



Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planner II
FOR: Christine McLachlan, AICP, Planning Division Manager
SUBJECT: Docket RZ24-14 / CPA24-04 (Border Road)
DATE: September 11, 2024

Docket RZ24-14 / CPA24-04 (Border Road)

Comprehensive Plan and zoning amendment requests to change land use designation from *Neighborhood Conservation* to *Rural*; growth area category from *C – Rural Community Areas* to *D – Rural Areas*; and zoning district from *R-36 (Residential District, one dwelling per 36,000 square feet)* to *RU-4 (Rural District, one dwelling per 4 acres)*.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Steve and Arlene Eastman
Location: 653 E. Border Road
APN: 101-48-005
Parcel Size: 5 acres
Current Zoning: R-36
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

Surrounding Zoning and Land Uses:

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

II. PARCEL HISTORY

- 1966 – Single family residence (1080ft²)
 - 2007-2010 – Residential repairs/remodel (building, electrical, plumbing, mechanical, septic)
 - No active code compliance actions
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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 5 acres to facilitate a downzone from R-36 to RU-4.



CPA24-04 Land Use (NC to R)

653 Border Road (APN 101-48-005)

N.T.S



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.

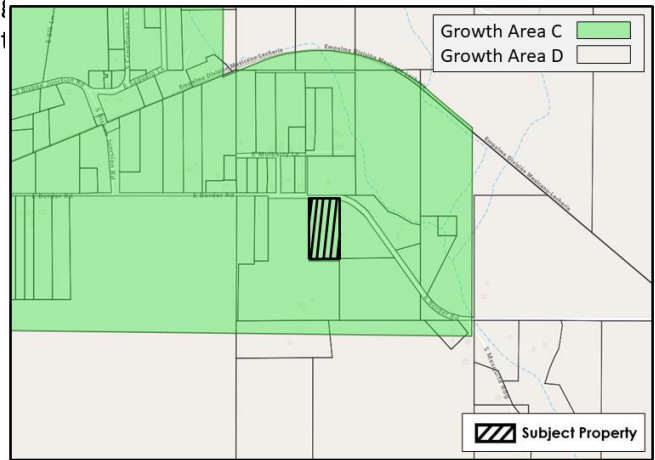
1. Pattern of growth no longer reflects the type of growth expected in the current designation: Complies

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 Border Road, an improved County-maintained Rural Minor Collector. The subject property is in an area east of the Bisbee Junction area predominately zoned R-36 with lot sizes significantly larger, including several over ten acres. This area is surrounded by large parcels with Rural zoning classifications ranging from two to ten acres, and one of these parcels is about 800' to the west of the subject property.

The property is in an area with a mix of parcel sizes supporting low density residential development with a decidedly rural character. The Plan’s existing “Neighborhood Conservation” is not an accurate representation of the prevailing development pattern. 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. Most remaining parcels along and in the vicinity of Border Road, including the subject property, fit within the “Rural” or “Rural Residential” land use classification which is typified by residential development on lots of two acres or more. Residential zoning district assignment appears to be the result of an established rural development pattern and not an anticipation of future development. A significant increase in platted residential development consistent with neighborhood conservation goals has not occurred.



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

This factor does not apply. Bisbee Junction development is characterized by a mix of small and large acreages with sporadic single family residences. Increases in local population are 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 just under one 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 preserve existing parcel size and allow 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 allows one principal dwelling per 4 acres which is less than allowed by the current R-36 zoning, remaining in character with established mixed density residential development character along Border Road west of Bisbee Junction Road.

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 Naco Fire District and is served by Naco Water Company (Hearthstone Water). Electric service is provided by Arizona Public Service (APS) and waste disposal by Waste Management. The applicant proposes a continuation of the existing single family use of the property. Current zoning allows six dwelling units based on gross acreage and downzoning to RU-4 reduces that number to one dwelling. New driveways along Border Road 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 preserve the parcel's existing five acre size, reducing residential density allowed by the current zoning district, and to establish eligibility to participate in the county's owner-builder program. 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 exceeding 2 acres and re-evaluation of current Plan designations during the 10-year update cycle are appropriate for several parcels along Border Road.

4. Substantial support from property owners: Does Not Comply

Nearby property owners have expressed support for the Plan amendment and rezoning applications, preferring to maintain the existing large lot, low density residential development pattern along much of Border Road. Plan amendment applications require a 1000' notification area which in this case includes 32 individual parcels. Planning staff has not received opposition to the Plan amendment request but has also not received substantial support from property owners on the notification list.



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."

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

The applicant proposes a 'Rural' land use designation of the property. This designation involves sparsely populated areas with larger lot sizes, large expanses of private and public lands, and prominent agricultural uses.

The subject property is designated as "Neighborhood Conservation" by the Plan, and this designation includes several properties north and west of the subject parcel with some less than one acre. However, most parcels to the east, including the subject property, are larger and approach the fringe of this land use designation. Generally, properties east of Bisbee Junction Road and south of Border Road are larger acreages worthy of preservation through downzoning.

Successful plan and zoning amendments can appear out of place when looking at planning and zoning maps. In this case, requested land use designation and growth area category fall entirely within a dissimilar designation and category and are not adjacent to properties with what is proposed. Though there is not a transition, the proposed rural zoning is in fact harmonious with large adjacent parcels commonly exceeding two acres. Large parcels with "Rural" and growth area D planning designations are within 800' of the subject property.

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 requested with the concurrent Comprehensive Plan application and complies with nine (9) of nine (9) applicable factors.

1. Adequate Land Use/Concept Plan: Complies

The rezoning application includes a land use/concept plan depicting existing structures and improvements.

