



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Director  
**SUBJECT:** SU25-13 (Waters Road Hay Sales)  
**DATE:** July 9, 2025

### Docket SU25-13 (Retail Hay Sales)

A Special Use Authorization request to legitimize an existing retail hay sales business.

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

Applicant: Nichole Gaskill-Hull / Luke Webb  
Location: 10616 E. Waters Road  
APN: 104-42-011  
Property Size: 6 acres  
Zoning: RU-4  
Plan Designation: Rural Density Residential  
Growth Area: D – Rural Areas  
Existing Use: Single Family Residence, Hay Sales  
Proposed Use: Single Family Residence, Hay Sales

#### Surrounding Zoning and Uses

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

#### II. SITE HISTORY

- 1976 – Single family residence, accessory structures
- 2023 – Applicants acquire property
- 2025 – Active code compliance action for retail hay sales business, outside storage

#### III. SPECIAL USE AUTHORIZATION REQUEST

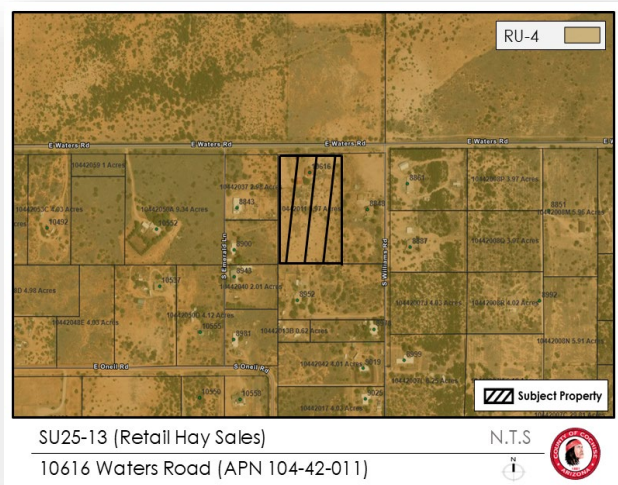
The applicant requests a special use to legitimize an existing hay sales business. Hay is sold to area farmers and ranchers with scheduled pick up times Monday through Saturday between 8am and 5pm. Hay is also delivered to customers on a near daily basis. Business activities, including hay storage and vehicle parking, occur at the northwest corner of the property near the existing driveway along Waters Road.

#### **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: Partially 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. The applicant seeks to legitimize a hay sales business on their property which they also reside on. The Rural Residential land use designation is applied to areas with a definite residential development pattern on larger lots, commonly two acres or more. Intense developments authorized by rezoning to a more intense zoning district or an approved special use are typically not appropriate. Business uses that serve residents may be appropriate, however. This request is not for a standalone business but as an additional use on an established residential property. Hay storage, large loading and transport vehicles, and customers visiting the site are beyond the scope of a typical residential use but not necessarily on a property zoned rural provided off-site impacts can be mitigated. Non-residential development in rural areas may be geared towards local services, tourism, or otherwise less intense uses not appropriate in more dense areas.



##### **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 property is itself is of rural character, consisting of about 6 acres and located less than one mile west of the San Pedro River basin. The zoning district encourages land uses compatible with rural living and more intense non-residential uses provided they are developed with a sensitivity to the character of rural areas and natural environment and harmonious with existing development. The applicant's hay sales business supports local farmers and ranchers, offering a variety of hay for livestock.

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

The property takes access from Waters Road, an improved, county-maintained Rural Local road and is just under ½ mile east of Palominas Road. A county right-of-way permit is required to install a hardened commercial driveway apron (the site has a separate entrance to the residence).

#### 4. Traffic Circulation: Complies

Waters Road is a county-maintained and improved rural local roadway that serves about a dozen properties between Palominas and Williams Roads. Given the limited number of business trips, road reclassification or off-site improvements such as right-of-way dedication or traffic control devices are not required. The only required improvement if the special use is approved is a hard-surface apron installed by the applicant in minimize wear on the improved hard surface of Waters Road.

