

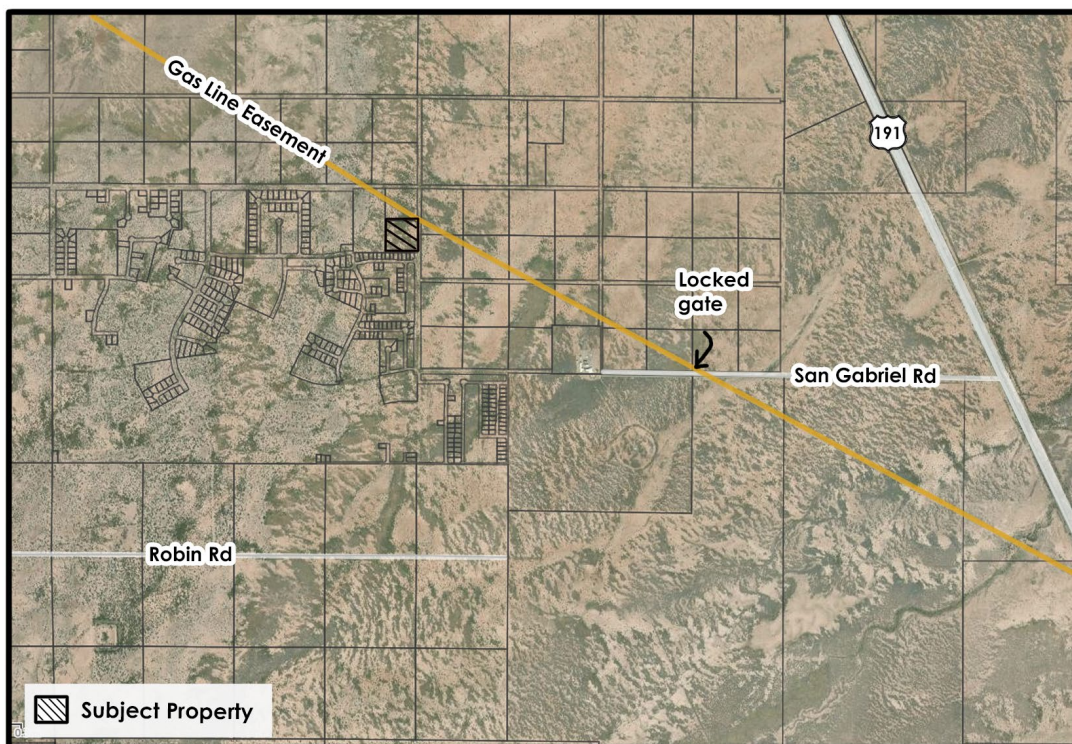
MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planning Division Manager
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket RZ23-16 (Casa Adobe)
DATE: July 31, 2023, for August 9, 2023, meeting

APPLICATION FOR A REZONING

The applicants, Michael Wright and Kyra McKitterick, request a rezoning from SR-8 (Single-Household Residential District, one dwelling per 8,000 SF) to RU-4 (Rural, one dwelling per 4-acres) on APN 405-15-080C, which is 4.99 acres in size and undeveloped.

Figure 1: Location



Location
RZ 23-16 (Casa Adobe)



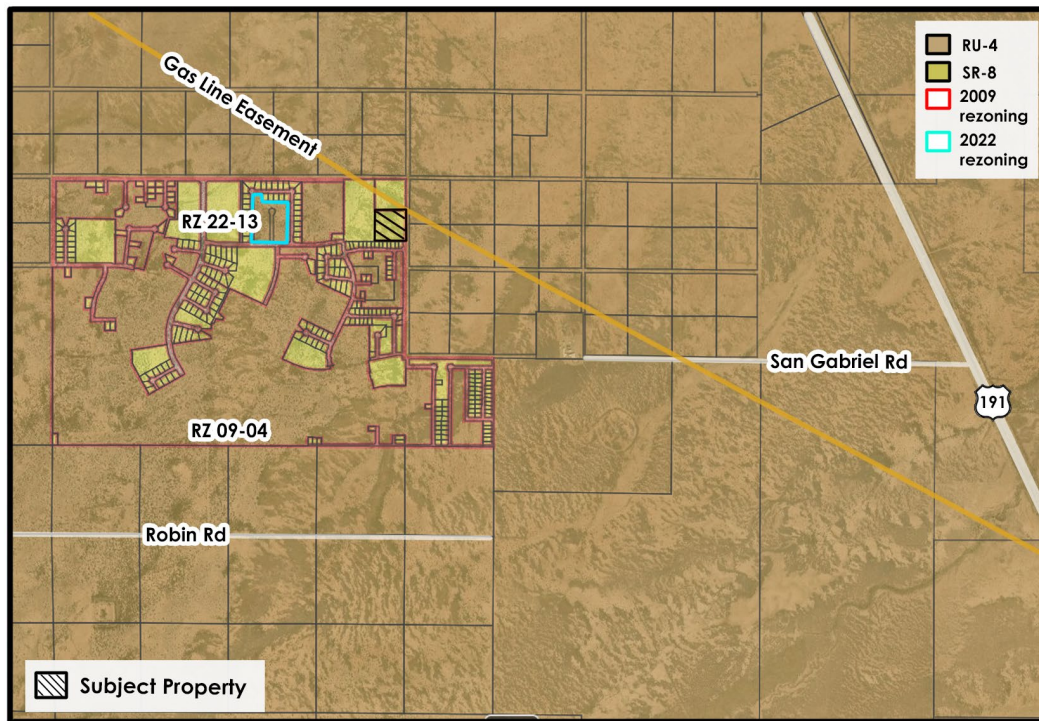
I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicants: Michael Wright and Kyra McKitterick
 Location: N/A, undeveloped
 APN: 405-15-080C
 Size: 4.99 acres
 Current Zoning: SR-8 (Single-Household Residential District, one dwelling per 8,000 SF)
 Proposed Zoning: RU-4 (Rural, one dwelling per 4-acres)
 Growth Area: D
 Plan Designation: Rural
 Existing Uses: Undeveloped
 Proposed Uses: General agriculture