2. Compliance with Applicable Site Development Standards: Complies

The property totals about 5 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. The site plan demonstrates general compliance with these standards.

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-4) 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.

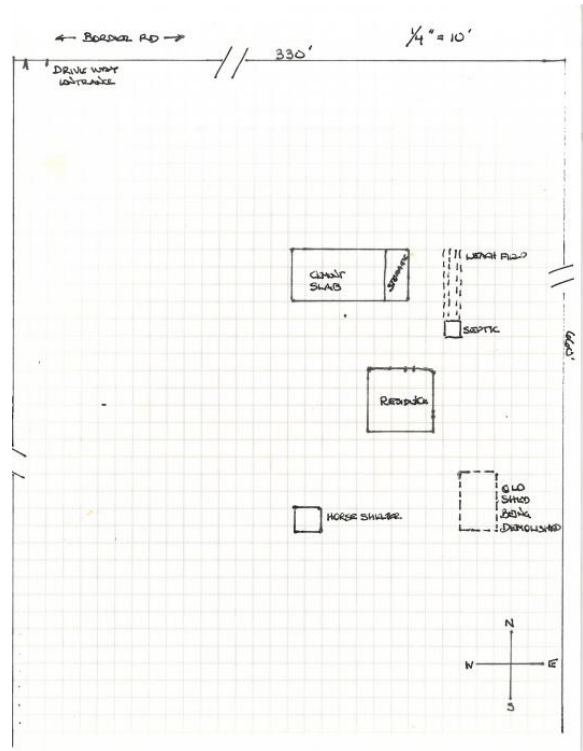
5. Compatibility with Existing Development: Complies

Per the rezoning application, the applicant intends to continue a residential use of the property and establish eligibility for the county’s owner-builder program. The area is characterized by lot sizes of about one acre to more than 40 acres with single family homes. The county continues to receive requests to downzone properties throughout the county 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-36 to RU-4, reducing allowed residential density. Current zoning would allow one principal residence per 36,000 square feet or potentially up to six principal residences, using gross acreage calculations. Downzoning the property reduces the number of allowable principal residences to one. The subject property is surrounded by properties with R-36 zoning with the nearest rural zoned property adjacent to other properties with Rural zoning about 800’ to the west.

7. Adequate Services and Infrastructure: Complies



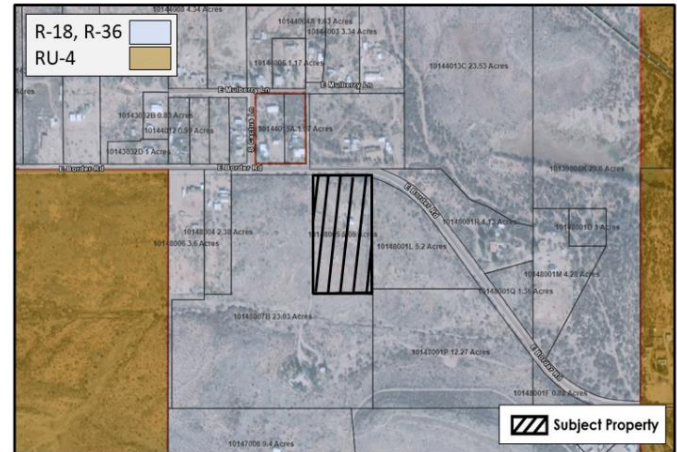
The property takes access from Border Road, an improved and county-maintained Rural Minor Collector. Water, power, and fire protection services are in place. The single family dwelling on the property dates to 1966 and service and infrastructure required to maintain a residential use of the property are in place. The applicant is not proposing any non-residential uses for the property.

8. Traffic Circulation: Complies

The property has direct access via an existing driveway from Border Road, a hard-surfaced, county-maintained road. Downzoning the property will not require off-site improvements or roadway dedications. A county right-of-way (ROW) permit is not required since new driveways are proposed.

9. Development Along Major Streets: Complies

The intent of this factor is to consider limiting the number of access points on major thoroughfares, arterials, or collectors by using frontage roads, shared access, and no access easements. Incorporating such measures promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic. The applicant is not proposing new driveways accessing Border Road. Should a new driveway be proposed in the future, the county will review location appropriateness through the ROW permitting process.



RZ24-14/CPA24-04 (R-36 to RU-4)
653 Border Road (APN 101-48-005)



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 August 7-21, 2024.

14. Hazardous Materials: Not Applicable

The applicant proposes to continue single family residential use of the property. 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 parcel size by downzoning the five acre property. Downzoning the parcel to RU-4 also allows current or future property owners to participate in the county’s owner-builder program. 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. Non-residential uses such as churches, communications towers, butcher shops, grocery stores, and veterinary clinics are allowed by right but are not being proposed by the applicant and the property’s location may not be conducive to non-residential uses beyond a neighborhood scale.

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 is harmonious with existing designations.
- Three factors do not apply.
- 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 nine (9) of nine (9) applicable factors used to evaluate rezoning requests.
- Existing use is compatible with established low density residential growth pattern.
- Downzone reduces the number of allowed principal dwellings.
- No opposition from nearby property owners.

Rezoning – Factors Not in Favor

None identified.

VI. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding Dockets RZ24-14 and CPA24-04 to the Board of Supervisors with a recommendation of approval, the factors in favor constituting the findings of fact.

Sample Motion

Madam Chair, I move to recommend approval of Dockets RZ24-14 and CPA24-04 to the Board of Supervisors, amending Comprehensive Plan designations and zoning district classification of APN 101-48-005 from *Neighborhood Conservation* to *Rural*; *Growth Area C* to *Growth Area D*; and rezoning from *R-36* to *RU-4*, the Factors in Favor of Approval constituting Findings of Fact.