Waters Road extends about  $\frac{3}{4}$  mile east before turning south as Yell Lane, which is about  $\frac{1}{2}$  mile in length and provides access to an additional 14 properties. In total, about 22 residences utilize Waters Road and Yell Lane for access. The property at the junction of Waters and Yell, 8933 Yell Lane, received a special use authorization for guest lodging in the 1990's (*Casa de San Pedro B&B*).

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

The property is developed with a single family residence with well, septic system, and electricity, falling within the Palominas Fire District service area (the nearest fire station is about 1 mile south on Palominas Road). The San Pedro River basin is less than one mile to the east but the property is not located within any flood zones. The applicants do not propose additional business-related site improvements beyond screening and dust control and additional services or infrastructure are not required.

#### 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. Though the applicant's do not propose new buildings or significant site improvements to support their business, alterations to the site specific to the business may be subject to a modification if the special use is approved.

#### 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 600' on April 30, 2025, receiving inquiries and favorable responses.

#### 8. Hazardous Materials: Not Applicable

The retail sales business does not utilize 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. See also Section 6 (Significant Site Development Standards):



- Noise: The applicant has large trucks and equipment to load and haul hay. Engine noise from these vehicles create noise, and staff recommends conditions limiting hours of operation and requiring screening to reduce noise and other potential off-site impacts on adjacent properties.
- Lighting: Outdoor lighting relative to brightness and shielding is subject to Section 2.45 of the zoning regulations. The applicant has not proposed special lighting for the business
- Odors and Smoke: Loading and hauling vehicles are likely to produce noise and potentially odors. On-site activities are daily but generally limited to one cycle per day. Staff recommends the use of screening, including vegetation, to deflect odors and reduce noise.
- Parking: Adequate parking is available onsite (the zoning regulations requires a minimum of one parking space per RV space). The property totals about 6 acres and can support personal and business-related vehicle parking. Customers arrive to retrieve hay, typically using pick-up trucks, and depart after their vehicle is loaded. Business vehicles are parked at the approximate northwest corner of the property in the same area where hay is stored. Staff recommends using two-inch gravel or other stabilizing material on internal driveways and parking/loading areas to reduce dust.
- Landscaping: Staff recommends the use of native vegetation to reduce off-site impacts associated with noise, odors, and visibility along with a sight-obscuring wall or fencing. Growth Area D (*Rural Areas*) does not otherwise require landscaping.
- Traffic: New driveways are not proposed; however, the county requires a right-of-way permit to install a hard-surfaced apron for the existing driveway accessing Waters Road.

#### **10. Water Conservation: Complies**

County water conservation requirements apply to non-residential uses and properties, including those located within the Sierra Vista Sub-Watershed like the subject property. 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 applicants reside on the property in an existing residence and do not propose any new structures or increased water usage supporting the business.

#### **V. PUBLIC COMMENT**

Staff mailed notices to property owners within 600', published legal notice, and posted the property June 8-13, 2025.

#### **VI. WAIVERS**

None.

#### **VII. SUMMARY AND CONCLUSION**

The applicant requests special use authorization approval to legitimize an existing retail hay sales business that provides product to area farmers and ranchers. Business traffic includes customers visiting the site by appointment, and activities occur onsite up to six days per week between 8am and 5pm and the applicants reside on the property.

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

1. Complies with all eight (8) applicable factors with conditions.
2. Local business that supplies farmers and ranchers.
3. Support from nearby property owners, including adjacent property owners.

### **Factors Against Approval**

1. Business activity resulted in neighbor complaint and subsequent code compliance action.

### **VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU25-13 to allow a retail hay sales business subject to the following conditions:

1. A county right-of-way permit is required.
2. Internal driveways and parking/loading areas shall be treated with two-inch gravel or other stabilizing material to reduce dust.
3. Outside storage areas shall be screened using a solid wall or fence supplemented with native vegetation.
4. Business activities are allowed seven days per week with hours between 7am and 7pm.
5. 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.
6. 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.
7. 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 SU25-13 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.