

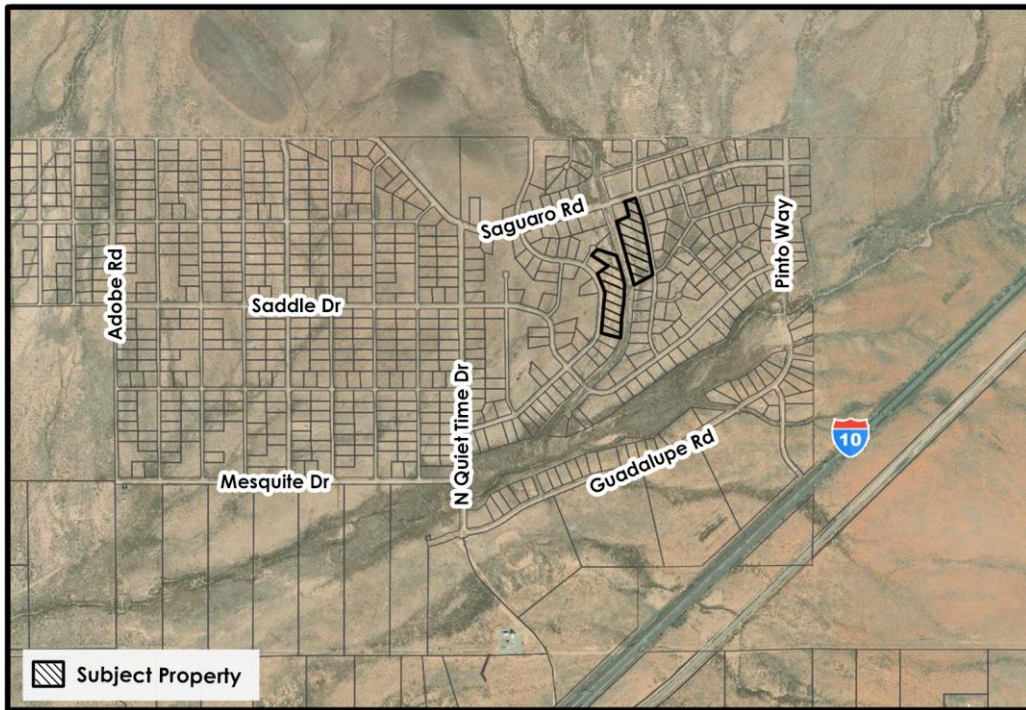
**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Susan Bronson, AICP, Planner  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket: CPA23-02, RZ23-09  
**DATE:** June 2, 2023 for the June 14, 2023 Meeting

**APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT WITH A CONCURRENT REZONING**

The applicant, Mark Fruge, requests a comprehensive plan amendment from B-Neighborhood Conservation to D-Rural on APN 202-76-227A (8.87 acres) and APN 202-76-098A (9.76 acres) and a concurrent rezoning (downzoning) from SR-43 (Single Household Residential, one dwelling per acre) to RU-4 (Rural, one dwelling per 4-acres).

