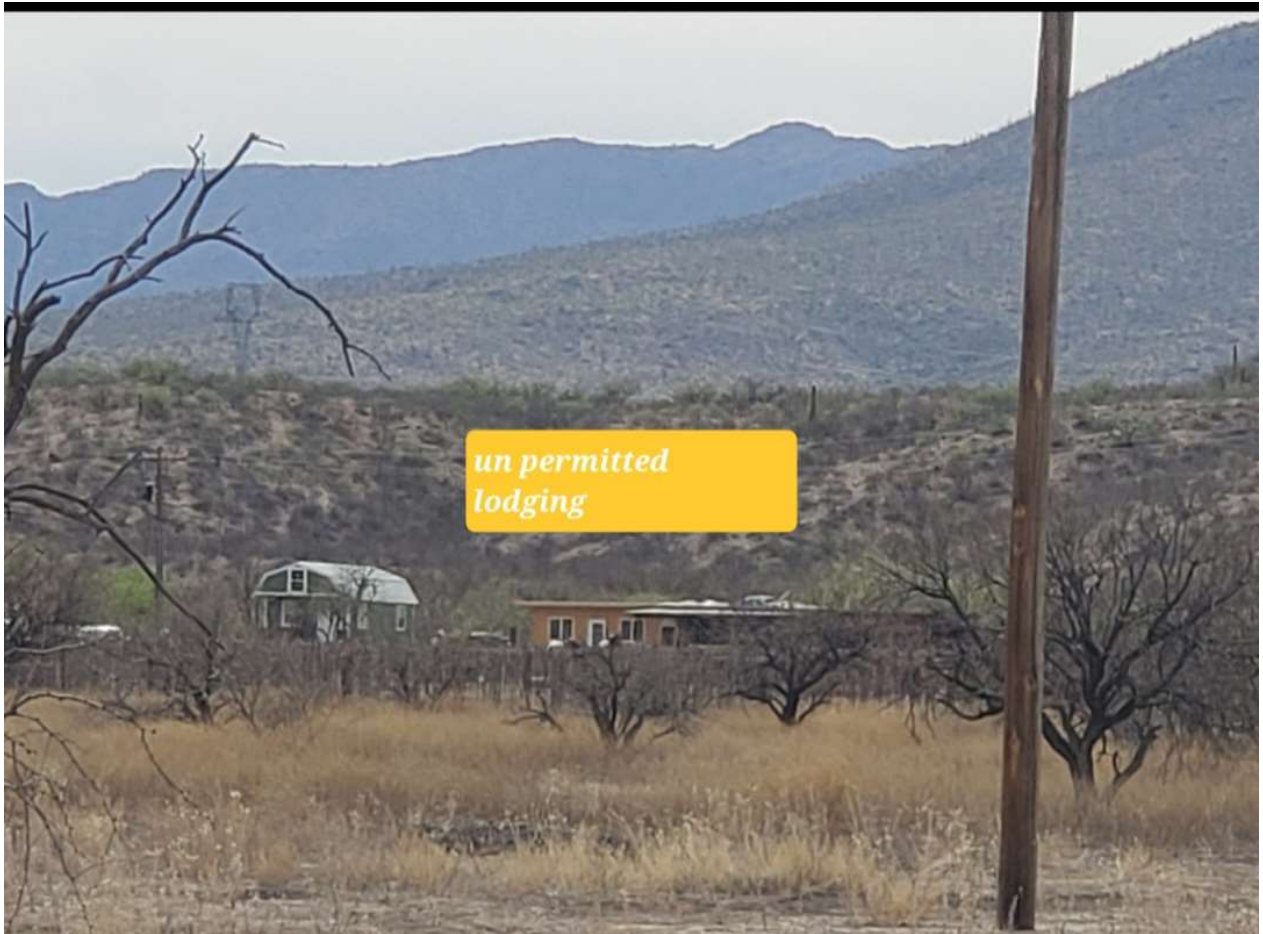


*Trail with  
disregard to the  
owners*

**NO  
TRESPASSING**







*un permitted  
lodging*




Dear Cochise County Planning and Zoning Commission,

Here is more evidence supporting our claims for Ronald Sirotas unlawful and nefarious acts in our neighborhood:

Reviews proving he is renting spaces, cooking food, shuttling clients, number of employees and dogs:

---

**Scott Zeeman**  
1 contribution 👍 0 ⋮

●●●●●


**Highly recommended!!**

Dec 2021

The 'land of light' is particularly brilliant at this guest ranch due to a variety of factors. There are 30 well fed and cared for horses suited for every level of rider. Unlike many dude ranches, it is clear that the care of the horses is a priority to the owners. All the horses we rode were sure footed which is a requirement due to the challenging topography of the 40,000-acre ranch. Up on top of rocky slopes of the Rincon Mountains, the views encompass reach the Dragoon Mountain range in the distance. Another plus at this ranch is the food prepared by Trina...all of them delicious! Our western themed cabin was very comfortable, clean and well furnished. We were able to explore some less traveled trails and found desert animal tracks including cougar and tapir. When we rode out, several of the nine ranch dogs accompanied us on the trail. Watching them added a measure of joy to the rides, not to mention a bit of comfort knowing they would warn of unwanted surprises. The Double R Guest Ranch beckons and we hope to return again next year.

[Read less](#) ^

---

**Lori H.G.**  
2 contributions 👍 0 ⋮

●●●●●

**Heaven on earth...Double R Ranch!**

Mar 2022

Trip Advisor review platform is missing one thing...a place to rate 10 stars!!! If you love horses, the desert, and a peace like no other, Double R Ranch is the place you have been waiting for. Ron, Trina, and their ranch is like heaven on earth. I arrived to spend my 65th birthday where I could center my soul and my experience was perfect in every way. From the moment I was picked up at the airport I felt completely pampered. My cabin far exceeded my expectations. I love solitude...but the warm friendship that everyone showed to me made me feel like I was with old beloved friends. Gary, Poncho, and Billy were all wonderful... patient and helpful with people of all ages and abilities...exceptional horsemen. Taking time to ensure everyone's enjoyment and safety. The horses were perfectly trained and very stable on the trails. Trina and Ron are great hosts. Trina is an amazing chef and hostess and I enjoyed chatting with Ron and over our wonderful meals. I highly recommend Double R Ranch and look forward to sharing another stay in the future.

[Read less](#) ^



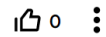
Written 25 March 2022

This review is the subjective opinion of a Tripadvisor member and not of Tripadvisor LLC.



