



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Christine McLachlan, AICP, Planning Division Manager  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** SU 23-22 (Valley Drive Animal Husbandry), Application for a Special Use Authorization  
**DATE:** September 4, 2023, for the September 13, 2023, Meeting

### Docket SU 23-22 (Valley Drive Animal Husbandry)

The applicant, Constance Baker, requests Special Use Authorization to legitimize an animal husbandry business. More specifically, the applicant requests authorization to provide onsite dog boarding, training, breeding, and doggy daycare. The project is in the applicant's home, which is located at 6617 East Valley Drive, Sierra Vista, AZ/ APN 107-58-002M. The operation of the proposed services 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.

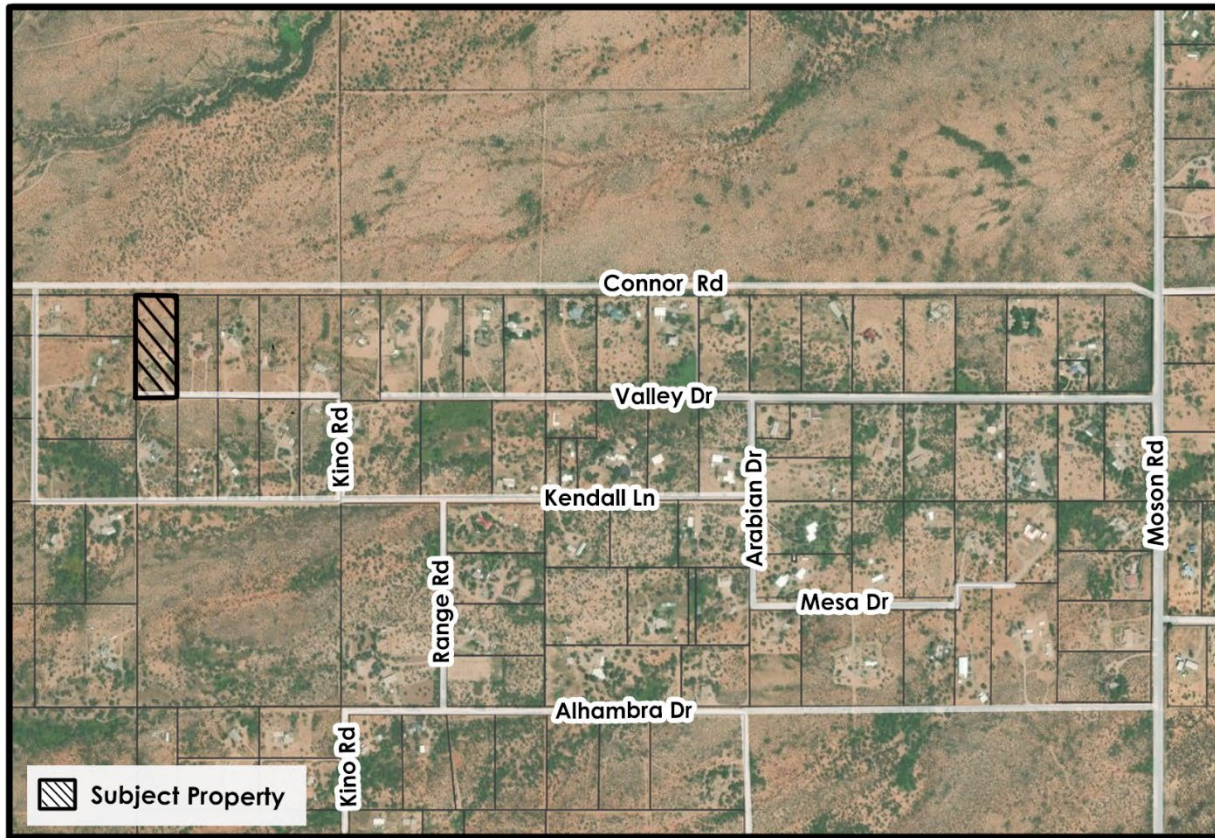
### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

**Site Size:** 4.02 Acres  
**Zoning:** RU-4 (Rural, 4-acres minimum parcel)  
**Growth Area:** Category D  
**Plan Designation:** Rural Residential  
**Area Plan:** None  
**Existing Uses:** Home and Animal Husbandry Business  
**Proposed Uses:** Same – legitimization of animal husbandry business