*Figure 1: Location*



Location  
RZ 23-09/CPA23-02 Fruge



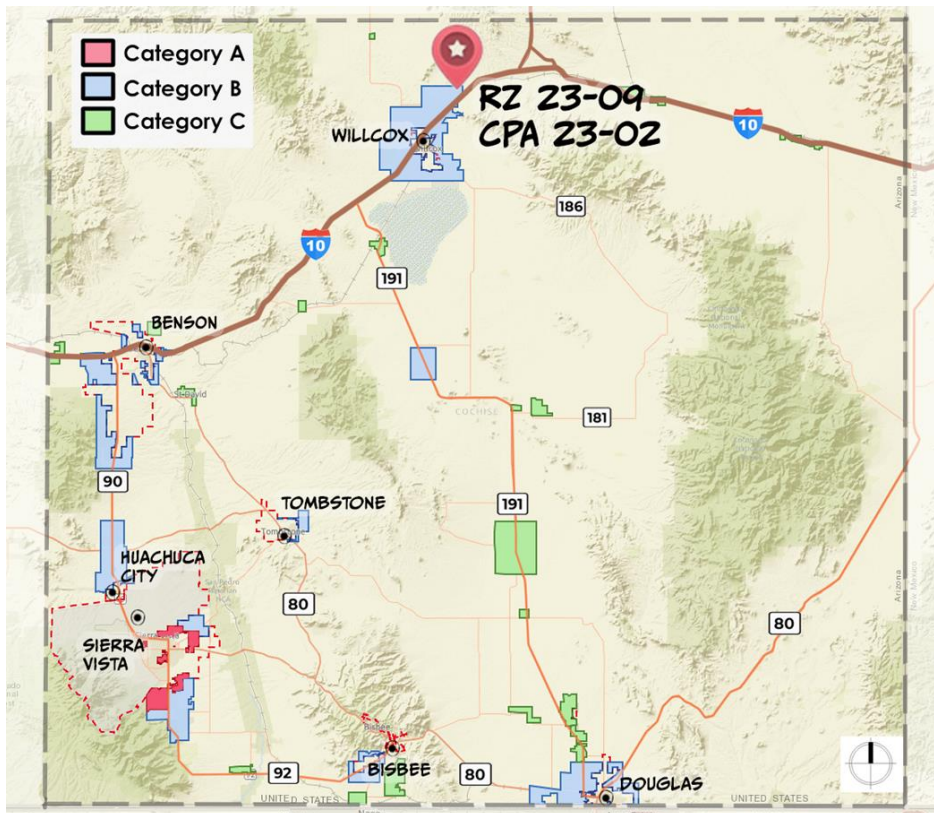
**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Applicant: Mark Fruge  
 APN: 202-76-227A and 202-76-098A  
 Size: 8.87 acres and 9.76 acres respectively; 18.73 acres combined  
 Current Zoning: SR-43 (Single Household Residential, one dwelling per acre)  
 Proposed Zoning: RU-4 (Rural, one dwelling per 4 acres)  
 Current Growth Area and Plan Designation: B Neighborhood Conservation  
 Proposed Growth Area and Plan Designation: D Rural  
 Existing Uses: Vacant/Undeveloped  
 Proposed Uses: Residential

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant
South	SR-43	Vacant
East	SR-43	Vacant
West	SR-43	Vacant

Figure 2: Countywide Land Use Pattern



### II. PARCEL HISTORY

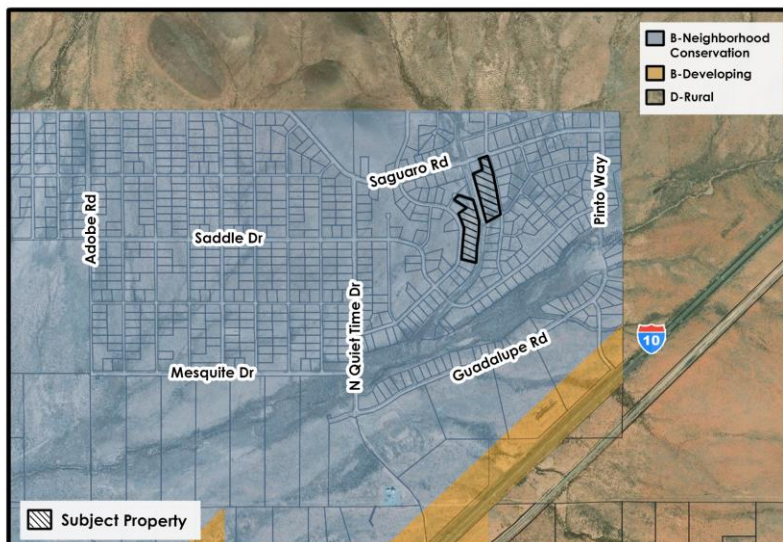
There is no parcel history. This is an undeveloped lot. The parcels are located within the Bell Ranch subdivision which was originally platted in 1972, before the institution of zoning in Cochise County. In 1996, several partial plat abandonments occurred south of the subject area including Unit 8 shown below. This area remains largely undeveloped to this day.

Figure 3: Plat Abandonment south of the subject property



### III. ANALYSIS OF LAND USE MAP AMENDMENT (MINOR) IMPACTS

Figure 4: Current Land Use Category and Designation



**Compliance with Land Use Amendment Criteria**

The Comprehensive Plan Growth Area Categories and Designations are designed to provide a measure of protection to the existing character of an area. The Plan may be amended, by minor or major amendment, from time to time. An amendment is considered “major” if it results in a substantial alteration of the County’s land use mixture or balance. In this case, the proposed amendment falls below the threshold for a major amendment. Therefore, it is categorized as a minor amendment.

Section 302A.2. of the Comprehensive Plan provides six (6) criteria used to consider a change in a Plan Designation. This request fully complies with two (2) of the six (6) factors; does not comply with two (2) factors; and two (2) factors are inapplicable.

