



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Richard Karwaczka, County Administrator  
**THROUGH:** Christine McLachlan, AICP, Planning Division Manager  
**SUBJECT:** Docket RZ24-12 / CPA24-03 (Firebrand Lane)  
**DATE:** July 23, 2024

### Docket RZ24-12 / CPA24-03 (Firebrand Lane)

Comprehensive Plan and zoning amendment requests to change land use designation from *Neighborhood Conservation* to *Rural Residential*; growth area category from *C – Rural Community Areas* to *D – Rural Areas*; and zoning district from *R-18 (Residential District, one dwelling per 18,000 square feet)* to *RU-4 (Rural District, one dwelling per 4 acres)*.

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

Applicant: Landon Farnsworth  
Location: 505 E. Firebrand Lane  
APN: 208-44-047M  
Parcel Size: 36 acres  
Current Zoning: R-18  
Proposed Zoning: RU-4  
Growth Area: C – Rural Community Areas  
Plan Designation: Neighborhood Conservation  
Area Plan: None  
Existing Use: Single Family Residential  
Proposed Use: Single Family Residential, Agriculture

### Surrounding Zoning and Land Uses:

North	R-36, RU-4	Single Family Residential
South	R-18	Single Family Residential
East	R-18, RU-4	Single Family Residential
West	RU-2, RU-4, RU-10	Single Family Residential

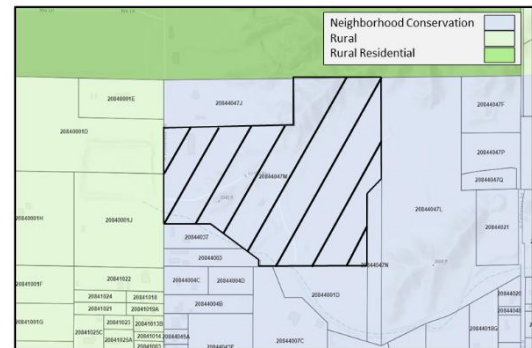
### II. PARCEL HISTORY

The site is developed with a single family residence and accessory structures.

### III. COMPLIANCE WITH LAND USE CRITERIA

Cochise County Comprehensive Plan land use designations and growth area categories are designed to guide land development from a regional scale to individual parcels, promoting orderly development that preserves character, facilitates cohesive development, and encourages efficient uses of land. The Plan may be amended by major or minor amendment from time to time, and State law requires comprehensive plan updates at specific intervals, typically every 10 years. Plan updates ensure goals, objectives, and land use designations do not become obsolete due to rapid development, significant changes in use patterns, or anticipated development trends that have not occurred.

Plan amendments may be either major or minor. Major amendments involve a substantial alteration of Cochise County's land use mixture or balance that increases potential densities or intensities of uses for an area of 2,000 acres or more. Minor amendments are requests that fall below the threshold of a major amendment. In this case, the applicant is requesting a minor Plan amendment, changing land use and growth area designations of about 36 acres to facilitate a downzone from R-18 to RU-4.



RZ24-12/CPA24-03 (NC to RR)  
505 Firebrand Lane (APN 208-44-047M)



Section 302.A.2 of the plan identifies six (6) criteria used to evaluate Plan amendments. This request complies with two criteria (2), does not comply with one (1), and three (3) criteria do not apply.

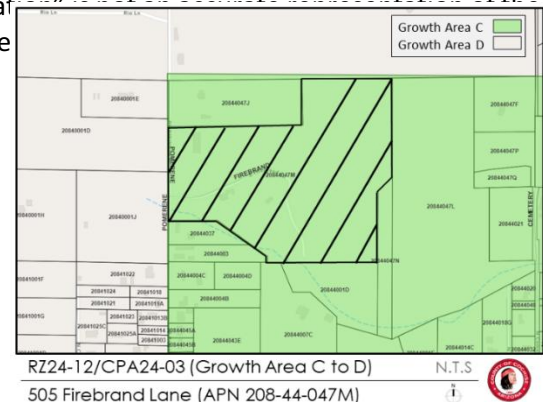
### 1. Pattern of growth no longer reflects the type of growth expected in the current designation: Complies

