



**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.

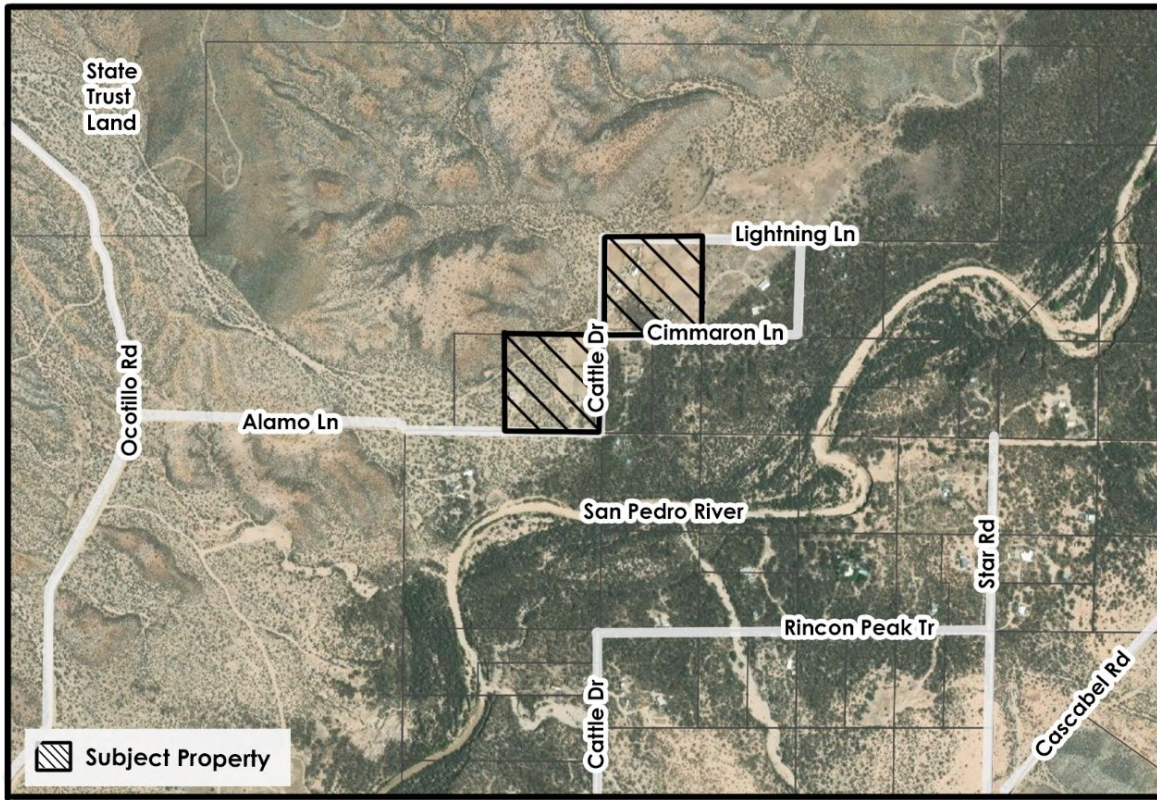
**I. Description of Subject Parcel and Surrounding Uses**

