



Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planning Manager
FOR: Sharon Gilman, County Administrator
THROUGH: Christine McLachlan, AICP, Director
SUBJECT: Docket RZ25-09 (Desert Sky – Mohave Street)
DATE: September 2, 2025

Docket RZ25-09 (Desert Sky – Mohave Street)

The applicant requests rezoning APN 404-02-027 from RU-2 (Rural District, one dwelling per 2 acres) to RU-4 (Rural District, one dwelling per 4 acres). The parcel is located at the northeast corner of Mohave Street and Ute Avenue in Desert Sky subdivision near McNeal.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Shane Harmon
Location: Desert Sky (McNeal)
APN: 404-02-027
Parcel Size: 5 acres
Current Zoning: RU-2
Proposed Zoning: RU-4
Growth Area: D – Rural Areas
Plan Designation: Rural
Existing Use: Undeveloped
Proposed Use: Residential

Surrounding Zoning and Land Uses:

North	RU-2, RU-4	Undeveloped, Single Family Residences
South	RU-2, RU-4	Undeveloped, Single Family Residences
East	RU-2, RU-4	Undeveloped, Single Family Residences
West	RU-2, RU-4	Undeveloped, Single Family Residences

II. PARCEL HISTORY

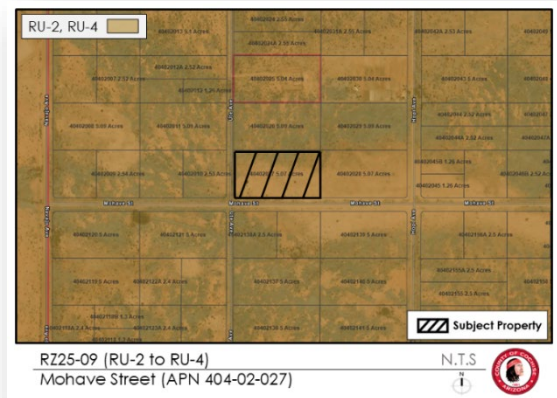
- 1971 – Desert Sky Subdivision
 - No active code compliance actions
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III. NATURE OF REQUEST

The applicant requests rezoning from RU-2 to RU-4 to construct a residence and out buildings utilizing the county's owner-builder program, which requires a property to be a minimum of 4 acres and have a zoning district requiring a minimum site area of 4 acres.

Mandatory Compliance

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 rural Comprehensive Plan designations.



Compliance with Rezoning Criteria

Section 2.63.080 of the zoning regulations provides fifteen (15) criteria for evaluating rezoning requests:

1. Adequate Land Use/Concept Plan: Complies

The applicant provided a concept plan demonstrating an intent to develop the property with a permanent residence and accessory structures.

2. Compliance with Applicable Site Development Standards: Complies

The property totals about 5 acres and will be subject to site development standards found in Section 2.15 of the zoning regulations if rezoned to RU-4, 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 Rural zoning district classifications.

4. Limiting Creation of Nonconforming Uses: Complies

Rezoning the property to RU-4 will not result in the creation of nonconforming uses.

5. Compatibility with Existing Development: Complies

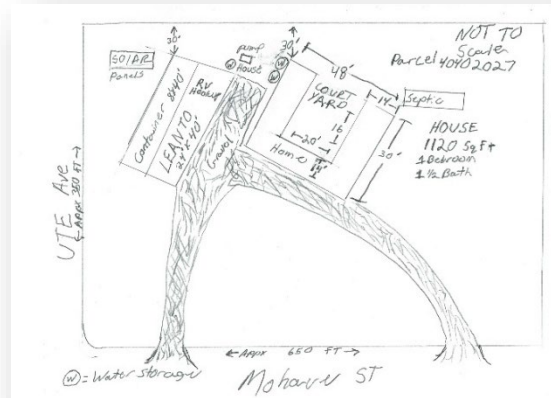
Desert Sky subdivision is located just over one mile east of Highway 191 and sparsely developed, characterized by few single family residences, unimproved roads, and limited infrastructure. The county has approved multiple requests to downzone properties consisting of four or more acres to RU-4 or SR-174 in Desert Sky and other antiquated subdivisions like Sunsites, allowing property owners to build a residence in accordance with the owner-builder program. Where existing zoning in Sunsites is predominately Single-Household Residential, which requires site-built or prefabricated residences subject to residential building code, Desert Sky is zoned Rural which allows site-built and prefabricated homes as well as manufactured and rehabilitated mobile homes (manufactured and rehabilitated mobile homes are not opt-out eligible). The applicant proposes a site-built or prefabricated home using the county's owner-builder program.

6. Rezoning to More Intense Districts: Not Applicable

A rezone to a more intense zoning district is not proposed. The applicant requests a downzone from RU-2 to RU-4, which reduces allowed residential density.

7. Adequate Services and Infrastructure: Complies

The property has legal access, and the future residence is planned to be off grid, using a septic system, on-site water storage, and solar. The applicant proposes participating in the county's owner-builder program, which requires a minimum site area of four acres and zoning classification requiring a minimum 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.



8. Traffic Circulation: Complies

The property is at the northeast corner of Mohave Street and Ute Avenue, and the applicant intends to take access from Mohave Street, an unimproved road not in county maintenance. Ute Avenue is an unimproved "paper street" that is not passable by most passenger vehicles. A county right-of-way (ROW) permit is not required for access to Mohave Street. The nearest road that is maintained by the County is Navajo Avenue ¼ mile to the west.

9. Development Along Major Streets: Not Applicable

The parcel does not have frontage along any major streets and Mohave Street does not have a functional classification assigned by the county.

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. This proposed downzone does not involve mandatory conservation improvements to reduce anticipated water consumption, and the applicants proposed on-site water collection.

13. Public Input: Complies

Applications to downzone property are not subject to Citizen Review requirements identified in the zoning regulations. Staff posted the property, mailed notification letters, and published legal notice July 16-23, 2025.

14. Hazardous Materials: Not Applicable

The applicant proposes a rural residential land use. The use of hazardous materials is not proposed.

15. Planning Policies: Complies

Downzoning the property to RU-4 is consistent with Comprehensive Plan designations. The county generally supports downzones to less intense zoning districts that reduce residential densities and impacts to limited infrastructure or services.

IV. SUMMARY AND CONCLUSION

The applicant requests downzoning a 5 acre parcel to RU-4 to build to build a residence and accessory structures using the owner-builder program. This property was platted as a 5 acre lot in the early 1970's and later zoned RU-2, which allows the parcel to be split into two new parcels. Most properties in Desert Sky subdivision have remained undeveloped. The county continues to receive requests to downzone rural properties in antiquated subdivisions to RU-4 and SR-174, supporting such requests in areas absent adequate infrastructure. 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.



Factors in Favor of Approval

1. Complies with all nine (9) applicable factors used to evaluate rezoning requests.
2. Proposed use is compatible with established rural residential growth pattern.
3. Downzone reduces allowed residential density.
4. No opposition from nearby property owners.

Factors Against Approval

None identified.

V. RECOMMENDATIONS

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Docket RZ25-09 without special conditions (7-0) during its regular meeting on August 13, 2025.

Staff also recommends approval of Docket RZ25-09 without special conditions.

Sample Motion

I move to approve Docket RZ25-09 without special conditions, rezoning tax parcel 404-02-027 from RU-2 to RU-4, the factors in favor of approval constituting the findings of fact.