The subject property is designated "Neighborhood Conservation" by the Comprehensive Plan and located within Growth Area C. General descriptions of these designations include:

- *Neighborhood Conservation: Areas with an established residential character; lot sizes are generally one acre or less; residential development that warrants protection from non-residential uses; common designation for residential development within approved subdivision with improvements built to county standards.*
- *Growth Area C (Rural Community Areas): Slow growing rural communities with low density residential development; small clusters of residential and non-residential development; variety of lot sizes; roads are generally unimproved; prevalent farming and ranching activities; non-residential uses serve rural/agricultural community and visitors passing through along major roadways.*

The property fronts along Pomerene Road approximately 3.5 miles north of Interstate 10. Commercial uses near Interstate 10 gradually give way to residential development and larger tracts of undeveloped or agricultural lands. The subject property is in an area predominately zoned R-18 with lot sizes significantly larger, including several over one acre. This area is surrounded by large parcels with Rural zoning classifications ranging from two to ten acres, and some of these parcels border the subject property.

The property is in an area with a mix of parcel sizes supporting low density development with a decidedly rural character. The Plan's existing "Neighborhood Conservation" designation is consistent with the prevailing development pattern along Pomerene Road. Use is generally one acre and more but only two neighborhoods are platted residential developments (one in the county and one within the City of Benson). The subject property and many other properties in the area are the result of successive metes and bounds descriptions, as most land division activity has occurred on a parcel-by-parcel basis and not through the county's subdivision approval process. One subdivision in the area is located within the county, Sonora Verde Estates, and is worthy of "Neighborhood Conservation" designation. Most remaining parcels along and in the vicinity of Pomerene Road, including the subject property, fit within the "Rural Residential" land use classification which is typified by residential development on lots of two acres or more. A significant increase in platted residential development has not occurred.



## 2. Substantial changes have occurred in the area: Not Applicable

This factor does not apply. Development in Pomerene has been steady and characterized by continued land division activity resulting in a moderate increase of single family residences. However, this increase in local population is not significant and has not been accompanied by high density residential or non-residential business-related development. The development pattern has remained consistently low density residential on parcels ranging from ½ acre to more than 40 acres.

Like the first criterium, this factor anticipates amendment requests to allow more intense land uses or increases in residential densities in the planning area. The applicant is requesting Rural zoning to provide more flexibility with uses and structures allowed on the property, which already has residential and accessory structures in place. Approval of the requested Plan and zoning amendments would allow single family residences on lots of 4 acres which is less than allowed by the currently zoning, remaining in character with established mixed density residential development character of Pomerene north of Interstate 10.

## 3. Extension of urban standard facilities and services have changed the optimum type of appropriate development: Not Applicable

This factor does not apply. The property is located within Pomerene's Fire District and borders Pomerene's water company service area. Electricity is provided by Sulphur Springs Valley Electric Cooperative (SSVEC) and waste disposal by San Pedro Sanitation. The applicant proposes a continuation of the existing single family use of the property and not a significant increase in the number of dwelling units. Current zoning allows 80 dwelling units based on gross acreage and downzoning to RU-4 reduces that number to nine. New driveways from Pomerene Road, an improved and county-maintained Rural Minor Collector, are not proposed.

This criterium anticipates Plan amendments to allow more intense development that either requires or results in an extension or expansion of services. The applicant is proposing the opposite, downzoning the property to participate in the county's owner-builder program and reducing residential density allowed by the current zoning district. Facilities, services, and development patterns have not significantly changed in this area,

suggesting a mix of residential densities on a wide range of lot sizes and re-evaluation of current Plan designations during the 10-year update cycle are appropriate for much of Pomerene.

#### 4. Substantial support from property owners: Does Not Comply

Planning staff has not received substantial property owner support for the proposed Plan and zoning amendments.

#### 5. “Developing” designations should be changed to another designation as a distinguishable pattern of development has occurred: Not Applicable

This factor does not apply. The applicant is requesting a Plan amendment to change the existing land use designation from “Neighborhood Conservation” to “Rural Residential.”