**Holly Poulsen**

Kenosha, WI • 149 contributions



**Wonderful Experience**

Oct 2021

Great time! We did the Sunset Dinner ride with a group of girls in our mid-30s. The ride was perfect for experienced and beginning riders. The dogs are so adorable as well! We had fantastic sunset views and an even better homemade dinner back at the ranch...prepared in the ranch kitchen by the owner! Amazing experience!

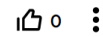
Written 15 January 2022

This review is the subjective opinion of a Tripadvisor member and not of TripAdvisor LLC.



**Dolly**

Fond du Lac, WI • 2 contributions



**The Best !**

Jan 2022 • Couples

This horse back ride was the best ! We opted for the 2 hour ride with lunch. The ride was amazing, the trails were fun and the scenery was absolutely beautiful. The horses were very tame and well trained. We were served lunch in the cabin. The food was delicious. We have wonderful memories. You won't be disappointed.



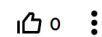
Written 26 January 2022

This review is the subjective opinion of a Tripadvisor member and not of TripAdvisor LLC.



**Julie D**

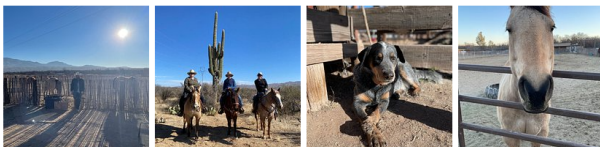
8 contributions



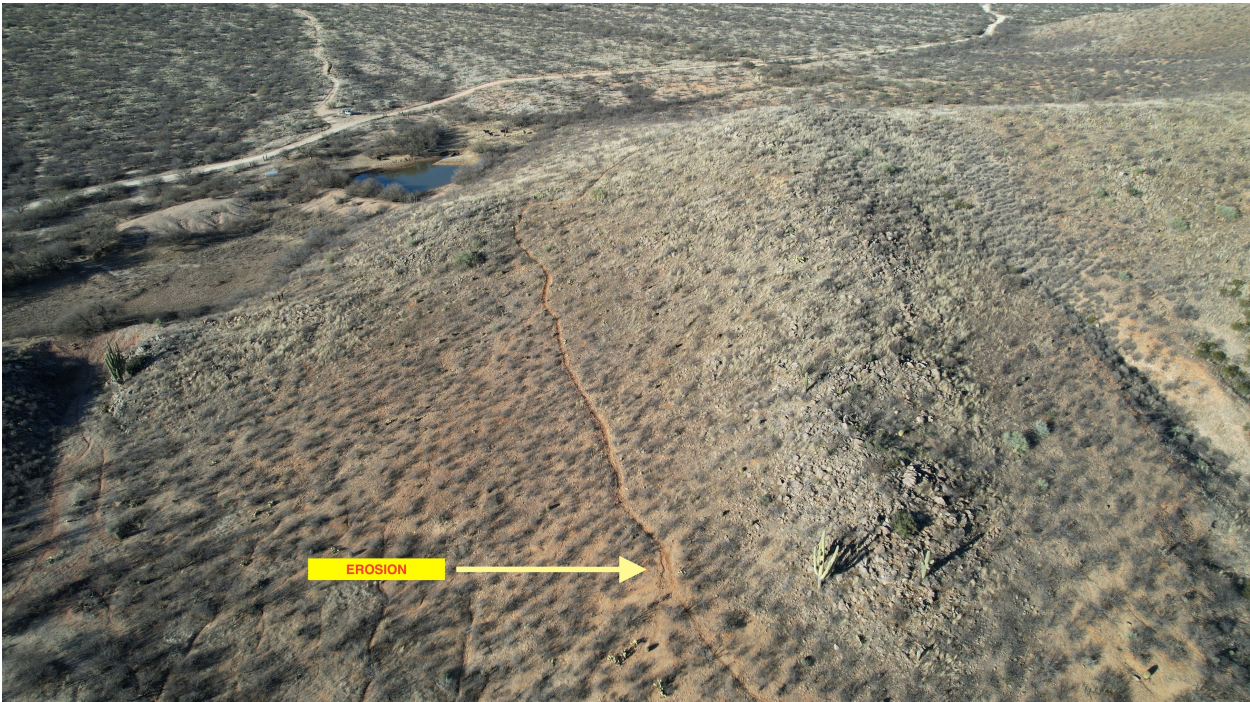
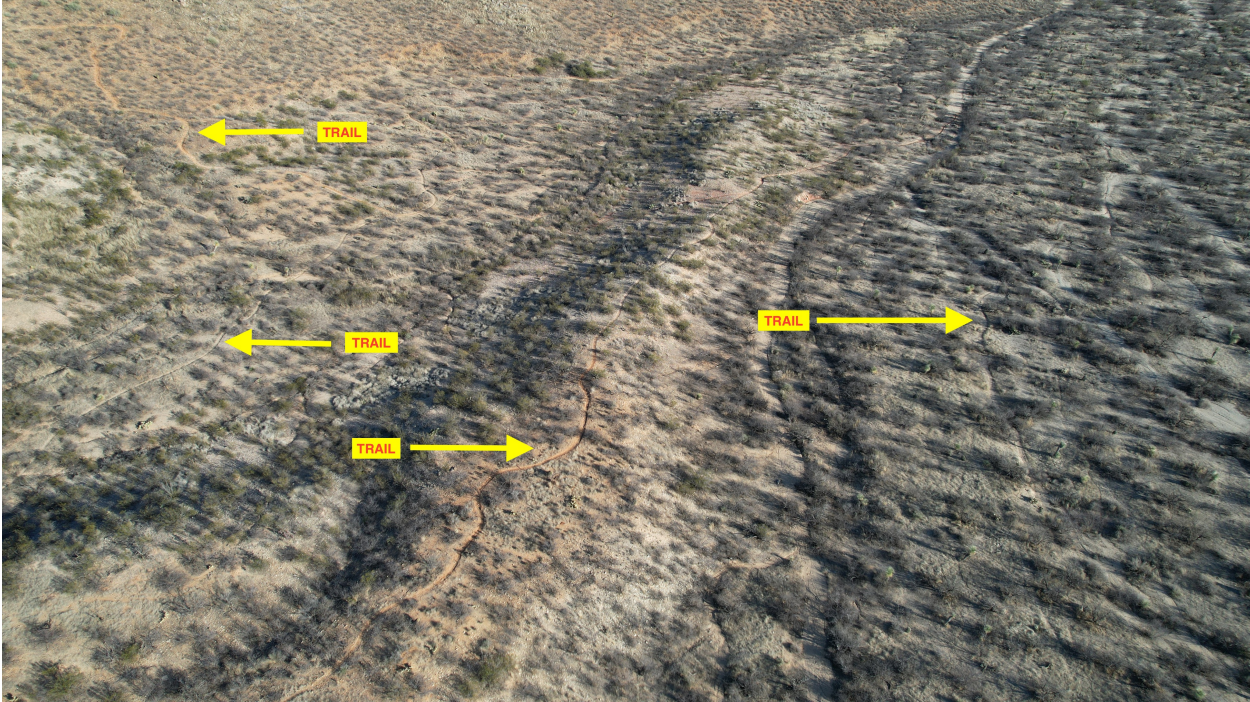
**Perfect Get Away Adventure!**

