



Development Services

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MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Matthew Taylor, AICP, Planning Manager
FOR: Sharon Gilman, County Administrator
THROUGH: Christine McLachlan, AICP, Director
SUBJECT: SUA25-03; Appeal of a Planning and Zoning Commission Decision
DATE: October 21, 2025

I. APPEAL OF PLANNING AND ZONING COMMISSION DECISION

The appellants, Angela and Mario Robles, filed an appeal against a decision made by the Cochise County Planning and Zoning Commission. On August 13, 2025, the Commission failed to approve *Docket SU25-18*, a Special Use Authorization request for guest lodging and special events at 1819/2044 W. Wild Horse Lane north of Benson (tax parcels 208-28-001N and 208-28-001P). The parcels total about 40 acres and are zoned RU-4 (Rural District, one dwelling per 4 acres). The proposed uses require special use approval in rural zoning districts per Section 2.15.070 of the Zoning Regulations.

The Board of Supervisors hears appeals at duly noticed public hearings of Special Use Authorization decisions made by the Planning and Zoning Commission. Following deliberations the Board shall either **affirm**, **reverse**, **modify** the decision of the Planning and Zoning Commission. A recent text amendment to the Zoning Regulations provides the Board with an additional option which is to **remand** the docket back to the Commission should the Board determine:

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 Commission hearing.

II. PLANNING AND ZONING COMMISSION PUBLIC HEARING

Because of their unique characteristics and potential to impact surrounding properties, special uses may be authorized only if potentially negative offsite impacts are absent or can be mitigated. The Zoning Regulations include ten special use factors representing policy decisions and are intended to reduce uncertainty concerning the potential impacts of the use. The factors focus on how a proposed land use can impact neighboring properties and residents, including increased traffic, demand on services and infrastructure, and potentially negative offsite impacts such as dust, smoke, noise, odors, lighting, or stormwater runoff. In this case, some dissenting Commissioners believed the special use request would not be appropriate for a rural residential neighborhood and demonstrates inconsistency with the *Tres Alamos Area Plan*. Video of the Commission's meeting is available at <https://www.youtube.com/watch?v=BiCEYxOtAdQ>. *Docket SU25-18* begins at 32:52.

Staff findings utilizing the ten (10) factors identified in the Zoning Regulations to evaluate special use requests are as follows:

Factors in Favor of Special Use Approval

1. Complies with applicable factors.

2. Agritourism, boutique lodging, and equestrian facilities are customer rural activities that support the intent of rural zones to allow diversified land use and preservation of open space.
3. The property currently is developed with residences, accessory structures, and infrastructure, minimizing the need for new disturbance or strain on County services.

Factors Not in Favor of Special Use Approval

1. Adjacent to single family residences.
2. Opposition from nearby property owners.

In addition to factors related to compliance with applicable plans and regulations, traffic impacts, and adequate services/ infrastructure, the Zoning Regulations identifies public input as a factor to evaluate special uses:

Section 2.48.160.4.g: *If there is major public opposition to a proposed Special Use Authorization request, this may indicate that the technical evaluation regarding the compatibility of the use does not concur with the view of local residents, and a recommendation of denial may be appropriate. 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. If there is major public support for a proposed use, this may be a factor in favor of the request.*

Staff notified 12 unique property owners within 1000' of the project parcels, including the property owners, receiving responses both in favor and opposition. Six property owners spoke in opposition during the public hearing. After considering all facts, the Commission voted against a motion to approve by a vote of 2 to 5, resulting in the denial of the special use request for guest lodging and an event center (*see table below*).

Commissioner Vote on Docket SU25-18	
Aye	Gonzalez, Montgomery
Nay	DePew, Fickett, Limbach, Saunders, Watkins

III. APPEAL REQUIREMENTS

The appellant submitted an appeal application on August 28, 2025. Per Section 2.48.160.4 of the Zoning Regulations, appeal applications must include the following:

- An identification of the decision being appealed.
- A complete statement of all reasons why the appellant believes that the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion; and
- Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission.