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-8	Undeveloped
South	SR-8	Undeveloped
East	RU-4	Undeveloped
West	SR-8	Undeveloped

Figure 2: Zoning



Zoning
 RZ 23-16 (Casa Adobe)

N.T.S.



II. PARCEL HISTORY

- No parcel history; however, it is within the former Casa Adobe Unit 2 subdivision. Casa Adobe Unit 2 is a 1970s subdivision located north of Double Adobe Road between Central Highway and State Route 191. The subdivision never developed and was partially abandoned by the Board in 1994. Subsequent to that, a large portion of the subdivision came under public ownership due to multiple tax delinquencies.
- In 2008, the county initiated a rezoning of over 280-acres. At the same time, the county abandoned nine public right-of-way within the subdivision. Access is now via private easements.

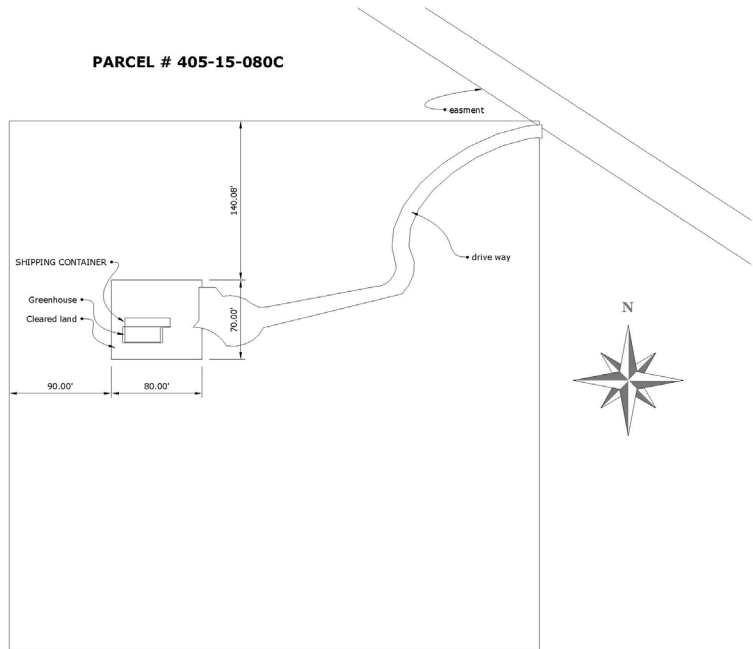
Mandatory Compliance: Complies

Section 2208.03 of the Zoning Regulations requires that the Zoning District boundaries be amended in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" designated as Rural. SR-8 (Residential, one dwelling per 8,000 SF) is not a permitted zoning designation within D-Rural land use. The proposed zoning of RU-4 (Rural, one dwelling per 4-acres) would bring the zoning into compliance with the existing land use.

III. Compliance with Rezoning Criteria Section 2208.03 of the Zoning Regulations provides fifteen criteria for evaluating rezoning requests.

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

As stated in the application, "we plan to use the parcel for farming, and we also plan to build a shipping container shed and greenhouse." The applicant has provided an adequate concept plan, which shows the location and relative size of a shipping container shed, greenhouse, cleared land envelope, and driveway. If the rezoning is approved, the subject parcel would be considered rural, rather than residential, and would be permitted to develop with the range of uses principal, accessory, and special uses allowed by rural zoning, per Article 6 of the Zoning Regulations. General agriculture is permitted in all zoning districts. However, RU-4 zoning is often seen as advantageous zoning for agricultural use, particularly in Category C and D land use, because the construction of multiple structures, like corrals, pens, and greenhouses, is permitted without the establishment of a principal use. Also, accessory structures, like barns and greenhouses, may exceed the overall square footage of a principal structure.