Feb 2022

My two girlfriends and I just returned from an amazing 4 day adventure at the Double RR Ranch!! Double RR is a small family ranch with very well loved and cared for animals. Trina, Ron, Gary, Billy, Poncho and all nine dogs make you feel like one of the family. The accommodations were cute and comfortable and the home cooked meals were delicious. They do a great job pairing you with your horse and tailoring the four days to your ability and desires. The Ranch is gorgeous and the whole adventure far exceeded our expectations! We will definitely be back and tell our friends!



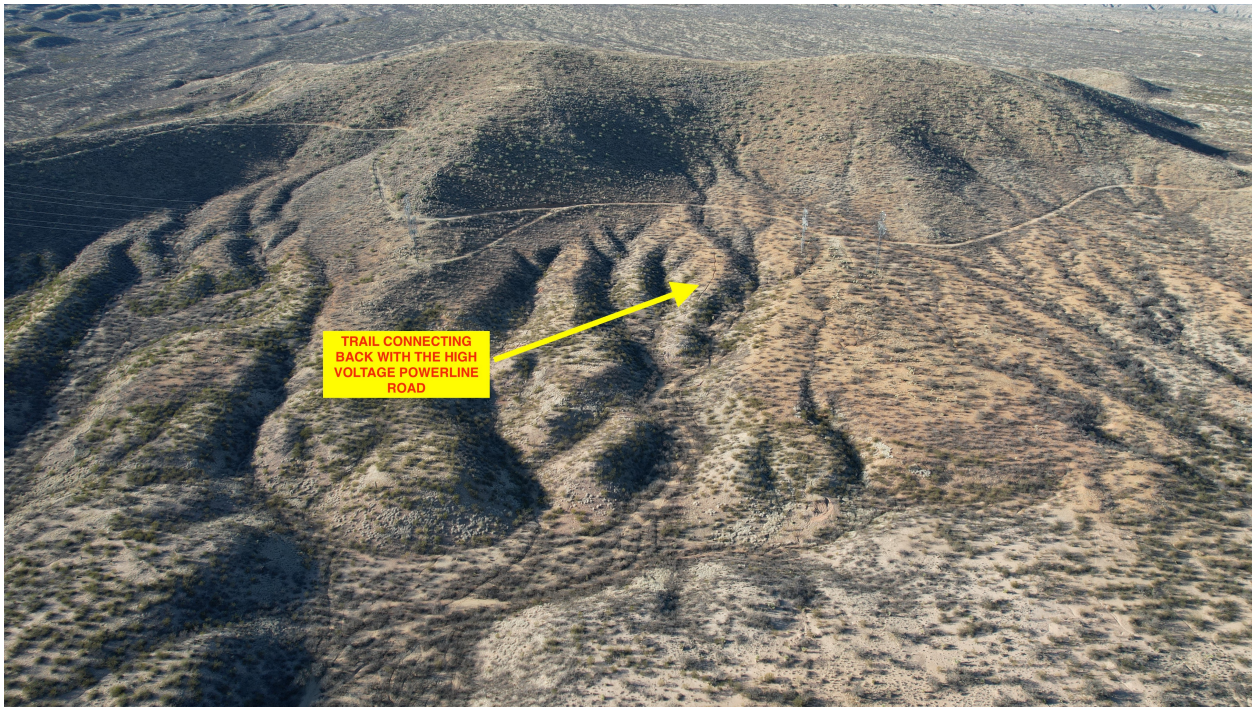
Deep trails that cut all over Private and State Land and the APL High Voltage Power line:





USING APL HIGH VOLTAGE POWERLINE GATE- THE LOCK HAS BEEN CUT

CREATED TRAILS EVERYWHERE THAT WERE NEVER PREVIOUSLY THERE!!!



TRAIL CONNECTING BACK WITH THE HIGH VOLTAGE POWERLINE ROAD



Overview of 440 W Cimmaron Ln Parcel:



# Selling merchandise:

All products T-shirts Sweatshirts Baseball caps Mugs Denim Shirts

Double R Guest Ranch hooded sweatshirt



\$ 29.99

Double R Guest Ranch baseball caps



\$ 9.99

Double R Guest Ranch mugs



\$ 9.99



Mens Double R Guest Ranch specialty T-shirts



\$ 19.99

Ladies Double R Guest Ranch specialty T-shirts



\$ 19.99

Mens Double R Guest Ranch T-shirts



\$ 11.99



Ladies Double R Guest Ranch T-shirts



\$ 11.99

Double R Guest Ranch ladies denim button down shirts



\$ 29.99

Double R Guest Ranch mens denim button down shirts



\$ 29.99

Special Use Docket SU 23-02 (Sirota Guest Lodging)

Cochise  
County  
FEB 01 2023  
Development  
Services

       YES, I SUPPORT THIS REQUEST  
Please state your reasons:

  X   NO, I DO NOT SUPPORT THIS REQUEST:  
Please state your reasons:

This is a R4 neighborhood not a commercial RV park / Lodging  
We feel he is in violation of his home occupation permit.  
Our concerns have not been addressed from going on a year now.  
Is the septic able to handle additional flow?

PRINT NAME(S): Brian & Loretta Goeglein

SIGNATURE(S): Brian Goeglein 608 W. Alamo Ln.  
Loretta Goeglein

YOUR TAX PARCEL NUMBER: 20867025B3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **January 29, 2023** to be included in the staff report to the Board.

RETURN TO: Christine McLachlan  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
(Or scan and email to: [cmclachlan@cochise.az.gov](mailto:cmclachlan@cochise.az.gov))

YES, I SUPPORT THIS REQUEST  
(Please state your reasons.)

XXXX

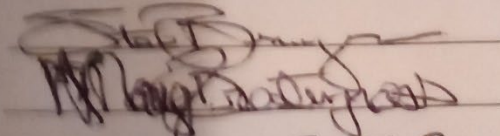
NO, I DO NOT SUPPORT THIS REQUEST:  
(Please state your reasons.)