**1. The Pattern of Growth No Longer Reflects the Type of Growth Expected in the Current Designation: Complies**

Presently, the parcels and the surrounding area are located in the Category B Community Growth Area. Section 201.A.2 of the Comprehensive Plan defines Category B areas as “those areas adjacent to Category A Urban Growth Areas as well as the larger unincorporated communities of the County, which are experiencing growth.” It further describes criteria that apply to Category B areas.

The criteria are:

- The area to be designated has a moderate level of residential and/or non-residential growth.
- The area serves as a logical transition between urban growth and rural areas and/or has a distinctive community identity.
- The area has adequate water, access, drainage, and sewage disposal capability to accommodate medium to high density development.
- In general, residential lot sizes are one acre or less but may transition to larger lot sizes at the fringes of the area. Smaller lot sizes have access to sewer and/or water and are commonly found in established subdivisions and manufactured/mobile home parks or historic town sites.
- Improved streets designated as arterial or collectors can support limited non-residential development.
- There is substantial potential for further development along with opportunities to preserve undeveloped recreational resources, i.e., open space and washes.

The applicant’s parcels and the surrounding parcels within the Bell Ranch Subdivision have not developed in a pattern consistent with the Category B Growth area’s criteria. These parcels remain undeveloped. Further, the parcels are not served by infrastructure including improved streets, sewer, water, access, or drainage. Indeed, during a site visit, the Development Services Department’s truck became stuck on the native-surfaced road that accesses the parcels and had to be pulled out with chains. Parcels within greater proximity to the applicant’s parcels are sparsely populated with residences, cattle, and horses. The area is clearly not experiencing a moderate level of residential or non-residential growth.

## 2. Substantial Changes Have Occurred in the Area: Complies

At the time that the area was designated a Category B growth area, it was expected that the area would transition from a primarily rural area to a more urbanized area. This has not occurred. The parcels within the Bell Ranch Subdivision are largely vacant and several partial plat abandonments have occurred south of this area.



## 3. The Extension of Urban Standard Facilities and Services Has Changed the Optimum Type of Appropriate Development: Inapplicable

This criterion is intended to apply to situations where major road improvements, extensions of waste disposal systems, and water service have recently occurred. Rather than expanding, urban infrastructure is wholly lacking in this area.

## 4. Substantial Support from Property Owners: Does not Comply

On May 5, 2023, all property owners within 1,000 feet of the subject parcels were sent a letter with information about the comprehensive plan amendment request. They were provided relevant case information, public hearing dates, and a form on which they could indicate support or non-support of the request. In addition, a public hearing notice was published in the Sierra Vista Herald more than fifteen (15) days in advance of the June Planning and Zoning Commission meeting. As of June 2, 2023, staff has received 1 letter in support; 1 letter, by two persons at the same address, that opposes the rezoning; and 1 letter in which the neighbor objected to the rezoning of his own property. (This comprehensive plan amendment and corresponding rezoning application only apply to the applicant's parcels.)

## 5. 'Developing' Designations Should Be Changed to Another Designation as a Distinguishable Pattern of Development Has Occurred: Inapplicable

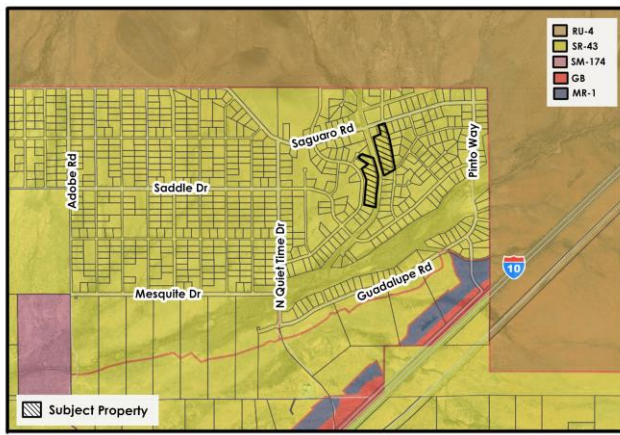
The applicant's property is not located in a plan area that is designated as 'developing'. Therefore, this criterion is inapplicable.