**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.

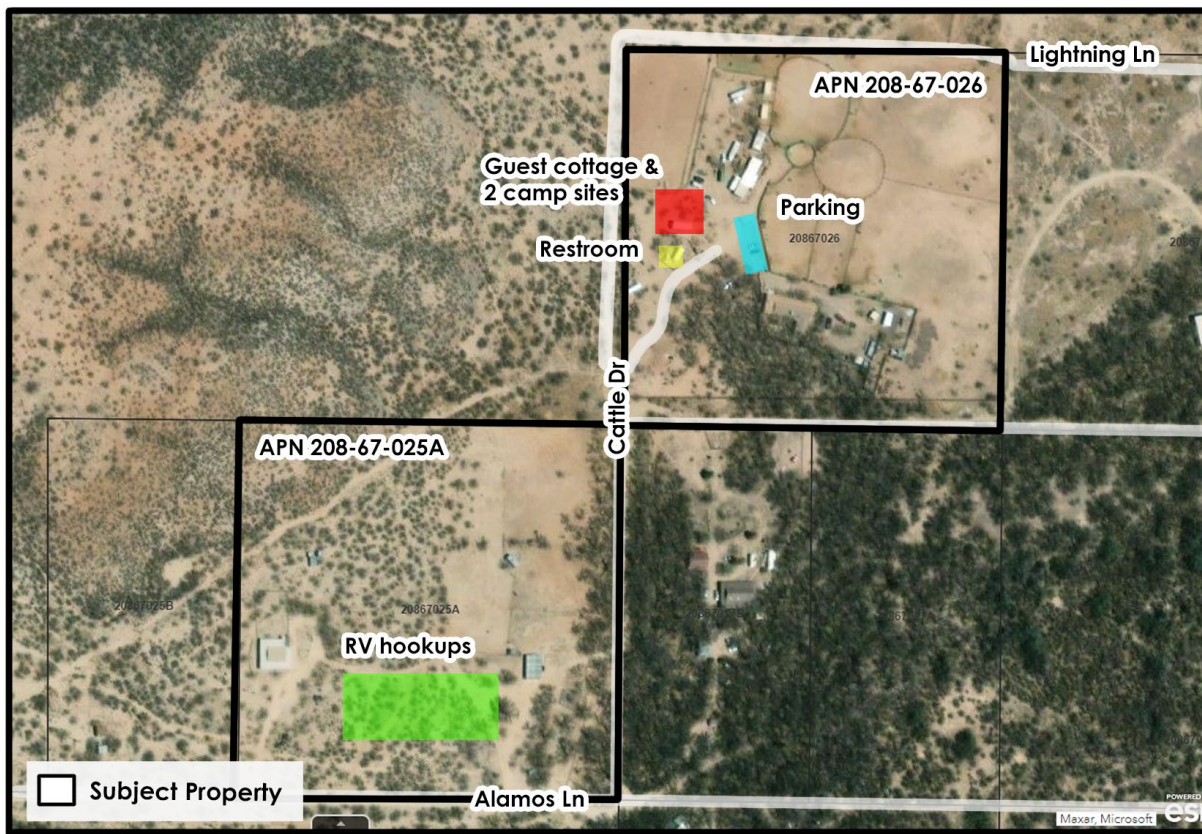
The applicant subsequently filed this request in a timely manner.

**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**

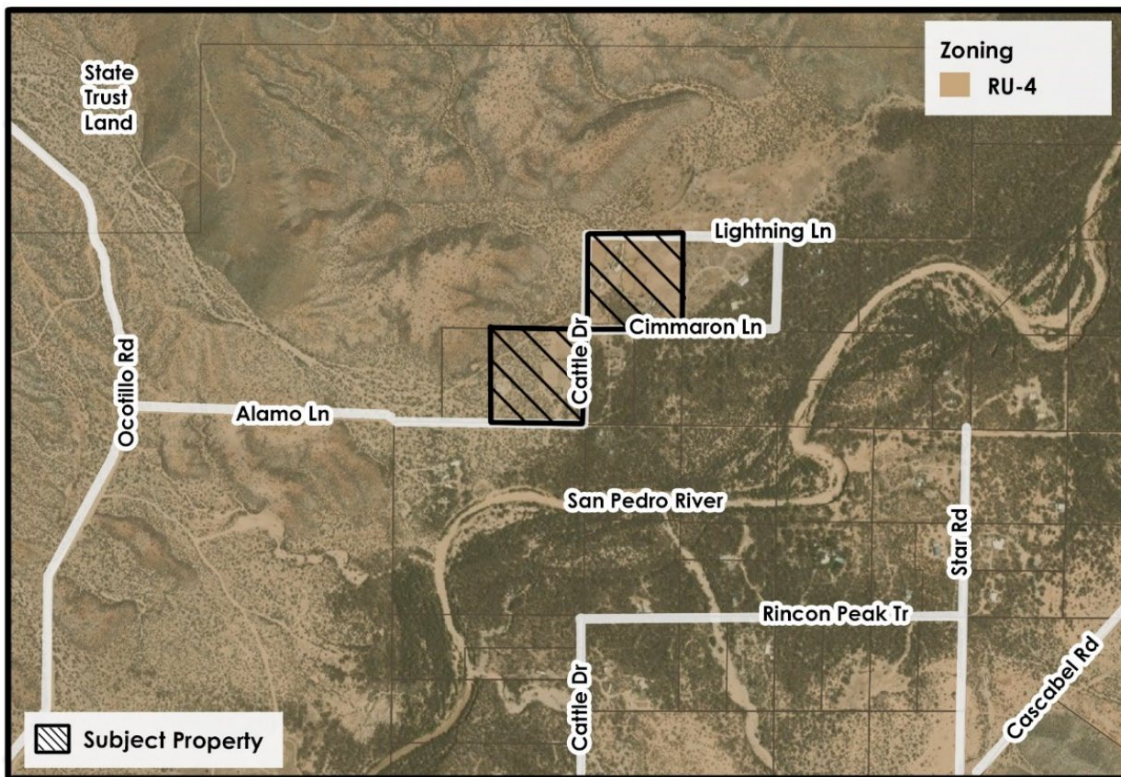
The project supports the goals of the Cochise County Comprehensive Plan including goals in the Economic Development and Land Use Elements. The Economic Development element supports entrepreneurship and small business development. Additionally, the proposal supports the Comprehensive Plan Rural Residential 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.*