Violating Existing PERMIT Daily.  
Noise, More TRAFFIC, Dist. 100' from Home.

APPROVAL WILL GENERATE EVEN MORE TRAFFIC ON OUR  
EMBANKMENT AND BRINGS MORE HEAVY TRAFFIC INTO OUR  
ONCE QUIET RESIDENTIAL AREA, EXISTING BUSINESS  
HAS TURNED OUR NEIGHBORHOOD INTO A COMMERCIAL  
BUSINESS AREA. HAS FUNDAMENTALLY CHANGED EVERYTHING

PROPERTY OWNERS PURCHASED PROPERTY IN RURAL AREA TO GET AWAY  
PRINT NAME(S): STEVEN C BREITENROSS, MARY E BREITENROSS

SIGNATURE(S):



ADDITIONAL DOCUMENTATION  
WILL BE FORWARDED  
TO MEETING FEB 8 2023

YOUR PARCEL NUMBER: 208-67-17 B (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than January 29, 2023 to be included in the staff report to the Board.

RETURN TO: Christine McLachlan  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, AZ 85603  
(Or scan and email to: cmclachlan@cochise.az.gov)

Reference to Docket SU 23-02

To whom it may concern,

My wife and I, Steven, and Mary Breitengross, residing at 450 Alamo Lane, parcel 208-67-17B located south of parcel 208-67-026 and adjoins both Ron Sirota existing properties, and parcel 201-67-25A also adjoins his proposed RV parcel, would like to dispute the application submitted by Ron Sirota regarding expansion of his current business permit. We have been located at this address since 1970, and were instrumental in the creation of local neighborhood. We, along with other neighbors, built the current roads and homes with the intent of residing in a quiet and reclusive residential area. The current roads and culverts were installed by the community with the intent of servicing a residential area and has single lane vehicle access granting homeowners' access to their property.

Three years ago, Mr. Sirota was approved for a home application to provide trail rides within the domains of his property. He has taken advantage of our neighborhood and has become a hazard to the local community. He has created a commercial business located within our residential neighborhood and is currently seeking a permit to expand this business. His current home occupation permit was approved without prior notification to neighbors regarding the permit of this business, however, expansion of this business is requiring written notification to residential neighbors. We fail to understand why this was not required for the existing permit within a residential area, yet despite this, We are currently disputing this action as it will be detrimental to the community and appeal to the board of supervisors to review Mr. Sirota's existing permit for violations.

Reasons for requests are as follows:

Mr. Sirota is advertising this business under false pretenses and inciting people to stay for extended stays and offering risky operations all while taking advantage of our neighborhood for personal profit.

The permit currently being requested is to permit conduct that is already currently in operation. He is already offering extending stays to non-local residents for profit. (On trip advisors reviews speak of stays that extend over a week – please see attached photos of reviews posted regarding Mr. Sirota's business indicating that the currently requested permitted operations are already in practice without permit.) The guests have often resulted in excessive noise violations, light pollution, excessive littering as well as a heavy increase in non-local traffic at all hours of the day and night.

Mr. Sirota has been known to trespass and encroach on private property for his personal benefit. He has previously been removed from Dan Whites property after repeated transgressions without the authorization of the owner, while utilizing said private property to conduct commercial business without the consent of private owners after repeatedly being asked to cease, desist, and vacate the property. Following these events Mr. Sirota is now utilizing private easements to continue to conduct commercial business operations without the consent of the owners nor compensation for their property and forced liability.

He is operating an intrusive commercial business in a residential area without the proper accesses necessary to provide these services, namely utilizing a residential road for commercial traffic contributing to the erosion of the roadways and access ways with excess traffic. Mr. Sirota's use of

residential roads for commercial traffic far exceeding the stated average of two per day in violation of his current home occupation permit. He is utilizing state land to achieve these objectives in which he insists he is authorized to use for commercial purposes and taking advantage of local property owners by encroaching on their private property and easements to access these locations. These locations are posted private property and are not zoned for commercial use.

Mr. Sirota is actively operating with the intention of taking advantage of our community and has obliterated the tranquility of the neighborhood that existed before he began his day to day operations. He has conducted himself as a hazard to our community and standard of living.

He is operating a business outside of the stated intents and purposes of his existing permit and is authorizing the occupation of Recreational Vehicles to guests upon property that is not legally within his domain. Additionally he is encouraging overnight and extended stays of strangers within the neighborhood, and creating an atmosphere consistent with a recreational hotel. There are an excessive number of strangers contributing to the destruction of local property with and erosion of our residential neighborhood. These large vehicles have caused damage to local access roads as well as fence lines as there is no roadway large enough to accommodate this traffic.

During the operations of his business, Mr. Sirota routinely brings guests and animals onto posted private property, creating a large risk of liability to property owners due to any accidents that may occur due to his hazardous business practices. He is risking the liability of local property owners due to his conduction of operations within the bounds of private property. This has previously been brought to the attention of planning and zoning and the offices of Cochise County to no avail, stating inspections of compliance would be conducted.

These practices are often conducted with Mr. Sirota unrestrained animals accompanying consumers of and employees on trail rides, who pose a hazard to neighbors, livestock and personal pets. The horses have carved trails into the local landscape and caused destruction to fences and plant life. His dogs are unrestrained and allowed to wander at their own free will and discretion. This has been a repeated hazard to local pets and livestock. They are contributing to the destruction of the local environment resulting in the decline of native wildlife, foliage, and fauna, as well as severely escalating erosion of the area. Due to the destruction of native flora and fauna there is now excessive dust throughout the area which is exacerbated with each continual conduct of his operations, as they do not conduct the proper sanitation practices regarding manure and waste.

Several complaints have previously been filed regarding Mr. Sirota's disregard of his current permit restrictions and local property and privacy rights. He has been utilizing a drone to infringe on the privacy rights of local landowners, contacting homeowners with inquiries about possessions within the properties. This contributes to a sense of insecurity within the local neighborhood which is exacerbated by the continuous influx of non-local guests flooding the community. We have previously contacted planning and zoning, the tax office, and the health department to report violations of current permit within the last two years.

Mr. Sirota is gaining monetary compensation for business operations conducted upon private easements contributing to the destruction of property and fence lines. We would like to review his currently approved home application regarding authority to conduct current practices within the boundaries of his property, as well as dispute his current status of a permitted commercial business.

within good standing. Mr. Sirota business has been fundamentally detrimental to the welfare of our community. He has completely altered the foundations of our community and has proven himself a hazard to our standard of life. His operations are detrimental to the community and should not be permitted to continue and believe that our next step in our resolve will be to seek legal counsel in this ongoing dispute.