Proposed Concept Plan

2. Compliance with Applicable Site Development Standards: Complies

The existing parcel is 4.99-acres and undeveloped. The parcel exceeds the minimum parcel size of 4-acres, which is required for RU-4 zoning. The proposed use is general agricultural, and a concept plan was submitted with the application. All future development will require permits and will need to follow all site development standards for rural zoning. Per section 606 of the Zoning Regulations, if the rezoning is approved, the construction of multiple structures, such as corrals, garden sheds, and greenhouses, would be permitted without the establishment of a principal use.

3. Adjacent Districts Remain Capable of Development: Complies

The current parcel is undeveloped. All surrounding property is undeveloped as well. All proposed development is shown on the parcel and observes minimum setback requirements.

4. Limitation on Creation of Nonconforming Uses: Complies

The proposed use is a general agricultural. This is a permitted use in rural zoning. If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

This area is undeveloped. The larger area was subject to a staff-initiated rezoning in 2008. In 2022, the county approved a separate staff-initiated rezoning request on nearby APN 405-67-326A.

6. Rezoning to More Intense Districts: Not applicable

The proposed amendment is to a less intensive district.

7. Adequate Services and Infrastructure: Not applicable

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-8 zoning. Under the current zoning, the construction of up to 27 homes would be permissible. There is no

community water system or sewer service in the area and the level of permitted development allowed by the current SR-8 zoning would be a strain on utilities and infrastructure in the area. The proposed RU-4 zoning is more appropriate given the extent of existing utilities and infrastructure.

8. Traffic Circulation Criteria: Complies

This rezoning request will not alter the existing roadway network's layout or function without requiring right-of-way dedication or off-site improvements. Rezoning from SR-8 to RU-4 would decrease the permitted density, correspondingly decreasing the amount of potential traffic.

9. Development Along Major Streets: Not applicable

The parcel is not served by any major streets. All access and adjacent roads are private, dirt, local roads.

10. Infill: Not Applicable

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

11. Unique Topographic Features: Does not apply

This factor states, "a rezoning to a more intensive Zoning District shall not take place if there are areas of unstable soils, steep slopes, severe washes, floodplains, etc., which are not appropriate for intense development." This is a proposed rezoning to a less intensive zoning district; consequently, this factor does not apply. No unique topographic features exist that will prevent the development of the property.

12. Water Conservation: Complies

The applicant proposes developing the site as a small farm. They propose using a combination of rainwater harvesting and water delivery to satisfy their water needs, which they estimate to be approximately 60 gallons/day or 21,900 gallons per year. Overall, the proposed downzoning would reduce permitted maximum density on the parcel and decrease potential water usage, as a result. This parcel is within the newly formed Douglas Active Management Area. Consequently, the applicants will be required to follow all groundwater withdrawal and irrigation requirements established by the Arizona Department of Water Resources.

13. Public Input: Complies

The applicant and staff mailed notices to neighboring property owners within 500 feet of the subject property, (staff letter dated June 1, 2023). Staff posted the property on June 28, 2022, and published a legal notice in the Herald/Review on June 16, 2023. The Department has received no written responses to date.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The subject property is not located within an area plan.



Gated entry to the gas line easement



San Gabriel Road looking west

IV. SUMMARY AND CONCLUSION

Factors in Favor of Approval

1. The proposed zoning of RU-4 (Rural, one dwelling per 4-acres) would bring the zoning into compliance with the existing land use (D-Rural);
2. The request complies with all the applicable rezoning factors used to analyze rezoning requests;
3. This is within the Casa Adobe 2 abandoned subdivision. There is a history of tax delinquency sales and county-initiated downzoning requests in the area;
4. The request is an expansion of RU-4 zoning to the east, immediately adjacent; and
5. There is no community water system or sewer in the area and the level of permitted development allowed by the current SR-8 zoning would be a strain on utilities and infrastructure in the area. The proposed RU-4 zoning is more appropriate given the extent of existing utilities and infrastructure.

Factors Against Approval

1. None identified.

V. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the rezoning request from SR-8 to RU-4 on parcel 405-15-080C to the Board of Supervisors with a recommendation of **approval**.

Sample Motion: Madam Chair, I move to recommend approval to the Board of Supervisors of rezoning, Docket RZ23-16 (Casa Adobe) located on parcel 405-15-080C, from SR-8 to RU-4, the Factors in Favor of Approval constituting the Findings of Fact.