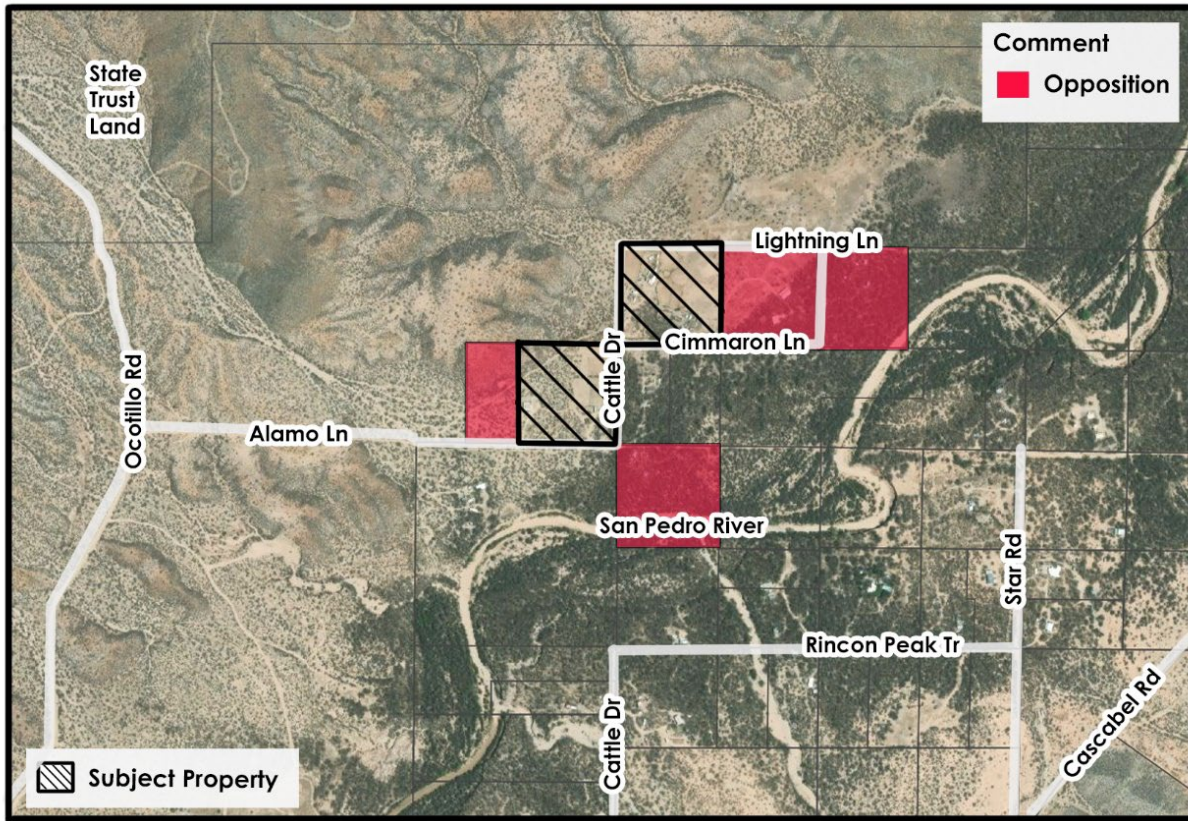
#### **10. Water Conservation: Complies**

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.*