#### 6. New designation provides a harmonious transition between existing designations: Complies

The applicant proposes the ‘Rural Residential’ land use designation for the property. A general description of this designation includes:

- *Rural Residential: definite residential development pattern on larger lots two acres or larger; rezonings and special uses allowing more intense development not directly serving residents are not generally appropriate; less intense businesses that serve residents may be appropriate.*

The subject property is designated as “Neighborhood Conservation” by the Plan, and this designation includes dozens of properties within an area of just under one square mile about 3.5 miles north of Interstate 10. This area is bordered by properties designated ‘Rural’ to the south, east, and west, and by properties designated “Rural Residential” to the north. The property is located at the northwest corner of this planning area and shares boundaries with other properties designated “Rural” and “Rural Residential,” rendering it contiguous with parcels having three different planning designations.



Successful plan and zoning amendments occasionally appear out of place when looking at county Plan and zoning maps. In this case, existing land use designations and growth area categories are partially disrupted and do not create an uninterrupted transition between these designations; however, properties with “Rural Residential” and growth area D planning designations are contiguous to the property in question.

#### IV. COMPLIANCE WITH REZONING CRITERIA

Section 2.63.080 of the zoning regulations requires zoning district boundaries be in accordance with comprehensive or area plan designations. In this case, the proposed rezone to RU-4 is consistent with the “Rural” comprehensive plan designation.

**1. Adequate Land Use/Concept Plan: Does Not Comply**

The rezoning application did not include a land use/concept plan.

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

The property totals about 36 acres and is subject to site development standards found in Section 2.15 of the zoning regulations, including setbacks, height, distances between structures, and lot coverage.

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

The requested downzone does not prevent surrounding properties from being developed in a manner consistent with their residential (R-18, R-36) and rural (RU-2, RU-4, RU-10) zoning classifications.

**4. Limiting Creation of Nonconforming Uses: Complies**

Rezoning the property to RU-4 will not result in the creation of nonconforming uses since the property has been developed for single family use and existing improvements appear to meet applicable site development standards.

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

Per the rezoning application, the applicant intends to continue developing the property for single family residential use utilizing the county's owner-builder program and including agricultural uses not allowed by the current R-18 zoning classification. The area is characterized by lot sizes of ½ acre to more than 10 acres with single family homes, including several adjacent to the subject property. The county continues to receive requests to downzone properties consisting of four or more acres from residential to rural zoning districts. Rural zoning allows some nonresidential uses but uses that could create obvious incompatibility and significant off-site impacts would require special use approval.

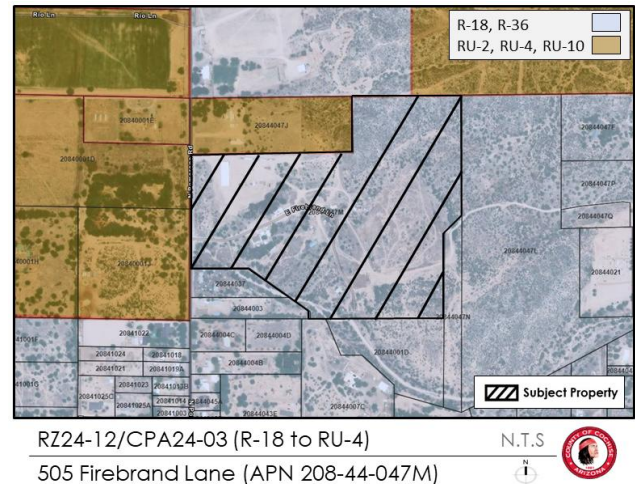
**6. Rezoning to More Intense Districts: Not Applicable**

A rezone to a more intense zoning district is not proposed. The applicant requests downzoning the subject property from R-18 to RU-4, reducing allowed residential density. Current zoning would allow one principal residence per 18,000 square feet or potentially up to 80 principal residences, using gross acreage calculations. Downzoning the property reduces the number of allowable residences to nine. The subject property is adjacent to other properties with Rural zoning.