### **Surrounding Zoning and Uses (See Figure 4)**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped
South	RU-4	Low density residential
East	RU-4	Low density residential
West	RU-4	Low density residential

Figure 1: Request Location



Location  
 SU 23-22 (Valley Dr Animal Husbandry)



**II. SITE HISTORY**

- Manufactured home, 2,280 SF (10/2011)
- Accessory structure, 1,200 SF (9/2012)
- Current owner/Applicant purchased property (9/2016)
- Accessory structure, 1,476 SF (9/2017)
- Complaint received, business operating without special use authorization (6/23)

**III. REQUEST DESCRIPTION**

The applicant, Constance Baker, requests Special Use Authorization to legitimize an animal husbandry business. The Zoning Regulations define animal husbandry services as “facilities, including kennels, related to the care, raising, boarding, and breeding of animals.” Specifically, the applicant is seeking to legitimize an existing business that provides onsite dog boarding, training, breeding, and doggy daycare. The project is co-located on a parcel with the applicant’s home, which is located at 6617 East Valley Drive, Sierra Vista, AZ/ APN 107-58-002M.

The applicant states in the special use application, “We work with different police agencies across the country providing police dogs and training. We work with Veterans helping provide training and service dogs. We have a nonprofit that helps small departments and Veterans obtain dogs and training. We do offer boarding, training and doggy daycare. We have maximum capacity for fifteen dogs.”

As mentioned above, the applicant lives onsite and has several personal dogs. Any personal pet, or any service animal, as defined under applicable Arizona law, is not subject to this special use request.

**IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 2.48.160 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, nine (9) factors apply to this request. The project, as submitted, fully complies with six (6) of the factors. The proposal can be brought into compliance with the remaining four factors with recommended conditions.

