



Cochise County
Community Development
Planning, Zoning and Building Safety Division

Public Programs...Personal Service
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TO: Board of Supervisors
FROM: Michael D. Izzo, Building Official
FOR: Jerry Stabley, Planning Director
SUBJECT: Work Session on Rural Residential Owner-Builder Amendment (Opt Out)
DATE: June 12th, 2017 for the June 27th, 2017 Work Session

I. NATURE OF REQUEST

Discussion and possible direction regarding amending County Zoning Regulations to remove the Rural Residential Owner-Builder Amendment, otherwise known as Opt Out.

II: BACKGROUND

In June of 2006, the Cochise County Board of Supervisors adopted Resolution 04-117 the *Amendment to the Cochise County Building Safety Code for Rural Residential Owner-Built Dwellings (Opt Out)*. The Amendment was subsequently codified in the Cochise County Zoning Regulations under Section 508: Rural Zoned Districts.

Section 508 is attached to this memo and is summarized here:

- Properties that meet the follow criteria may be exempted from the Cochise County Building Safety Code:
 - Within any Growth Area Category
 - Within a Zoning District in which the minimum lot size is four acres
 - Must be a minimum of four acres in size
- Property owners whose structures were damaged or destroyed by catastrophic events that the BOS declares an emergency, and who wish to repair or rebuild on properties less than four acres may qualify for the Rural Residential Owner-Builder Amendment

In 2016, 1/3 of the permits issued for site built homes in the County were Opt-Out homes (27 out of 79). County staff almost always identifies safety issues when reviewing plans or doing on-site inspections, even in homes that are being built by licensed contractors. Those built using the Opt Out are not benefitting from the attention to safety that our process provides.

Prompting new growth to conserve water is one of the major concepts in our Comprehensive Plan. The Plan is implemented by water conserving measures in our Zoning Regulations. We don't know if Opt Out homes are meeting these important standards.

A year ago, Cochise County was audited by the Insurance Services Office Inc. (ISO). ISO provides advisory insurance underwriting and rating information to insurers. The auditors were concerned that we had the Opt Out program, and gave us a low residential rating because of it. They told us that insurers may use this rating to charge more for homeowners insurance for homes that receive a Certificate of Occupancy in 2016 and forward.

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To determine the impact of this ISO rating, staff spoke to four local insurance agents. Three of them were with large carriers and there was one independent agent. None of them use a location in the County as one of their criteria for determining how much a homeowner's policy will cost. Staff also spoke to the AZ Department of Insurance. They told us that sometimes some of the bigger companies will rely on their own information and do not use ISO.

Removing the Opt Out Amendment will have minimal impact on our agricultural and ranching communities. Arizona Revised Statutes exempt all farms and ranches from the Building Safety Code, and those over five acres in size from County Zoning Regulations.

III: RECOMMENDATION

Staff is requesting direction from the Board of Supervisors to begin the process of amending Cochise County Zoning Regulations to remove the Rural Residential Owner-Builder Amendment.

IV. ATTACHMENTS

Cochise County Zoning Regulations, Section 508: Rural Zoned Districts.

“For the purposes of application of building codes, qualifying land for Rural Residential Owner-Builder Amendment shall include all lands in any Growth Area Category and lying within a Zoning District in which the minimum lot size is four-acres and the parcel is a minimum of four-acres. Certain lands within the above Areas, as specified in the ordinance establishing building codes or that specified exemptions for Rural Residential Owner-Builder Amendment structures, as currently adopted or as may hereafter be amended, may be exempted from the Cochise County Building Safety Code by the Board pursuant to Arizona Revised Statutes. Property owners whose structures were damaged or destroyed by catastrophic events that the BOS declares an emergency, and who wish to repair or rebuild on properties less than four acres may qualify for the Rural Residential Owner-Builder Amendment.”