IV. APPELLANT SUBMITTAL AND STAFF ANALYSIS

The application identifies the decision being appealed and provides additional information that was not discussed during the public hearing. The rationale for why the appellant believes the Commission's failure to approve the special use was in error is summarized below:

- Staff recommended conditional approval.
- The Commission focused on public input and area plan consistency as reasons for the denial, overlooking

the applicant's plans to address neighbor concerns.

- Selective interpretation by the Commission and disproportionate weight to public comment, resulting in an arbitrary and capricious decision.
- Insufficient time to review public input and prepare responses prior to the Commission meeting.

Per the appeal application, the appellant will offer the following for Board consideration:

- Additional information that expands testimony and evidence that was provided to the Commission but overlooked during deliberations.

V. STAFF FINDINGS

The applicant and staff met notification requirements for *Docket SU25-18* as required by the Zoning Regulations. Additionally, planning staff advertised the August 13, 2025, Planning and Zoning Commission regular meeting, ensuring the general public had timely notice and both physical and remote access to the meeting. Lastly, the Commission Chair followed procedural requirements for each scheduled public hearing during the August 13th meeting, allowing time for staff presentations, applicant statements, public comments, applicant rebuttals, and Commission discussion.

Staff completed the notification process for the appeal between September 19th and October 1st, 2025, and the process is identical to that of the original special use, including the 1000' notification list. During the original special use request, the case planner inadvertently included a third parcel (68.8 acres), resulting in three additional property owners being notified. Staff clarified during the August 13th Commission meeting that only two parcels, 202-28-001N and 202-28-001P (40 acres) were subject to the special use request and that activities proposed for tax parcel 202-28-001R did not require special use approval as presented. Public input information specific to the appeal will be provided to the Board at the public hearing on October 21, 2025.

Based on the August 13, 2025, public hearing of *Docket SU25-18* and August 28, 2025, appeal application, staff finds the following factors for this appeal:

Factors in Favor of the Appeal

1. Appellant meets application submittal requirements.
2. Staff recommended conditional approval of *Docket SU25-18*.

Factors Not in Favor of the Appeal

1. The Zoning Regulations authorize the Planning and Zoning Commission to render Special Use Authorization decisions.
2. The Commission considered special use factors contained in the Zoning Regulations.

VI. ATTACHMENTS

- Staff Memo for *Docket SU25-18*
-

Sample Motions

Mister Chair, I move to **approve** *Docket SUA25-03*, reversing the Planning and Zoning Commission's decision and approving *Docket SU25-18* with conditions recommended by Staff:

1. Outdoor activities after 10pm shall be conducted indoors.
2. The main access point will be upgraded to a dual-lane entrance/exit to support better flow and reduce congestion. Dust suppression methods (e.g., water treatment) will be used during events and in dry seasons.
3. Obtain approvals from the Cochise County Environmental Health Division and/or the Arizona Department of Environmental Quality and/or for any required upgrades or expansions to the existing wastewater system.
4. No more than 15 tiny homes for guest lodging shall be placed on site.
5. Obtain approval for the location and design of the proposed wading pool area from Cochise County Engineering and Natural Resources and Environmental Health Division prior to construction. Additional permits or exemptions from the Arizona Department of Environmental Quality (ADEQ) and the Arizona Department of Water Resources (ADWR) may also be required.
6. Within 30 days of approval of the Special Use, the applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to the operation of the Special Use, the applicant shall apply for a building/use permit for the project within 12 months of approval. The building/use permit shall include a site plan in substantial conformance with the approved special use concept plan, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 12 months of the Special Use approval. Otherwise, the Special Use may be deemed void upon 30-day notification to the applicant.
7. It is the applicant's responsibility to obtain any additional permits or meet any additional Conditions that may apply to the proposed use pursuant to other federal, state, or local laws or regulations.
8. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Mister Chair, I move to **deny** *Docket SUA25-03*, affirming the Planning and Zoning Commission's disapproval of *Docket SU25-18*.