## 6. New Designation Provides a Harmonious Transition Between Existing Designations: Does Not Comply

The subject parcels are located in the northeastern corner of the Arizona Bell Subdivision, over 5 miles northeast of the northern limits of the City of Willcox. The subdivision is bordered on the north and east side by thousands of acres of Arizona State Trust Land. There are no homes constructed either north or west of the subject parcels. While, ideally, there would be a gradual transition from "A" to "D" growth areas as distance increases from Willcox's municipal limits, the existing pattern (See "Figure 2") is a large radius of growth category "B" around Willcox. This designation is approximately one to five miles in diameter. There are no growth categories "A" or "C" in the area. Consequently, there is not a harmonious growth pattern from which to transition.

**IV. COMPLIANCE WITH REZONING CRITERIA**

Figure 4: Current Zoning



Zoning  
RZ 23-09/CPA23-02 Früge

**Mandatory Compliance: Complies**

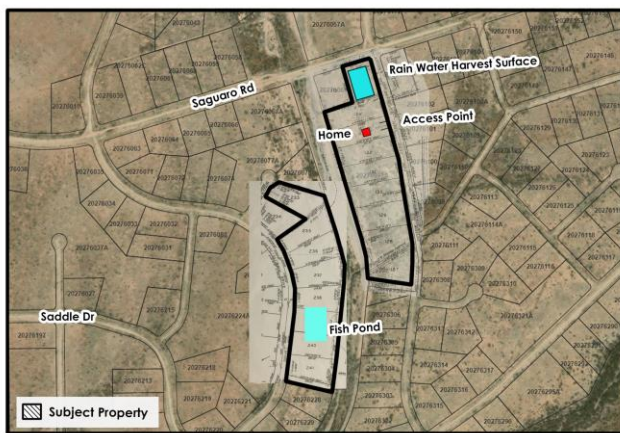
Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria for evaluating rezoning requests. The proposed rezoning complies with nine (9) of the fifteen (15) criteria and six (6) of the criteria are inapplicable.

Section 2208.03 of the Zoning Regulations requires that the Zoning District boundaries be amended to comply with the Comprehensive Plan Growth and Plan Designation areas of the subject parcels. In this case, the subject property lies within a Category "B" Growth Area and is designated as Neighborhood Conservation. However, this application includes a requested Comprehensive Plan Amendment to change the Growth and Designation Area to D, Rural. If the Comprehensive Plan Amendment is approved, the rezoning of these parcels from SR-43 to RU-4, will bring the zoning into compliance with the land use.

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

The applicant provided a basic concept plan that illustrates the proposed use of the site as a homestead. It also shows the general location of the proposed structures and the location of driveways.

Figure 5 Concept Plan



Concept Plan  
RZ 23-09/CPA23-02 Früge

**2. Compliance with Applicable Site Development Standards: Complies**

The site is capable of reasonable development for the typical uses within the proposed RU-4 zoning district through compliance with all applicable site development standards. There are no existing structures on the parcels. Thus, they would not be rendered non-conforming because of the application of different site development standards for the existing versus the proposed zoning district.

**3. Adjacent Districts Remain Capable of Development: Complies**

The proposed District would not reduce the adjoining Zoning Districts in size or shape. Surrounding properties would remain capable of development.

**4. Limitation on Creation of Nonconforming Uses: Complies**

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

**5. Compatibility with Existing Development: Complies**

The subject parcels are located in a sparsely settled, rural area of Cochise County off of Interstate 10. The closest incorporated area is the City of Willcox.

**6. Rezoning to More Intense Districts: Inapplicable**

The proposed rezoning is to a less intensive district.

**7. Adequate Services and Infrastructure: Inapplicable**

This factor is used to determine if there are adequate services and infrastructure to serve an intensification of zoning. The proposed RU-4 zoning is significantly less intense than the current SR-43 zoning. The proposed RU-4 zoning is more appropriate given the lack of existing utilities and infrastructure.

**8. Traffic Circulation Criteria: Complies**

Access to the property is from E. Saguaro Rd which is a native-surfaced unmaintained road. Development consistent with the proposed down-zoning will result in less impact to the road than if the property is developed under its existing zoning district of SR-43.

**9. Development Along Major Streets: Inapplicable**

The parcel is accessed from a local native-surfaced road. Development consistent with the proposed rezoning will not create additional access points onto a major thoroughfare, arterial street, or County collector road.

**10. Infill: Inapplicable**

This factor applies to rezoning requests to General Business and Industry zoning only.

**11. Unique Topographic Features: Inapplicable**

This factor applies to rezonings to a more intensive zoning district rather than to a less intensive zoning district.