*Figure 2: Aerial photo of site with business features identified*





*Inside one metal building – indoor training*



*Backyard, facing south*



*Entrance to property, locked gate*



*Obstacle training course*

**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 that primarily serves area residents.



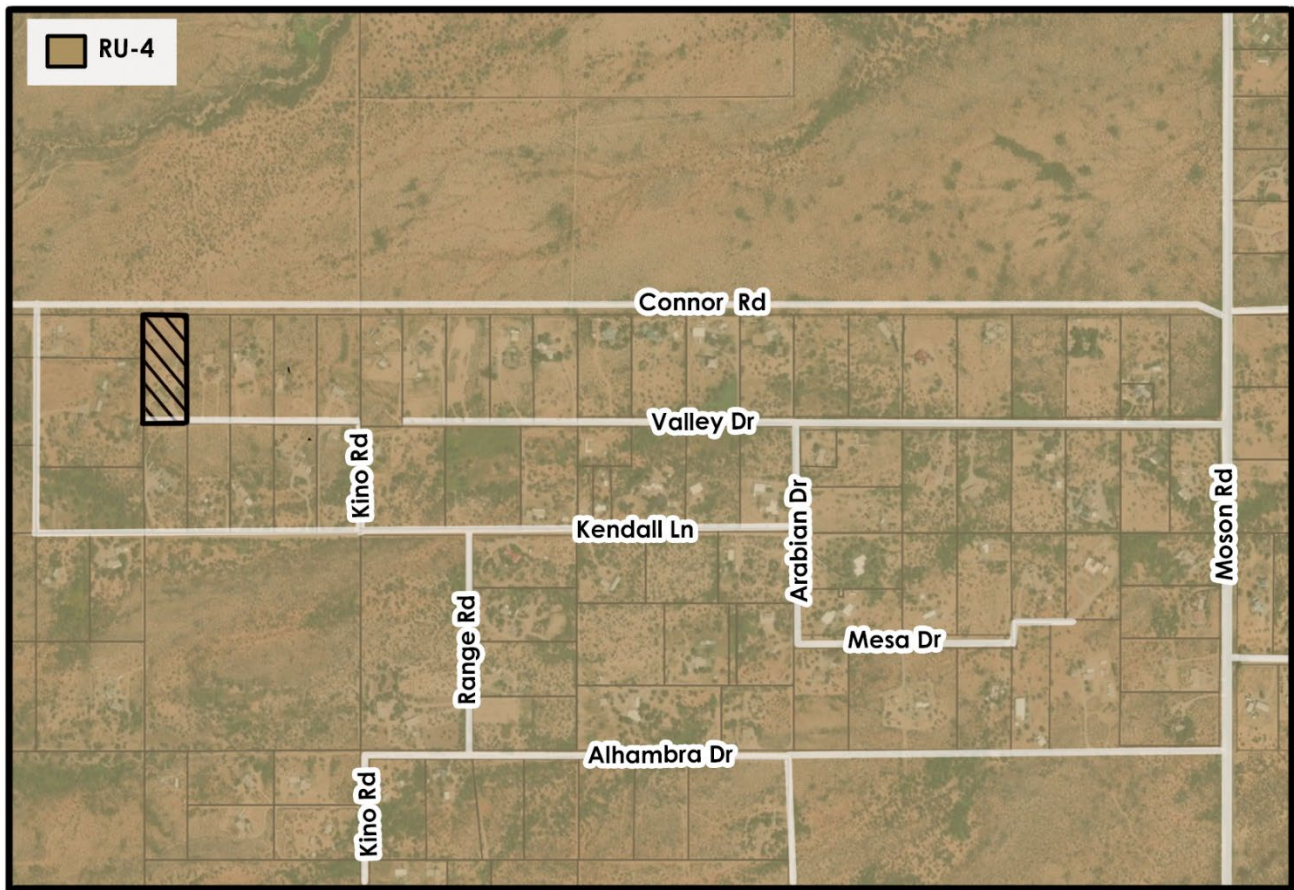
Figure 3: Drone view of entire property

**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;
- 601.07** To allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.

Figure 4: Zoning



Zoning  
SU 23-22 (Valley Dr Animal Husbandry)



**3. Development along Major Streets: Does Not Apply**

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. This parcel is on Valley Drive, which is a local, dirt, private road. It is not county-maintained. This factor does not apply.

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

Specifically, this factor stipulates:

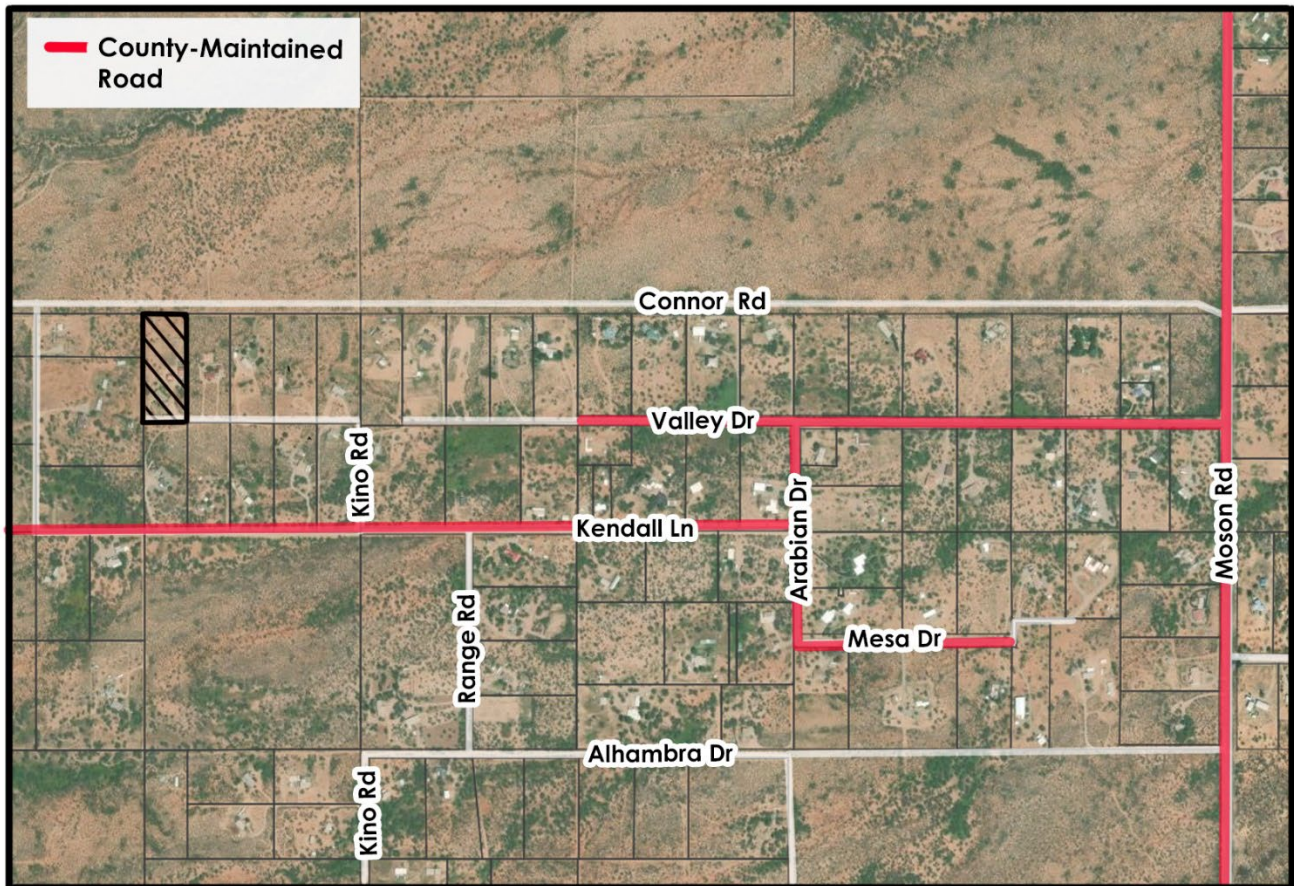
- *The Special Use Authorization request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.*
- *The Special Use Authorization request does not result in the use of any residential street for non-residential traffic.*

- Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.

The area can be characterized as rural with scattered low-density residential use. The applicant wishes to legitimize a dog training, boarding, and breeding business. As stated in the application, “classes are limited to Tuesdays and Saturdays. All other business is by appointment only.” The applicant lives onsite and operates a not-for-profit from the home.

As stated in Section 2.51.070.2.a. 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 Valley Drive and the segments of Kino and Arabian Drive that are used for vehicular access to the property, for the duration of the commercial use.

Figure 5: Roadway Maintenance



County-Maintained Roads  
SU 23-22 (Valley Dr Animal Husbandry)

A few of the respondents to the special use notice expressed concerns about the roadways. As indicated in Figure 5, the area is served by a mix of county-maintained and private roads. Approximately 0.75 miles of Valley Drive, west from Moson Road is paved and County-maintained. The remainder of the roadways used to access the subject parcel are dirt roads. A small segment of Valley Drive is private. To access homes on the western, non-county-maintained portion of Valley Drive, drivers and pedestrians must detour south on Arabian Drive and north on Kino Drive. As stated in the application, the subject property owner currently pays to grade the segment of Valley Drive from Kino Road west to their property line, following each monsoon season. To help ease some of the neighbor concerns regarding the roadway maintenance, the following COA is recommended:

***Recommended COA 1: The property owner will enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway portion of Valley Drive, from the driveway of the subject parcel to the intersection of Valley Drive with Kino Road, at the Commercial Permit phase. The property owner will continue to regrade this segment of the roadway, annually, following the completion of the monsoon season for the duration of the special use.***

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

The site currently includes a residential home, and two metal buildings which serve the business. There is also an outdoor obstacle course and parking. It is served by SSVEC for electricity and Fry Fire District for fire protection. It is served by a shared well. The business-related use of the property is to the rear of the site and is not visible from the roadway. No additional structures are proposed.

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

The County does not have site development standards that specific for animal husbandry. As a result, 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 (Section 2.15.040 of the Zoning Regulations), apply in this case.

- Landscape/Irrigation (Section 2.51.060): The site is within Category D growth area. Consequently, it is exempt from landscape and irrigation requirements.
- Parking and Loading (Section 2.51.070): This use is subject to the schedule of required off-street parking in Section 1804.05 of the Zoning Regulations, which requires “1-per parking space per 500-square feet of gross floor area.”
- 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.

The property currently complies with all applicable significant site development standards and no additional construction is proposed.

#### **7. Public Input: Complies**

There was a mixed response to the request. There were more negative than positive responses. AS stated in Section 2.48.160 of the Zoning Regulations, “If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process.” The applicant has made some efforts to proactively respond to concerns. In addition, several conditions are recommended to further mitigate neighbor concerns. See Section IV. Public Comment for additional discussion.