Mister Chair, I move to **remand** this special use item back to the Planning and Zoning Commission to consider new information provided by the applicant. The Commission shall hear this appeal during its November 12, 2025, meeting.

Mister Chair, I move to **modify** the Planning and Zoning Commission's decision as follows:



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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planning Manager
FOR: Christine McLachlan, AICP, Director
SUBJECT: SU25-18 (Wild Horse Guest Lodging)
DATE: August 13, 2025

Docket SU25-18 (Wild Horse Guest Lodging)

A Special Use Authorization request from Mario Robles and Angela Robles (applicants) to allow a guest lodging facility with outdoor recreation and events.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Mario Robles and Angela Robles
Location: Ocotillo Road/Wild Horse Place (North of Benson)
APN: 208-28-001N, 001P, 001R
Property Size: 108.47 acres
Zoning: RU-4
Plan Designation: Rural Residential
Growth Area: D – Rural Residential
Existing Use: Residential with horse facilities (private use)
Proposed Use: Guest Lodging with outdoor recreation and events

Surrounding Zoning and Uses

North	RU-4	Single Family Residence
South	RU-4	Single Family Residence
East	RU-4	Undeveloped
West	RU-4	Ocotillo Rd/Single Family Residence

II. SITE HISTORY

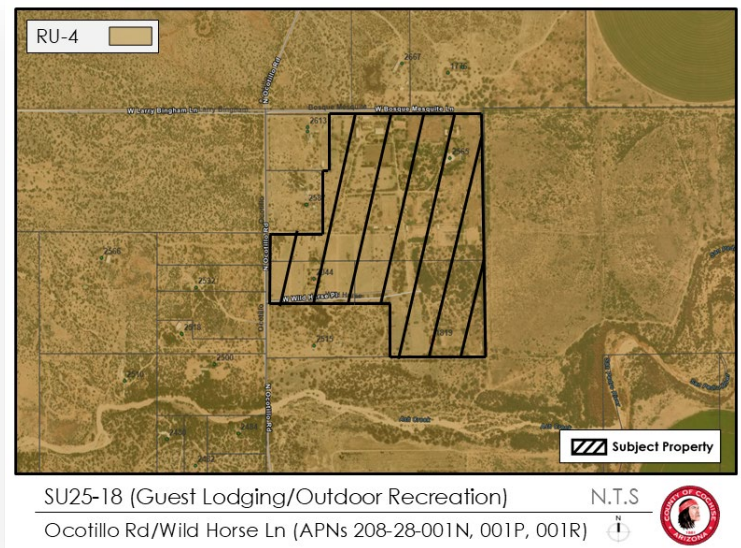
- No code compliance history
- 20828001N: one single family home, constructed in 1998. Horse corral added in 2006.
- 20828001P: one mobile home, installed 1988. Horse corral added in 2006.
- 20828001R: Hay shed and stable constructed in 1999. Animal shelter and corral constructed in 2000. Single family home constructed in 2009.

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests a special use to allow guest lodging facility with outdoor recreation and events. The 108-acre property is currently residentially developed. It consists of three parcels and includes the following

structures/features:

- A 4,525 sq. ft. main residence
- A 2,400 sq. ft. second residence
- Two guest accommodations totaling 1,800 sq. ft.
- A 500 sq. ft. casita and 400 sq. ft. farmhand studio
- A 10-stall barn with full living quarters and plumbing
- A 25' x 100' hay barn, two tack rooms, and four garage bays
- Two large show barns (3,100 sq. ft. and 4,500 sq. ft.)
- Multiple arenas, round pens, turnout areas, and holding pens
- Seven registered wells and two 20,000-gallon water storage tanks
- A full-property watering system and 12 irrigated pastures
- Two artesian-fed ponds



Planned development includes the following proposed structures and adaptive reuses:

- Fifteen (15) tiny homes for boutique guest lodging
- A reception and event venue
- A bridal suite and a groom's suite
- An open-air, ramada-style hall for small gatherings and workshops
- Conversion of the existing 4,500 sq. ft. barn into a chapel/church for ceremonies
- Adaptive reuse of existing horse stalls for farm crop check-in and seasonal operations
- A natural wading pool area designed for recreational and event use