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

The property takes access from Pomerene Road, an improved and county-maintained Rural Minor Collector. Firebrand Lane is itself a private, dirt road. Power is provided by Sulphur Springs Valley Electric Cooperative (SSVEC) and fire protection is provided by Pomerene Fire District. The property borders Pomerene Water Company's service area.

**8. Traffic Circulation: Complies**



Firebrand Lane is an unimproved private road that accesses an improved, county-maintained road (Pomerene Road). Downzoning is property will not require off-site improvements or roadway dedications. The property has two existing driveways along Pomerene Road, and a county right-of-way permit is not required since no new driveways are proposed.

**9. Development Along Major Streets: Not Applicable**

New driveways accessing Pomerene Road are not proposed. Should new access be proposed in the future, the county will review location appropriateness through the right-of-way (ROW) permitting process.

**10. Infill Compatibility: Not Applicable**

This factor applies to rezoning requests to General Business (GB), Light Industry (LI), or Heavy Industry (HI) zoning districts.

**11. Unique Topographic Features: Not Applicable**

This factor applies to rezoning requests to more intense business or industrial zoning districts.

**12. Water Conservation: Not Applicable**

County-wide water conservation requirements identified in Section 2.51.170 of the zoning regulations apply to non-residential uses and properties.

**13. Public Input: Complies**

Applications to downzone property are not subject to Citizen Review requirements identified in the zoning regulations. Staff mailed notices to nearby property owners, posted the property, and published legal notice on June 19, 2024.

**14. Hazardous Materials: Not Applicable**

The applicant proposes to continue developing the parcel for single family residential use and agricultural uses. Non-residential uses involving hazardous materials are not proposed.

**15. Planning Policies: Does not Comply**

The property is designated "Neighborhood Conservation" by the Comprehensive Plan and RU-4 zoning is not consistent with this land use designation, requiring a plan amendment. The applicant has filed a concurrent plan amendment application to change both land use and growth area designations of the property. The county typically supports downzones to less intense land uses that reduce residential densities in rural areas and stress limited infrastructure.



**V. SUMMARY AND CONCLUSION**

The applicant proposes retaining existing land uses on the 36 acre property. Downzoning the parcel to RU-4 allows the property owner to participate in the county's owner-builder program, continuing development of the property for single family residential use and allowing agricultural activities, including the construction of agricultural-related storage structures. The owner-builder program requires parcels have a minimum site area of four acres

and a zoning classification with a minimum site area requirement of four acres. The county adopted the owner-builder amendment to encourage ingenuity by individual home owners in the interest of personal preference, allowing the use of alternate building materials and methods.

#### **Plan Amendment – Factors in Favor**

- Complies with two (2) applicable criteria used to analyze applicant-initiated comprehensive plan amendments:
  - Pattern of growth no longer reflects the type of growth expected in the current designation.
  - New designation provides a harmonious transition between existing designations.
- Three factors do not apply to the requested amendment.
- No opposition from nearby property owners.

#### **Plan Amendment – Factors Not in Favor**

- Does not comply with one (1) applicable criteria used to analyze applicant-initiated comprehensive plan amendments:
  - The request does not have substantial support from nearby property owners.

#### **Rezoning – Factors in Favor**

- Complies with eight (8) of nine (9) applicable factors used to evaluate rezoning requests.
- Proposed use is compatible with established low density residential growth pattern.
- Downzone reduces the number of allowed dwellings.
- No opposition from nearby property owners.

#### **Rezoning – Factors Not in Favor**

None identified.

### **VI. RECOMMENDATIONS**

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Dockets RZ24-12 and CPA24-03 without conditions (8-0) during their July 10, 2024, meeting.

Based on the factors in favor of approval, Staff also recommends approval of Dockets RZ24-12 and CPA24-03 without conditions.

#### **Sample Motions**

Madam Chair, I move to approve Dockets RZ24-12 and CPA24-03 without conditions, amending Comprehensive Plan designations and zoning district classification of tax parcel 208-44-047M from *Neighborhood Conservation*

to Rural Residential; Growth Area C to Growth Area D; and, from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres), the factors in favor of approval constituting findings of fact.

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