

COCHISE COUNTY

Discussion on Land Divisions

Board of Supervisor Work Session
October 9, 2017

Cochise County
Community Development
Department of Planning, Zoning and Building Safety



Public Programs...Personal Service

What is a Land Division?

Splitting one parcel of land into 2 or more

What is a Subdivision?

Type of Land Division:

Splitting one parcel of land into 6 or more



Why do Counties and Municipalities Regulate Land Divisions?

- Provide Amenities
- Protect:
 - Buyers
 - County Investments
 - Neighboring Properties



Provide Amenities to Residents

- Recreation: parks, trails
- Scenic: protect natural resources



Protect Buyers - Make sure that new lots:

- Are large enough to meet min. zoning size
- Have access
- Have streets and drainage that work
- Have buildable areas out of the floodplain



How well are our Land Division Processes Working?



There are ways we can Improve!

1. Lack of protection for small land divisions
2. Approval process too long
3. Process designed to help small land owners used by large land owners
4. Fees do not match staff time
5. Overly generous open space bonus
6. Short time frames for renewals

Let's discuss each of these



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1. Lack of protection for small land divisions
- No Minor Land Division review process for 5 or fewer lots
 - Lot Splits are filed at Recorder's Office
 - No review to see if new lots:
 - Meet minimum zoning requirements
 - Have physical and legal access



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1. Lack of protection for small land divisions

- Proposed Solution:
 - Develop a Minor Land Division review process
 - Valid lot split only after reviewed and approved by Planning and Building Safety Staff

 - 13 out of 15 AZ Counties have a MLD process



2. Approval process too long

- Tentative Plats require approval by Planning Commission and BOS
 - Most places:
 - Tentative Plat: PC Approval
 - Final Plat: BOS Approval
 - Our requirements adds time to the process
 - Improve the quality of the subdivisions?

2. Approval process too long

- Proposed Solution:
 - Tentative Plat: PC Approval
 - Final Plat: BOS Approval
- Streamline the approval process



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3. Process designed to help small land owners used by large land owners

- Minor Expedited Residential Subdivisions
 - Purpose (one of three from the current regulations):
“Encourage landowners to participate in the subdivision process by minimizing costs and streamlining the review and approval process”
 - Noble goal: reduce wildcat subdivisions
 - However, people who are using would have platted anyway

Wildcat subdivision: a de facto subdivision created through a series of lot splits



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3. Process designed to help small land owners used by large land owners

- Proposed Solution:
 - Streamline process for all plats as discussed before
 - Potentially eliminate or modify Minor Expedited Residential Subdivisions



4. Fees do not match staff time

- **Minor Expedited Residential Subdivisions**
 - Purpose (one of three from the current regulations):
“Encourage landowners to participate in the subdivision process by minimizing costs and streamlining the review and approval process”
 - No processing fees are charged
- Staff spent ~\$7,780 worth of time on Highlands at Inde

4. Fees do not match staff time

- Proposed Solutions
 - Establish Fees for all Land Divisions



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5. Overly generous open space bonus

- Conservation Residential Subdivisions
 - 50% Lot Bonus if
 - 50% of land is in Conservation Areas
 - Sewer, Water and Fire Protection provided
 - 1,000 acre development, RU-4 Zoning
 - Without bonus: 250, 4 acre lots
 - With bonus: 375, 1.3 acre lots
 - Concerns:
 - Lot sizes fitting character of an area
 - Water use, aquifer depletion
 - Land that should not be built upon getting bonus



5. Overly generous open space bonus

- Proposed Solutions
 - Reduce the minimum % of land in Conservation Areas
 - Reduce or eliminate the bonus
 - Allow flexible lot sizes



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6. Short time frames for renewals

- Assurance Agreements aka Third Party Trusts
 - Done with Final Plat
 - Maximum length of time: 3 years
- Issue: subdivisions in rural areas usually build out slowly
 - Staff spends a significant amount of time processing extensions
 - Applicant has to prepare
 - Extra items on BOS agenda



6. Short time frames for renewals

- Proposed Solutions
 - Assurance Agreements: initially 3 years maximum
 - If subdivision is vested: 10 year maximum



Proposals

- Develop a Minor Land Division review process
- Require only P.C. Approval for Tent. Plats
- Modify or Eliminate Minor Expedited Residential Subdivisions
- Modify Conservation Residential Subdivisions
- Extend Assurance Agreement Timeframes