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 2.48.160 of the Zoning Regulations identifies ten (10) factors to evaluate Special Use applications. These factors determine the suitability of a special use request, whether to recommend approval, and to determine if conditions and/or modifications are needed to mitigate potentially negative impacts on surrounding properties. With the information provided, eight (8) factors apply to this special use request with all applicable factors complying with conditions:

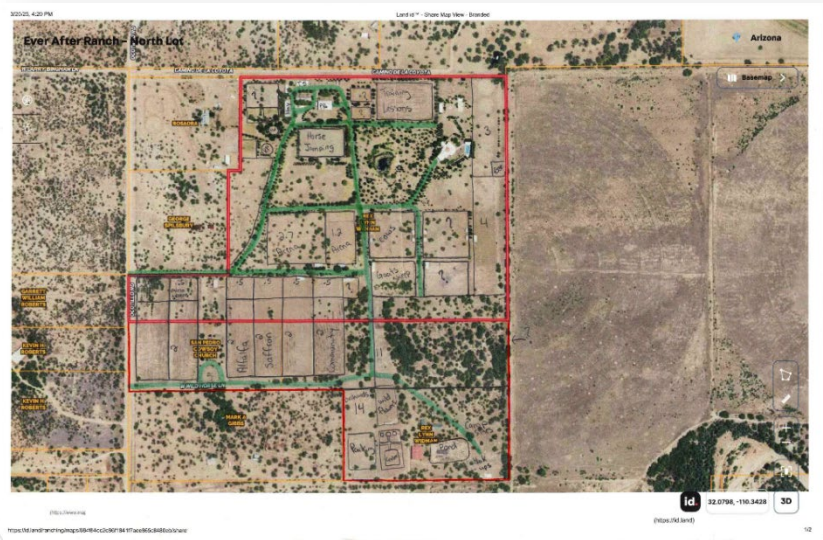
1. Compliance with Duly Adopted Plans: Complies

The property is designated *Rural Residential* and *Category D (Rural Areas)* by the Comprehensive Plan, and the property's RU-4 zoning is consistent with both Plan designations. Intense land uses requiring

rezoning to a more intense zoning district or an approved special use are typically not appropriate. Business uses that serve an area or local residents may be appropriate, however. Non-residential development in rural areas may be geared towards local services, tourism, or otherwise less intense uses not appropriate in more dense areas. The proposed special use retains the existing zoning and is intended to provide recreational support services that are compatible with rural living.

2. Compliance with the Zoning District Purpose: Complies

Rural districts allow non-residential activities that provide services serving local needs, recreational support services, and are generally compatible with rural living. These zoning districts, which range in site area from 2 acres to 36 acres, allow residential and non-residential uses compatible with an area’s rural character. The applicant proposes constructing fifteen (15) tiny homes for boutique lodging. This falls under guest lodging, which is defined in the Zoning Regulations as “a building or group of buildings furnishing rooms or an area for accommodation for overnight or short-term lodging such as a hotel or motel, resorts, guest ranches, group camps, and campgrounds and may include recreational facilities, restaurants, meeting rooms, or similar facilities. This definition does not include Recreational Vehicle Parks or Bed and Breakfast land uses.” The request to construct “A reception and event venue, a bridal suite and a groom’s suite, an open-air, ramada-style hall for small gatherings and workshops, and A natural wading pool area designed for recreational and event use” all fall within the zoning



category of outdoor recreational facilities. Churches or places of worship are permitted uses in rural zoning.

3. Development Along Major Streets: Not Applicable

The property takes access from Wild Horse Place, an unimproved easement not maintained by the county that only appears to serve this property; subsequently, a county right-of-way permit is not required. Wild Horse Place connects to Ocotillo Road. This segment of the Ocotillo Road is a dirt, county-maintained rural local road.