**From:** [Niles & Rita Miller](#)  
**To:** [McLachlan, Christine](#)  
**Subject:** Sirota Guest Lodging Docket SU 23-02  
**Date:** Wednesday, February 8, 2023 10:37:48 AM

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**CAUTION: EXTERNAL EMAIL\***

Christine,

I am writing this to express I have concerning RR Guest Ranch (RRGR).

I live near mile post 9 on N. Ocotillo Rd., approximately 3 miles south of Alamo Ln. therefore, all traffic to and from the RRGR must drive by my driveway. I must agree with my neighbors who have filed formal complaints, the traffic is definitely increased dramatically. Page 5 of the application for special use declares "one or two" vehicles per day. It seems to me it would be simple for the county to audit his books and quickly determine the true number of vehicles.

Page 5 also claims that there will be no trucks entering or leaving the RRGR. I wonder how they acquire the feed necessary to care for the animals. Could it be the dually pulling a 30 plus foot gooseneck loaded with tons of hay? Yes. which by the way creates a lot of dust that travels primarily east over my house.

One more thing on the application I noticed on page 1 was that the claim is for 11 acres, yet the Cochise County Memo attached to the docket (on the Cochise County Website) declares it to be only 10 acres. It seems like a minor oversight that could have very negative impact.

Now to a more personal note. Shortly after RRGR showed up and began operating in our community, my wife and I were driving our UTV west on Simons Way. The row of horses approached us from the front. As soon as I saw them, I stopped my vehicle and shut it off. As soon as the UTV idled down to where I could hear, the lead "horseman" was screaming at us to "get off the road!". The particular section of Simons Way where this occurred happens to have roughly 2 foot banks on each side of the two track road. Living in this area since 2005, I have often run upon cowboys and horseman while out on these roads. Never have I been asked to leave the road for the horses. All the ranchers that I have/do know would prefer the horses to leave the road if for no other reason than pasture preservation. Not to mention, it is illegal for me to leave the established roadway with a motorized vehicle. Running into cowboys has always been a fun and chit-chatty experience unless they are associated with RRGR.

As an avid hunter, I often hunt the state trust land west and north of RRGR. The last few years have had some frustrating interactions with RRGR guest and employees. Several of the formal complaints mention blocking of the road and unleashed dogs. I have experienced both on several occasions. On one occasion, I was archery hunting on foot when this dog shows up out of nowhere. Frustrating because a dog just cleared any chance I might of had of success. I walked up on a small rise to use my binoculars and saw the string of horse more than a quarter mile away. Soon after, the dog is making a bee line back to the horses. As far as blocking the road with the horses, I've seen that more times than I can count, always with several loose dogs.

We have had a local nuisance in the community for sometime now. It is a black Dodge truck with Az License plate CMF5064. This vehicle is often sliding around corners and reaching straightaway speeds that are clearly 70mph+. I have heard that a couple of our neighbors have had to jump off the road to avoid being hit. This truck was seen on RRGR property yesterday, 2-7-2023. The length of time this has been going leads me to believe that this person must be either family or an employee.

In conclusion, "The Purpose of a Special Use" section of the application states, "These more intense uses must be carefully reviewed to decide if they could make good neighbors to the existing uses.". I believe that they have damaged our small community in ways that cannot be measured. RRGR has moved into our community and attempted to bend everything and everyone to its will. They clearly

subscribe to "seek forgiveness rather than permission" way of thinking as proven by the formal complaints declaring their disregard for private property, as seen in photographs. The aerial photos clearly show deeply rutted trails which are already creating new erosion. They have not been good neighbors and I have no reason to believe that will change.

My request of the county is not only to refuse the special use permit but to also issue a cease and desist order until a full audit of operations can be conducted, to include septic systems, water quality, air quality, pest control, and animal control. I believe burden of due diligence belongs with Cochise County and not the citizens, where it seems to be now.

Thank You,

Niles Miller

Sent from my Verizon, Samsung Galaxy smartphone

This E-mail is from an **EXTERNAL** address. **DO NOT click on links or open attachments unless you trust the sender and know the content is safe.** If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to [cochise.az.gov@missedspam.com](mailto:cochise.az.gov@missedspam.com) or contact IT support at 520-432-8301.



**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Christine McLachlan, AICP, Planner II  
**FOR:** Daniel Coxworth AICP, Development Services Director  
**SUBJECT:** SU 23-02 (Sirota Guest Lodging), Application for a Special Use Authorization  
**DATE:** January 31, 2023, for the February 8, 2023, Meeting

**DRT AND AGENCY COMMENTS DOCKET SU 23-02**

On January 6, 2023, the Development Review Team for the County and relevant external agencies was transmitted case information for their review. Reviewers were given until January 25, 2023 to respond. At that time, they were notified that a failure to respond by that date would result in an automatic approval by their agency/Department. The following is a summation of all the comments that were received by that date.

**Cochise County, Floodplain:**

- Not Passed: 1. A Site Plan was not included with the submittal. Please provide.
- Comment: 2. The application states that there is no clearing being proposed with this submittal. However, it appears that approximately ¾ of the property (11 acres) has already been cleared and developed. Therefore, prior to construction start-up and since disturbed construction area is more than one (1) acre:
- Condition: A. A Stormwater Pollution Prevention Plan (SWPPP) may be required from the Arizona Department of Environmental Quality (ADEQ). This will also include a Notice of Intent (NOI) to clear land. A copy of the NOI must be submitted to Cochise County. For more information, please contact: <https://azdeq.gov/AZPDES/CGP>
- Condition: B. A Clearing Permit must be obtained from Cochise County. Please contact: <https://www.cochise.az.gov/development-services/home>
- Condition: C. A Notice to Clear Native Plants may be obtained from the Arizona Department of Agriculture and a copy submitted to Cochise County. For more information, please contact: <https://agriculture.az.gov/plantsproduce/native-plants>
- Not Passed: D. A Drainage Analysis will be required. This includes, but not limited to, Grading Plans, Site Plans, and Drainage Reports prepared by an Arizona Registered Civil Engineer. Please contact the Cochise County Engineering and Natural Resources Department for a copy of the Floodplain Regulations for Cochise County (December 2015). [https://www.cochise.az.gov/sites/default/files/highway\\_and\\_floodplain/FLOOD\\_REGGS\\_2015.pdf](https://www.cochise.az.gov/sites/default/files/highway_and_floodplain/FLOOD_REGGS_2015.pdf)
- Not Passed: a). As a part of the Drainage Analysis, the engineer needs to show that no adverse impacts to the property, property boundaries, or adjacent properties, will occur as a result of this proposed development. Refer to Section 5.1.D of the Floodplain Requirements.
- Comment: 3. When these items are submitted, then the review process will continue. The applicant is aware

that additional comments may be forthcoming.