**12. Water Conservation: Complies**

The rezoning of these parcels will potentially result in less demand for infrastructure and resources including water. There is no water onsite and the applicant will need to either drill a well or haul water to his property. The applicant's intent is to create a rustic homestead that is sensitive to the natural environment. The concept plan illustrates one large area for a rainwater harvest surface and another for a fishpond. In Arizona, anyone who claims a right to store water in an impoundment of up to 15 acre-feet capacity, for the purpose of watering livestock or wildlife, must file a Stockpond Use Statement of Claimant form with the Arizona Department of Water Resources. For impoundments exceeding 15 acre-feet capacity, claims must be filed on a Statement of Claimant Form for Other Uses. The applicant will need to comply with this requirement. The applicant is also encouraged to contact the US Fish and Wildlife Service regarding their "Partners for Fish and Wildlife Program." The Partners for Fish and

Wildlife Program provides free technical and financial assistance to landowners, managers, tribes, corporations, schools, and nonprofits interested in improving wildlife habitat on their land. Since 1987, US Fish and Wildlife has helped more than 60,000 landowners restore more than 7 million acres of forest, prairie, wetlands, and stream habitat for wildlife.

### **13. Public Input: Complies**

Staff mailed notices to neighboring property owners within 1000 feet of the subject property. Staff posted the property on May 19, 2023 and published a legal notice in the Herald/Review. The Department received one letter of support and three (letters) of opposition. Two of the letters of opposition were from the same household and the third property owner seem to believe that his property was being rezoned (along with the applicant's property).

### **14. Hazardous Materials: Inapplicable**

No hazardous materials are proposed.

### **15. Compliance with Area Plan, Master Development Plan, or Comprehensive Plan Policies: Complies**

The subject property is not located within an area plan. The rezoning will comply with Comprehensive Plan Policies if the concurrent Comprehensive Plan Amendment is approved.

## **IV. SUMMARY AND CONCLUSION**

### **COMPREHENSIVE PLAN AMENDMENT: Factors in Favor of Approval**

1. The pattern of growth no longer reflects the type of growth expected in the current designation.
2. Substantial changes have occurred in the area. Rural land uses predominate rather than residences located within a platted subdivision.
3. The Arizona Bell Subdivision was originally platted in 1972, and since that time, little development has occurred. In 1996, a large unit of the subdivision plat was abandoned.

### **Factors Against Approval**

1. The application does not have substantial support from neighboring property owners.
2. The Comprehensive Plan Amendment will break the 'B-Neighborhood Conservation' Growth Area and Plan Designation pattern in the area.

### **REZONING: Factors in Favor of Approval**

1. An adequate land use/concept plan was provided.
2. Development consistent with the rezoning can comply with applicable site development standards.
3. The adjacent districts will remain capable of development.
4. The rezoning will not create any nonconforming land uses.
5. The rezoning is consistent with existing development.
6. Development consistent with the rezoning will preserve the function of the surrounding roads.
7. Future development will incorporate water-saving measures that meet or exceed all Cochise County requirements in the Comprehensive Plan, Strategic Plan, Building Code, and the Zoning Regulations.
8. The rezoning application process complied with the Public Input requirement.
9. The rezoning will comply with Comprehensive Plan policies.

### **Factors Against Approval**

1. Rural zoning allows a greater range of uses than those permitted in residential zoning districts.
2. The rezoning will break the existing zoning pattern of the Bell Ranch subdivision which is SR-43.

**V. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding to the Board of Supervisors with a recommendation of approval, the Comprehensive Plan amendment, which will change the current land use growth area and plan designation from B-Neighborhood Conservation to D-Rural. Staff further recommends forwarding to the Board of Supervisors with a recommendation of approval, the rezoning of parcels 202-76-227A and 202-76-098A from SR-43 (Single Household Residential, one dwelling per acre) to RU-4 (Rural, one dwelling per four acres).

***Sample Motions***

Madam Chair, I move to recommend, to the Board of Supervisors, approval of the Comprehensive Plan Amendment CPA23-02 (Frugé) located on parcels 202-76-227A and 202-76-098A, from B-Neighborhood Conservation to D-Rural. The Factors in Favor of Approval constitute the Findings of Fact.

Madam Chair, I move to recommend, to the Board of Supervisors, approval of the Rezoning, RZ23-09 (Frugé) located on parcels 202-76-227A and 202-76-098A, from SR-43 zoning to RU-4 zoning.