4. Traffic Circulation: Complies

The proposed development is not an intense use requiring re-classification of on or off-site improvements to Wild Horse Place or Ocotillo Road. Under current RU-4 zoning, the applicant would be permitted up to 27 single family dwellings and a church by right. In this case, several of the proposed uses include conversion of use in an existing building/structure. The applicant has shown the location of a parking lot and proposes fifteen tiny homes onsite.

5. Adequate Services and Infrastructure: Complies

The property is developed, see section III for a description of existing uses and structures onsite. The property is served by private well, septic. It is not within a fire district and the owners self-carry waste from the site to a transfer station. Electricity is provided by Sulphur Spring Valley Electric Co-op (SSVEC). Expansion to the wastewater system may be necessary.

6. Significant Site Development Standards: Complies

Applicable development standards contained in Sections 2.15 (*RU Districts*) apply to the business use and any future structures built to support the use. The applicant has not requested any waivers.

7. Public Input: Complies

Section 2.48.160 of the Zoning Regulations states, "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 mailed notices to property owners within 1,000' on June 17, 2025, see IV. Public Comment, for additional discussion.

8. Hazardous Materials: Not Applicable

The proposed special use does not involve the use of hazardous materials.

9. Off-Site Impacts: Complies w/conditions

This factor is intended to ensure adequate measures have been taken to mitigate off-site impacts such as noise, outdoor lighting, odors, smoke, traffic, and dust.

- Noise: Per the application, "No excessive noise or vibrations will occur on a regular basis. Occasional amplified sound may be used during events, but all music will be limited to permitted hours (no later than 10:00 PM) and directed away from property lines. Sound levels will be monitored, and speaker placement and natural buffers will be used to reduce sound transmission. No vibration-producing equipment will be used regularly. Events will be scheduled to respect quiet hours and will adhere to county noise and lighting regulations. All outdoor uses will occur within designated event and agricultural zones shown on the site plan." Staff recommends the following condition be assigned, "Outdoor activities after 10pm shall be conducted indoors."

- Lighting: The applicant has not proposed lighting the property. Outdoor lighting relative to brightness and shielding is subject to Section 2.45 of the zoning regulations. Again, as stated above, "Events will be scheduled to respect quiet hours and will adhere to county noise and lighting regulations."
- Odors and Smoke: Per the application, "minor odors may be associated with the presence of livestock, composting, and small-scale farming activities. However, livestock will be managed using rotational grazing, proper manure handling, and frequent cleaning of stalls and pens to minimize odor. Composting areas and animal enclosures will be located away from property lines and buffered by natural vegetation. Covered storage and waste management protocols will be used to further prevent odors from traveling to neighboring properties. No large-scale feedlot or high-density animal operations are planned."
- Parking: Adequate parking is available onsite and is shown on the site plan. Staff shall verify compliance with the minimum provisions of off-street parking required by section 2.51.040 of the Zoning Regulations at permitting.
- Dust: Per the application, "To control dust, access roads and high-traffic areas will be treated with water or dust-suppressing agents as needed. Long-term plans include the use of gravel surfacing or soil stabilizers. Landscaping and natural vegetation buffers will also help reduce dust migration to neighboring properties or Ocotillo Road." Staff recommends the following condition be assigned, "The main access point will be upgraded to a dual-lane entrance/exit to support better flow and reduce congestion. Dust suppression methods (e.g., water treatment) will be used during events and in dry seasons."
- Landscaping: Landscaping is not required for properties located in Growth Area D and the site has abundant native vegetation.
- Traffic: The county will review any traffic-related permitting requirements, which may include a traffic statement, during permitting site plan approval.