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**8. Hazardous Materials: Complies with condition**

While there is no hazardous waste produced, the dogs associated with the animal husbandry business will produce waste. Animal waste can generate odors and attract flies and other vectors if not properly disposed of, consequently, the following COA is recommended:

- ***Recommended COA 3: The kennel and grounds shall be maintained in a sanitary condition. The property owner shall provide a receptacle of sufficient size for the temporary storage of such manure, body wastes or animal bedding of domestic animals and pets. Such receptacle shall be constructed so the contents will not be accessible to flies.***

**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.

- Noise: There is area both indoors and outdoors for dog training. There is neighborhood concern regarding noise. The following condition is recommended to limit the number of dogs onsite and noise generated:
  - ***Recommended COA 2: Onsite dog boarding/doggy day care is limited to no more than fifteen (15) dogs at any one time. This condition does not limit the number of personal pets kept on a parcel. Any personal pet, or any service animal, as defined under applicable Arizona law, is not to be counted toward the maximum allowed by this condition.***
- Odor/Flies: Although odor and flies were not mentioned in any of the letters of objection, the dogs will produce animal waste. If not properly controlled, this could lead to problems with odor and flies. The following COA is recommended:
  - ***Recommended COA 3: The kennel and grounds shall be maintained in a sanitary condition. The property owner shall provide a receptacle of sufficient size for the temporary storage of such manure, body wastes or animal bedding of domestic animals and pets. Such receptacle shall be constructed so the contents will not be accessible to flies.***
- Lighting: No outdoor lighting is proposed
- Traffic: See Factor 4, above, and COA 1. Also, hours of operation are limited to scheduled class times and by-appointment only drop offs.

**10. Water Conservation: Complies**

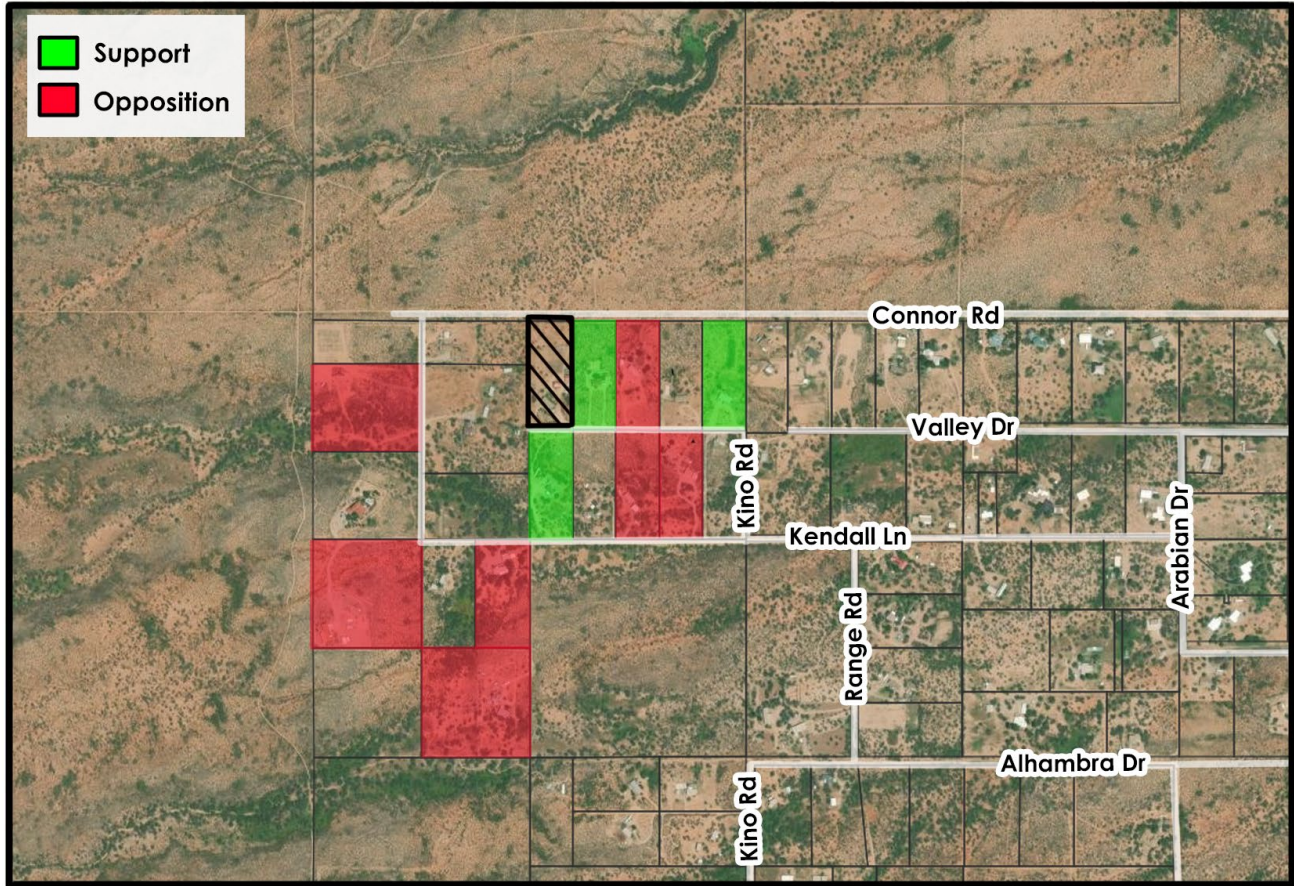
The current house is served by a shared well. Animal husbandry, by appointment only, is not a water-intensive use. It is within the Sierra Vista Sub-Watershed and need to comply with section 4.09.050 of the Zoning Regulations. More specifically, this is not a commercial car wash or multifamily family development, and no artificial water features or misters are proposed.