**Cochise County ROW:**

Access is established - not within county maintenance

**Cochise County Building:** No comments received.

**Cochise County Attorney's Office:** No comments received.

**Cochise County Environmental Health:** Need to determine if a septic system has been installed for the 1 lodging unit. If so, show approvals. If no septic system for the lodging unit, show where waste water is going.

**Cochise County Sheriff's Office:** No comments received.

**Sulfur Springs Valley Electric Cooperative:** SSVEC has no special conditions to submit regarding this special use permit request. If the property owner/applicant requires an upgrade in service or a new line extension, please have them refer to the Sulphur Springs Valley Electric Cooperative website at [www.ssvec.org](http://www.ssvec.org) then the "Services" tab for information about Service Conditions, Service Entrance Requirements, how to establish a new service, and for Line Extension/New Service Applications. They can also contact our Willcox Engineering Services Representatives for assistance at 520-384-5469.

**El Paso Gas:** No comments received

**Arizona Game and Fish:** Attached

**National Resources Defense Council:** No comments received.

**Arizona Department of Environmental Quality:** No comments received.

**State Lands Department:** No comments received.

**Arizona Department of Water Resources:** No comments received.



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January 20, 2023

Ms. Christine McLachlan  
Cochise County Development Services  
1415 Melody Lane, Building F  
Bisbee, Arizona 85603

Electronically submitted to [CMcLachlan@cochise.az.gov](mailto:CMcLachlan@cochise.az.gov)

Re: Review of the SU-23-02 (Sirota Guest Lodging) project

Dear Ms. McLachlan,

The Arizona Game and Fish Department (Department) reviewed your Project Evaluation Request dated January 6, 2023, regarding the special use authorization to permit guest lodging as part of a business in Benson, Arizona. As the proposed project is located in a previously disturbed area with no ground disturbance or modifications to wildlife habitat, the Department does not anticipate any significant adverse impacts to wildlife resources would occur as a result of this project.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at (623) 236-7222.

Sincerely,

A handwritten signature in black ink, appearing to read "Tiffany Sprague", with a long horizontal flourish extending to the right.

Tiffany Sprague  
Project Evaluation Program Specialist, Habitat Branch  
Arizona Game and Fish Department

AZGFD #M23-01062222

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**azgfd.gov | 602.942.3000**

**5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086**

**GOVERNOR:** KATIE HOBBS **COMMISSIONERS:** CHAIRMAN JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON  
MARSHA PETRIE SUE, SCOTTSDALE | LELAND S. "BILL" BRAKE, ELGIN **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY



**Cochise County**  
**Community Development**  
**Planning, Zoning and Building Safety Division**

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

May 3, 2017

Ronald Sirota  
440 W. Cimmaron Lane  
Benson, AZ 85602

**RE: Home Occupation; Docket No. HO-17-10 (Sirota) Parcel No. 208-67-026, located at 440 W. Cimmaron Lane, Benson, AZ**

Dear Mr. Sirota,

Please consider this letter an official approval of your home occupation request for home based horseback trail riding and lessons at an existing residence. The Planning Department has reviewed the submitted home occupation questionnaire/application. The proposed training area would take place in two round pens, one approximately 10,000 square feet and the other approximately 8,000 square feet, which is less than 25% of your 9.96 acre property. The round pens, stables, hay barn, etc are existing and used in conjunction with the residential use and not exclusively for the home occupation. (see back pertaining to Home Occupation criteria). A maximum of five additional vehicles per day may be periodically experienced, with an average of two per day. Home Occupations prohibit the outdoor storage of equipment and materials (with exception to hay and other materials commonly associate with animal keeping), and the site must maintain the appearance of a residential property with the exception of a sign described in the criteria. Per article 1902.01.B, no permit is required for such a sign. The Planning Department does not require further permits for this use.

However, please be advised that there may be deed restrictions limiting such a use of the property. The Planning Department does not investigate nor enforce deed restrictions or subdivision Covenants, Conditions or Restrictions (CC&Rs). Deed restrictions are generally enforced by local property owners or homeowners associations. In addition, it is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, if any, that may be applicable to the proposed activity pursuant to other federal, state or local laws or regulations.

Any proposed changes that may affect your status as a home occupation must be submitted to the Planning Department. Any changes or expansion of the occupation beyond the parameters of this approval and definition of a home occupation (see same handout) may result in the revocation of this approval.

If you have any further questions or concerns regarding your request, please feel free to contact me at (520) 432-9248 or by email at: [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov).

Best regards,

Robert Kirschmann  
Planner II

**Planning, Zoning and Building Safety**

1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

**Highway and Floodplain**

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

## Home Occupation

Home occupations are a way for residents of Cochise County to conduct minor, non-residential activities in their homes or a workshop without having to go through the process of obtaining a commercial permit, as long as the activity does not change the residential or rural character of their neighborhood and meets the parameters set forth below. Examples of home occupations that have been approved in the past are home offices, internet sales, web site design, handicrafts for sale at off-site locations, consulting services, and minor repair services. *Please note: any new accessory structures, such as a detached workshop, or remodeling or reconstruction in excess of \$1000 in value will require a separate residential permit and must meet all site development standards, regardless of the proposed home occupation.*

The Cochise County Zoning Regulations define a Home Occupation as:

An activity carried on by the occupant of a dwelling as a secondary use, including personal and professional services, subject to the following limitations:

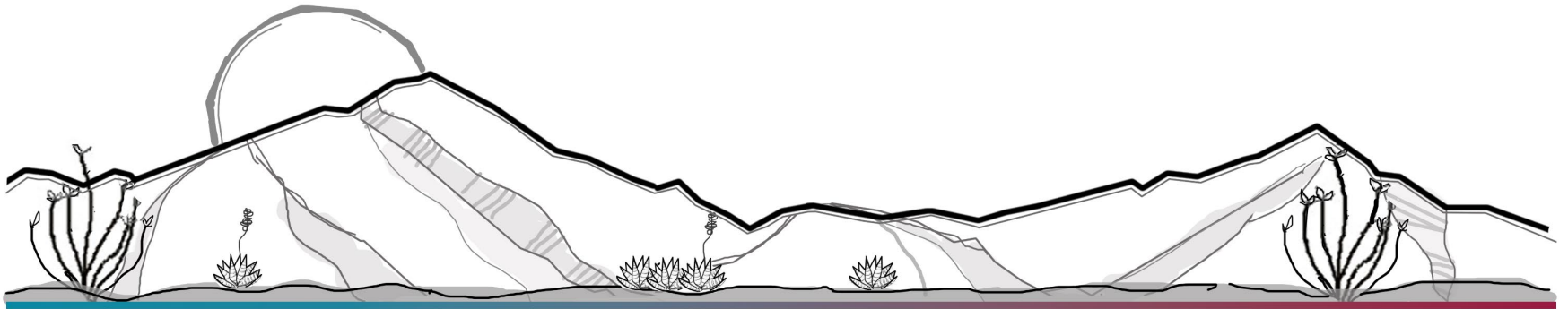
- a. The home occupation may occupy an area no greater than  $\frac{1}{4}$  of the floor area of the residence whether occurring within the residence or in a detached structure.
- b. No more than one person other than the residents of the dwelling shall be employed in the conduct of the home occupation.
- c. Any outdoor display or storage of materials, goods, supplies or equipment shall be prohibited, other than the signs noted below.
- d. The generation of noise, vibrations, noxious odors, dust, heat, or glare detectable beyond any property line or the storage or use of hazardous materials of a type and amount that could create a safety concern or are not appropriate to dispose of in residential garbage or sewer systems is prohibited.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- f. There shall be no change to the residential appearance of the premises and the primary function of the occupation shall not be the sales or rentals of goods from site.
- g. There shall be allowed one on-site non-illuminated identification sign not to exceed 4 square feet and vehicular signs.

# **SU 23-02**

## **(Sirota Guest Lodging)**

**Special Use Authorization for Guest Lodging  
in a Rural Zoning District**

**Planning & Zoning Commission**  
**February 8, 2023**



# DEVELOPMENT SERVICES

- This is a request to allow guest lodging on 2 parcels zoned RU-4
- Parcel 208-67-026 and 25A/440 W Cimmaron Ln Benson, AZ and 536 W Alamo Ln
- Expansion of home occupation permit
- The Applicant is Ronald Sirota



## Concept Plan

- Continue to offer horseback riding/ lessons (*permitted use*)
- Offer a limited amount of overnight stays to guests (*special use*)



Concept Plan  
SU 23-02 Sirota Guest Lodging

N.T.S



## Permitted vs. Special Uses in Rural Zoning

### Permitted use:

- Allowed by right
- Administrative approval (no public notice or hearing)
- Subject to the requirements of residential or non-residential permitting
- Commercial riding stables and short-term rentals are permitted principal uses, home occupation permits are permitted accessory uses

### Special use:

- May have impacts beyond other permitted uses
- A public hearing is required, and conditions to increase compatibility are typical
- Guest lodging is a special use



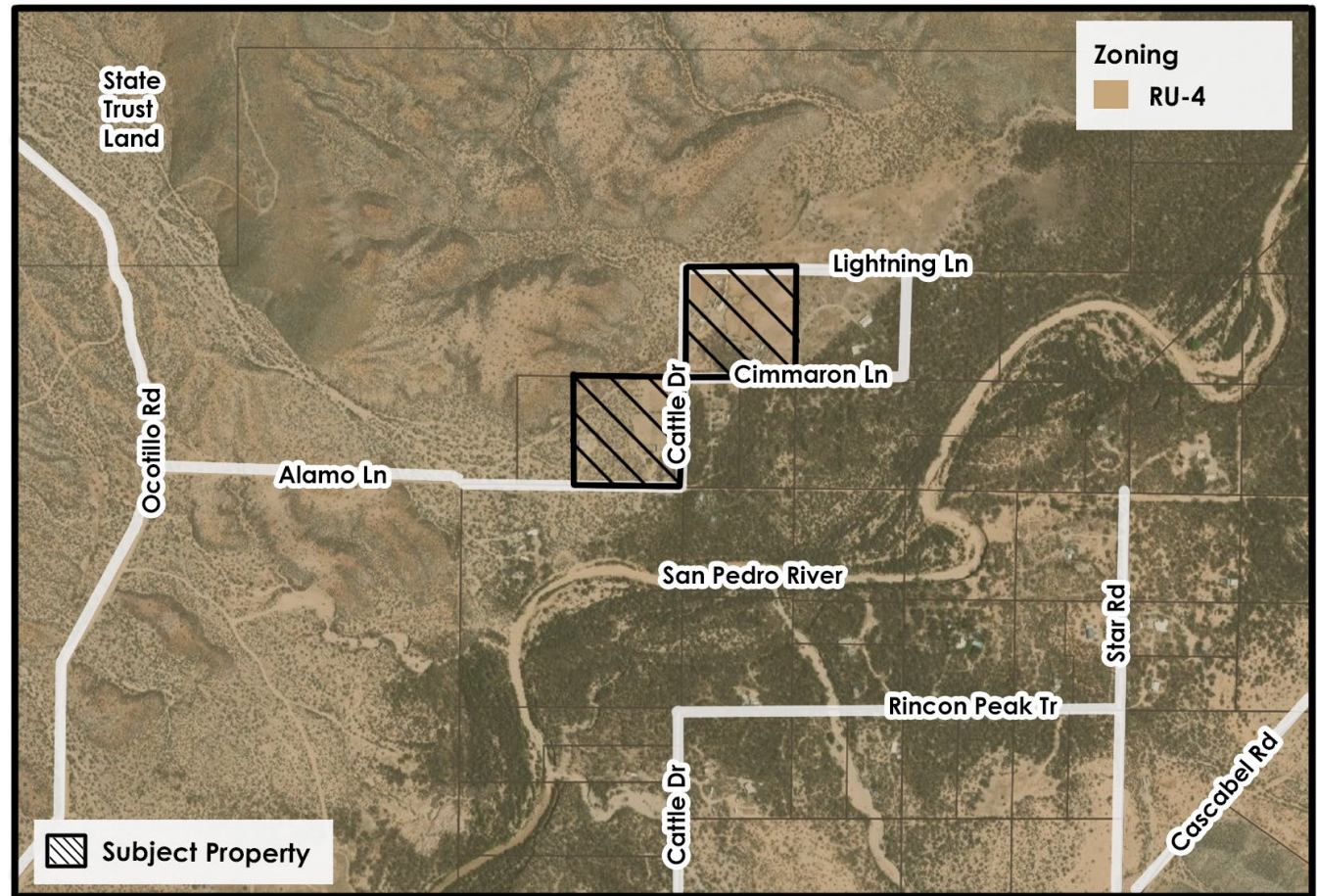
# DEVELOPMENT SERVICES



## Zoning

RU-4:

To provide recreational support services that are compatible with rural living



Zoning  
SU 23-02 Sirota Guest Lodging

N.T.S



# **DEVELOPMENT SERVICES**

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**There are 10 factors used to evaluate all special use proposals. As submitted, the application:**

**Complies: 4 factors**

- Compliance with Duly Adopted Plans
- Compliance with the Zoning District Purpose
- Significant Site Development Standards
- Water Conservation

**Does Not Comply: 1 factor**

- Public Input

**Complies with Conditions: 3 factors**

- Traffic Circulation
- Adequate Services and Infrastructure
- Offsite Impacts

**Not applicable: 2 factors**

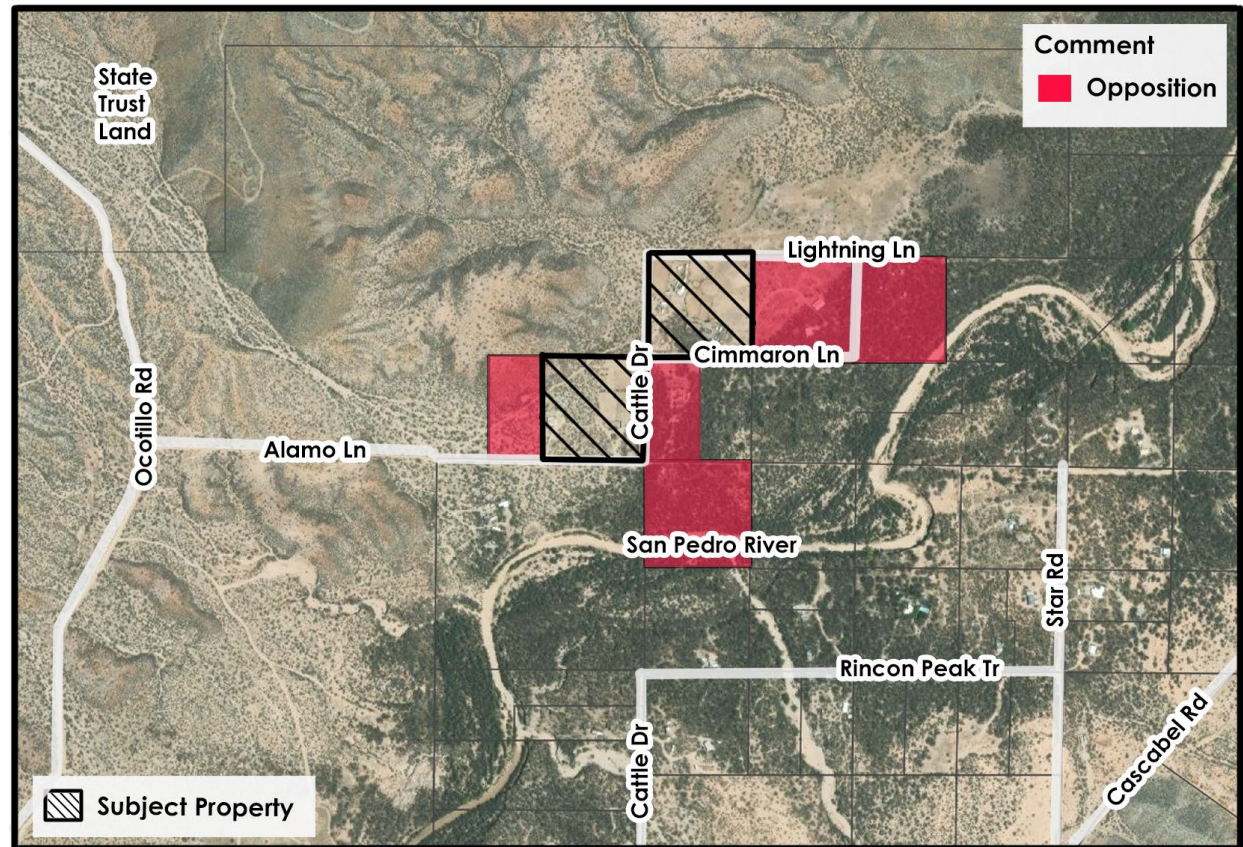
- Development Along Major Streets
- Hazardous Materials



## Public Comment

### Concerns Noted

- Traffic
- Safety of road
- Dust/erosion
- Commercial nature of business
- Lack of regulation
- Odor (horse manure)
- Unleashed dogs



Public Comment  
SU 23-02 Sirota Guest Lodging

N.T.S



## Factors in Favor of Request

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 four of the criteria used to evaluate special use requests;
3. Commercial riding stables are a permitted use in rural zoning;
4. The guest cottage could qualify as permitted short term rental, subject to state law requirements;
5. This is an established, locally-owned existing business that promotes local and regional tourism; and
6. The business provides a recreational service to area residents.



## Factors Against Approving the Request

1. Letters of opposition from 5 neighbors;
2. Off-site impact concerns of neighbors (conditions recommended); and
3. Does not fully comply with four factors used to evaluate special use requests (conditions recommended)



## Applicant Presentation/Discussion



## Staff Recommendations

Home Occupation Permit (Docket No. HO-17-10):The business has expanded to a level that exceeds the limits of the original permit. Staff recommends replacement of the home occupation permit with a commercial permit for the commercial riding stables business.

Docket SU-23-02, Staff recommends **Conditional Approval**

If the Commission wishes to grant approval, staff recommends the following conditions:



## Recommended 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 12-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 18-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;
3. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.



## Recommended Conditions (continued)

4. The applicant will be required to enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway, removal of horse manure attached;
5. Guest lodging is limited to four rental RV sites, two tent camping sites, and one guest cottage;
6. The designated guest lodging, other than the guest cottage, shall not be used or occupied for permanent residential living purposes. Seasonal use is permitted for up to six months a calendar year by the same occupant;



## Recommended Conditions (continued)

7. The property owner shall follow best management practices for odor and pest control at all times. Horse manure shall not be allowed to accumulate on site to create nuisance odors and flies. The property owner shall retain the services of a licensed pest control service if they are unable to control flies; and
8. All onsite riding areas shall be adequately maintained to prevent the creation of nuisance dust during training and riding activities. Periodic watering of these areas is required, as necessary, to control dust.



## Sample Motion

*Madam Chair, I move to approve Docket SU 23-02, Sirota Guest Lodging, with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.*