10. Water Conservation: Complies

County water conservation requirements apply to non-residential uses and properties. Section 2.51.170 of the zoning regulations requires water saving strategies such as low-flow fixtures, and applicable water conservation regulations and policies identified in the zoning regulations and comprehensive plan are typically identified at permitting. The property is not within an Active Management Area (AMA) and has existing domestic wells. Per the application the applicant commits to the following, "We are committed to water conservation and sustainable land management. Strategies include:

- Drip irrigation systems and soil moisture sensors for precise crop watering
- Use of drought-tolerant and native plants in landscaping
- Rainwater harvesting from rooftops to supplement non-potable water needs
- Greywater reuse from lodging units and select event structures for landscape irrigation (where permitted)
- Mulching and organic composting to improve soil retention and reduce evaporation
- Graded swales and permeable surfaces to promote natural groundwater recharge
- Routine monitoring of water use to identify and reduce excess consumption



V. PUBLIC COMMENT

Staff mailed notices to property owners within 1,000', published legal notice, and posted the property July 16-23, 2025. Staff did not receive any responses. The applicant states in their application, "One formal response was received from immediate neighbors located just north of the subject property. Their message expressed support for the agricultural and community aspects of the project, but also raised concerns regarding potential event

noise, increased traffic on Ocotillo Road, and seasonal flooding during monsoon storms.” The applicant responded by incorporating the following adjustments into their proposal, “We have incorporated the following adjustments and clarifications into our proposal:

- **Noise Mitigation:** All outdoor events with music will end by 10:00 PM and comply with local noise ordinances. Amplified sound will be directed inward on the property, and natural sound barriers (e.g., vegetation buffers and speaker positioning) will be used to limit off-site sound travel. Indoor events with music will be held in “speak easy” style to ensure we are courteous to our neighbors. These rules and expectations are outlined in our package details and ranch tours.
- **Traffic and Dust Control:** The main access point will be upgraded to a dual-lane entrance/exit to support better flow and reduce congestion. Dust suppression methods (e.g., water treatment) will be used during events and in dry seasons.
- **Seasonal Planning for Monsoons:** We are taking into account the monsoon-related flooding concerns and will schedule events accordingly. Guests will be informed of seasonal access issues, and emergency protocols will be developed to manage temporary inaccessibility. For the most part we have projected our off season to be during monsoon season.”

VI. WAIVERS

None.

VII. SUMMARY AND CONCLUSION

The applicant requests a Special Use Permit to allow a guest lodging facility with outdoor recreation and event uses on a 108-acre, residentially developed property north of Benson. The site consists of three parcels and currently includes multiple residences, barns, equestrian facilities, and agricultural infrastructure.

The proposed use includes fifteen (15) tiny homes for boutique lodging, a reception and event venue, wedding facilities, and several adaptive reuses of existing structures. Planned amenities include an open-air ramada, a converted barn chapel, a natural wading pool, and community-oriented farm activities.

Factors in Favor of Approval

1. Complies with all eight (8) applicable factors with conditions.
2. Agritourism, boutique lodging, and equestrian facilities are customary rural activities that support the intent of rural zones to allow diversified land use and preservation of open space.
3. The property currently is developed with residences, accessory structures, and infrastructure, minimizing the need for new disturbance or strain on County services.

Factors Against Approval

1. Adjacent to single family residences
2. Opposition from nearby property owners

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends approval of Docket SU25-18 to allow guest lodging, events, and outdoor recreation subject to the following conditions:

1. Outdoor activities after 10pm shall be conducted indoors.
2. The main access point will be upgraded to a dual-lane entrance/exit to support better flow and reduce congestion. Dust suppression methods (e.g., water treatment) will be used during events and in dry seasons
3. Obtain approvals from the Cochise County Environmental Health Division and/or the Arizona Department of Environmental Quality and/or for any required upgrades or expansions to the existing wastewater system.
4. No more than 15 tiny homes for guest lodging shall be placed on site.
5. Obtain approval for the location and design of the proposed wading pool area from Cochise County Engineering and Natural Resources and Environmental Health Division prior to construction. Additional permits or exemptions from the Arizona Department of Environmental Quality (ADEQ) and the Arizona Department of Water Resources (ADWR) may also be required.
6. Within 30-days of approval of the Special Use, the applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in substantial conformance with the approved special use concept plan, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 12-months of the Special Use approval otherwise, the Special Use may be deemed void upon 30-day notification to the applicant.
7. It is the applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may apply to the proposed use pursuant to other federal, state, or local laws or regulations.
8. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Sample Motion

I move to approve Docket SU25-18 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.