



## Development Services

520-432-9300  
developmentservices@cochise.az.gov  
www.cochise.az.gov  
1415 Melody Ln, Bdg F  
Bisbee, Arizona 85603

### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Planning Division Manager  
**SUBJECT:** SU24-24 (Apache Way ALQ)  
**DATE:** February 12, 2025

### Docket SU24-24 (Apache Way ALQ)

A Special Use Authorization request for an Accessory Living Quarter (ALQ) exceeding maximum allowed square footage. ALQs are limited in size to 50% of principal dwelling square footage or 1,000 square feet, whichever is less. Proposed ALQ totals 1,568 square feet.

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

Applicant: Ron Fletcher  
Location: 77 W. Apache Way  
APN: 206-22-059  
Property Size: 5 acres  
Zoning: RU-4 (Rural District, one dwelling per 4 acres)  
Plan Designation: Rural  
Growth Area: D – Rural Areas  
Existing Use: Single Family Dwelling  
Proposed Use: Two Single Family Dwellings

### Surrounding Zoning and Uses

North	RU-4	Single Family Residence
South	RU-4	Single Family Residence
East	RU-4	Single Family Residence
West	RU-4	Single Family Residence

### II. SITE HISTORY

- Dwelling (1967); building and well permits (2024); temporary use permit for RV (2022-2023, expired)
- Code compliance action (2022) for occupied RV w/out permit (previous property owner)

### III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests special use approval for an accessory living quarter (ALQ) exceeding allowable square footage. The existing principal dwelling totals about 2,400 square feet and a 1,568 square foot accessory dwelling is proposed for the approximate northwest corner of the property. Section 2.48 of the zoning regulations limits accessory dwellings to 50% of the principal residence or 1,000 square feet, whichever is less.

#### **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, seven (7) factors apply to this special use request with all applicable factors complying:

##### **1. Compliance with Duly Adopted Plans: Complies**

The subject property is designated “Rural” by the Comprehensive Plan and falls within Growth Area D (Rural Areas). Existing RU-4 zoning is consistent with the existing rural land use designation, and two dwellings on four acres remains consistent with the property’s land use designation if the special use is approved.

##### **2. Compliance with the Zoning District Purpose: Complies**

Rural 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. County zoning regulations specifically identify ALQs as a permitted accessory use in all rural districts. Residential development patterns typically retain a low density residential character even with approved accessory dwellings given the prevalence of larger lot sizes.

##### **3. Development Along Major Streets: Not Applicable**

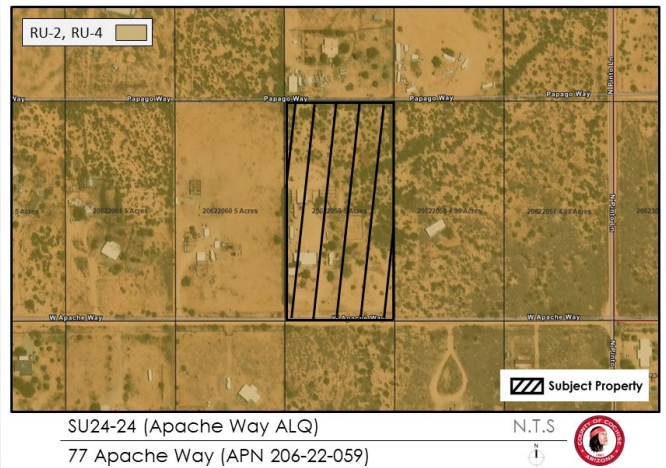
The property takes access from Apache Way, which is not a major street but is instead an unimproved rural local road. The intent of this factor is to consider limiting the number of access points on major thoroughfares, arterials, or collectors by using frontage roads, shared access, and no access easements. Incorporating such measures promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic.

##### **4. Traffic Circulation: Complies**

This Special Use Authorization factor stipulates:

1. The request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The request does not result in the use of any residential street for non-residential traffic.
3. Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.

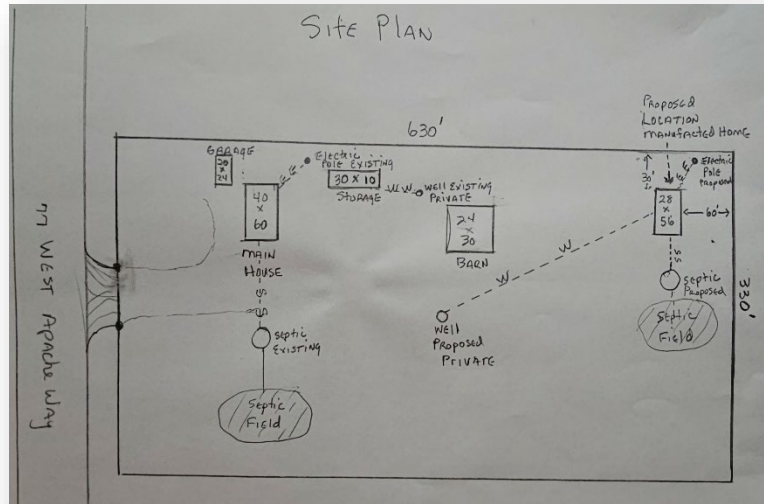
The property has legal access via Apache Way, an unimproved road not in county maintenance. A second dwelling on the property will not generate enough vehicle trips to change the road’s functional classification or require off-site improvements. Approximately 25 residences utilize the Apache Way segment between Desert Road and Pinto Place for access, Desert Road being the nearest county



maintained road.

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

The ALQ will be served by a new well and septic system. Power to the property is provided by Sulphur Springs Valley Electric Cooperative (SSVEC), and the property is located within the Sunsites-Pearce Fire District. The proposed special use does not otherwise require the establishment of new or an expansion of existing services or infrastructure.



**6. Significant Site Development Standards: Complies**

Development standards contained in Sections 2.15 (RU Districts) and 2.48 (ALQ Standards) of the zoning regulations apply to the proposed accessory dwelling. The applicant’s site plan depicts general compliance with applicable development standards for both dwellings.

**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 sent letters to property owners within 500’ on December 4, 2024, receiving no responses in opposition.

**8. Hazardous Materials: Not Applicable**

Hazardous or dangerous materials are not proposed for this special use.

**9. Off-Site Impacts: Complies**

Off-site impacts are unlikely since the property’s land use remains residential and consistent with the existing development pattern.

**10. Water Conservation: Not Applicable**

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

**V. PUBLIC COMMENT**

Staff published legal notice, mailed notification letters, and posted the property between 13 and 22 January 2025.

**VI. WAIVERS**

None.

## **VII. SUMMARY AND CONCLUSION**

The applicant requests special use authorization for an accessory living quarter that will exceed applicable development standards identified in Section 2.48 of the zoning regulations. ALQs are allowed by right in rural zoning districts and must be subordinate to the principal residence relative to size and height. The applicant requests relief from the size standard via a special use authorization as provided by the zoning regulations, allowing a 1,568 square foot ALQ. A manufactured home installation permit is required for the proposed ALQ if approved.



### **Factors in Favor of Approval**

1. Complies with all seven (7) applicable factors.
2. Accessory living quarters are permitted by right in all rural zoning districts.
3. No opposition from nearby property owners.

### **Factors Against Approval**

None identified.

## **VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU24-24 to allow a 1,580 square foot accessory living quarter with the following conditions:

1. 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.
2. 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.
3. 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**

Madam Chair, I move to approve Docket SU24-24 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.