



Development Services

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MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Christine McLachlan, AICP, Development Services Director
THROUGH: Sharon Gilman, County Administrator
FOR: Cochise County Board of Supervisors
SUBJECT: Docket R-25-04 (Special Use Appeal Remand)
DATE: September 16, 2025

I. BACKGROUND

Special uses authorization is defined by the Zoning Regulations as, "A land use that has been approved by the Planning Commission as a Special Use according to the procedures and criteria set forth in Section 2.48.160." Because of their unique characteristics and oftentimes high potential to adversely impact surrounding properties, Special Use Authorizations may be permitted within the Zoning District only when they can demonstrate that potentially negative off-site impacts have been mitigated.

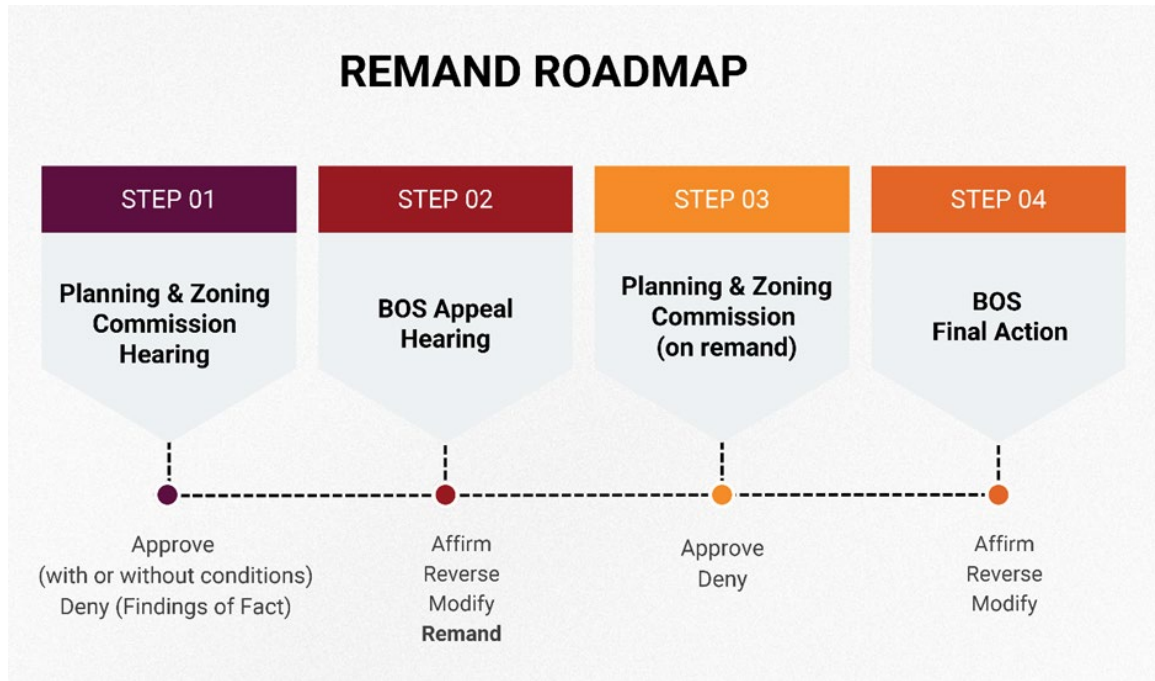
All special use authorization decisions of the Planning Commission are deemed to be final unless appealed to the Board of Supervisors. Decisions of the Commission must be appealed within 15-calendar days following the date of the decision. Any appeal shall be submitted for review by the Board of Supervisors at a public hearing to be scheduled within 60-calendar days of receipt of the appeal.

The proposed amendment expands the Board's options when reviewing a special use authorization appeal. Currently, the Board is limited to affirming, reversing, or modifying a decision of the Planning Commission. This amendment would introduce a remand option with clear criteria and a single-cycle limitation, ensuring the Board may return a case to the Commission only once per appeal. It applies the following criteria to the remand decision:

Remand: The matter is returned to the Planning Commission for further proceedings consistent with the Board's direction. A remand may be ordered if the Board determines that:

1. Additional evidence or testimony is necessary for a proper decision; or
2. New information has been submitted that was not reasonably available at the time of the Planning Commission hearing.

Introducing remand authority allows the Board to return a case to the Planning Commission for additional review, ensuring that decisions are based on complete and accurate information. Applicants and/or affected parties benefit from a structured process that allows late-arriving, relevant evidence to be considered without bypassing due process. The single-cycle limitation ensures the remand process cannot be used to delay decisions indefinitely. Overall, including standards for remand and defined procedures within the Zoning Regulations improve the transparency and fairness of County decision-making.



III. SUMMARY & RECOMMENDATIONS

The Planning and Zoning Commission recommended approval of Docket R-25-04 during its regular meeting on September 10, 2025, by a 7-0 vote.

Staff requests that the Board consider and approve the proposed changes as presented.