**V. PUBLIC COMMENT**

The applicant mailed letters to property owners within 1,000 feet of the property prior to application submittal and received no written responses. The case planner mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the Sierra Vista Herald, and posted legal notices on the

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property. To date, staff has received twelve responses, which are included in this docket. Of those responses, four were in support. The letters of support state that the applicant is a good neighbor. One letter of support was from the Tombstone Marshal’s Office, thanking the applicant for her donation of service dogs. The remaining eight responses were in opposition. Specifically, the respondents mentioned noise, traffic, property values, and environmental impacts. Of most concern was the noise generated by the dogs onsite.



Citizen Involvement  
SU 23-22 (Valley Dr Animal Husbandry)



**VI. WAIVERS**

None requested.

**VII. SUMMARY AND CONCLUSION**

This is a special use authorization request to legitimize an animal husbandry business. More specifically, the applicant requests authorization to provide onsite dog boarding, training, breeding, and doggy daycare. The project is in the applicant’s home, which is located at 6617 East Valley Drive, Sierra Vista, AZ/ APN 107-58-002M.

**Factors in Favor of Approval**

1. The project is consistent with goals and policies of the Comprehensive Plan and the purpose of the Zoning

District;

2. The project fully complies with six of the criteria used to evaluate special use requests;
3. Visually, the business is not out of scale or character for the area;
4. The project is a small, locally owned business that provides a needed service to area residents, as well as the greater law enforcement, veterans, and service dog communities.

#### **Factors Against Approval**

1. Conditions are recommended to help mitigate off-site impact concerns of neighbors/eight letters of opposition received;
2. Conditions are recommended to mitigate three factors used to evaluate special use requests (Project Traffic Circulation, Hazardous Materials, Offsite Impacts); and
3. Although the area is zoned rural, which permits some non-residential uses by right, the surroundings have developed primarily as a residential area.

#### **VII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **Conditional Approval** of the Special Use request, subject to the following conditions\*:

1. The property owner will enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway portion of Valley Drive, from the driveway of the subject parcel to the intersection of Valley Drive with Kino Road, at the Commercial Permit phase. The property owner will continue to arrange and pay for the regrading of this segment of the roadway, annually, following the completion of the monsoon season, for the duration of the special use;
2. Onsite dog boarding/doggy day care is limited to no more than fifteen (15) dogs at any one time. This condition does not limit the number of personal pets kept on a parcel. Any personal pet, or any service animal, as defined under applicable Arizona law, is not to be counted toward the maximum allowed by this condition;
3. The kennel and grounds shall be maintained in a sanitary condition. The property owner shall provide a receptacle of sufficient size for the temporary storage of such manure, body wastes or animal bedding of domestic animals and pets. Such receptacle shall be constructed so the contents will not be accessible to flies;
4. All area intended for dog training shall be indoors or within an enclosed fenced-in area; and
5. All overnight boarding shall occur within a structure that is maintained to ensure the comfort and well-being of the animal, providing heating, cooling, lighting, ventilation, shade, and protection from the elements.

\* Standard conditions related to acceptance of conditions, permitting timeframes, and modifications apply, and have not been modified by this request.

#### **Sample Motion:**

*Madam Chair, I move to approve Docket SU-23-22 (Valley Dr Animal Husbandry), with the Conditions of Approval recommended by staff and waiver requests requested by applicant; the Factors of Approval constituting Findings of Fact.*