

# Cochise County Planning Commission

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Cochise County Complex  
Board of Supervisors' Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona 85603

**Regular Meeting  
October 2, 2018**

**4:00 p.m.**

## **AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
3. **APPROVAL OF THE PREVIOUS MONTH'S MINUTES**
  1. Approve minutes of the August 08, 2018 meeting.
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**
6. **PUBLIC HEARING**
  1. Z-18-08 (Thiels) The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres).
  2. Work Session regarding attached redline version of proposed subdivision regulations.
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
9. **ADJOURNMENT**

**P&Z Agenda**

**3. 1.**

**Meeting Date:** 10/10/2018

Approve minutes of the August 8, 2018 meeting

**Submitted By:** Peter Gardner, Community Development

**Department:** Community Development

**Presentation:** No A/V Presentation

**NAME** NA  
**of PRESENTER:**

**TITLE** NA  
**of PRESENTER:**

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**Agenda Item Text:**

Approve minutes of the August 08, 2018 meeting.

**Background:**

See Attached minutes

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**Attachments**

Draft Minutes

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# DRAFT

## PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON Wednesday, August 8, 2018

A regular board meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, August 8, 2018 at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Tom Borer, Member; Kim DePew, Member; Patrick Greene, Chairman; Pat Edie, Member; Jim Martzke, Member; Gary Brauchla, Member

Absent: Wayne Gregan, Vice Chair; Nathan Watkins, Member; Carmen Miller, Member

Staff Present: Peter Gardner, Planner II  
Robert Kirschmann, Planner II  
Paul Esparza, Plannin Manager  
Daniel Coxworth, Development Services Director

Chairman Greene called the meeting to order at 4:00 p.m.

### ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

### PLEDGE OF ALLEGIANCE

### THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

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1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
  1. **APPROVAL OF THE PREVIOUS MONTH'S MINUTES**
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**
6. **PUBLIC HEARING**

1. SU-18-10 (Baker)The Applicant requests Special Use Authorization to establish art and permaculture facilities.

Motion by Member Jim Martzke, Second by Member Pat Edie Mr. Kirschmann explained that the Applicant has requested to postpone the docket to a later time.

Mr. Martzke motioned to table the docket to a time uncertain. Ms. Edie seconded, and the vote was unanimous.

**Vote:** 6 - 0 Approved

2. Docket Z-18-07 Solventix.The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to LI (Light Industry).

Mr. Kirschmann presented the docket.

Representatives from Solventix presented their request, company, and plans for the site.

Mr. Walter Hunt of Pearce spoke in opposition, citing wildlife and property value concerns. He suggested that Solventix purchase his property.

**Vote:** 6 - 0 Approved

7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**

1. Work Session to discuss possible changes to the Subdivision Regulations.

8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**

9. **ADJOURNMENT**

Chairman Greene adjourned the meeting at 5:20 p.m.

APPROVED:

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Patrick Greene, Chairman

ATTEST:

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Daniel Coxworth, Development Services Director

**P&Z Agenda**

**6. 1.**

**Meeting Date:** 10/10/2018

Z-18-08 (Thiels)

**Submitted By:** Peter Gardner, Community Development

**Department:** Community Development

**Presentation:** No A/V Presentation

**Division:** Development Services

**NAME** Peter Gardner

**of PRESENTER:**

**TITLE** Planner II

**of PRESENTER:**

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**Agenda Item Text:**

Z-18-08 (Thiels) The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres).

**Background:**

The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres). The request is to facilitate a home built under the Cochise County Owner Builder Opt-Out Amendment. The subject parcel is 10.02 acres in size. The subject parcel, APN 401-17-306, is located on the west side of S. Kit Carson Road north of Sunizona. The Applicant is Daniel T. Thiels.

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**Attachments**

Staff Memo

Aerial Map

Citizen Comment

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**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

Public Programs...Personal Service  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket Z-18-08 (Thiels)  
**DATE:** October 1, 2018 for the October 10, 2018 Meeting

**APPLICATION FOR A REZONING**

The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per 4 acres). The subject parcel is ten acres in size. The request is to facilitate the use of the Owner-Builder Opt-Out Amendment.

The subject parcel, APN 401-17-306, is located on S. Kit Carson Road between E. Highway 181 and E. Turkey Trot Road, east of Sunizona. The Applicant is Daniel Thiels.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Parcel Size: 10.02 acres  
 Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet)  
 Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
 Growth Area: D – Rural Area  
 Plan Designation: Rural  
 Area Plan: None  
 Existing Uses: None  
 Proposed Uses: Single Family Residential

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant
South	R-36	Scattered Rural Residential
East	Non-Maintained Road /RU-4	S. Kit Carson Road/Vacant
West	R-36	Vacant

**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

**Highway and Floodplain**  
 1415 Melody Lane, Building F  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov

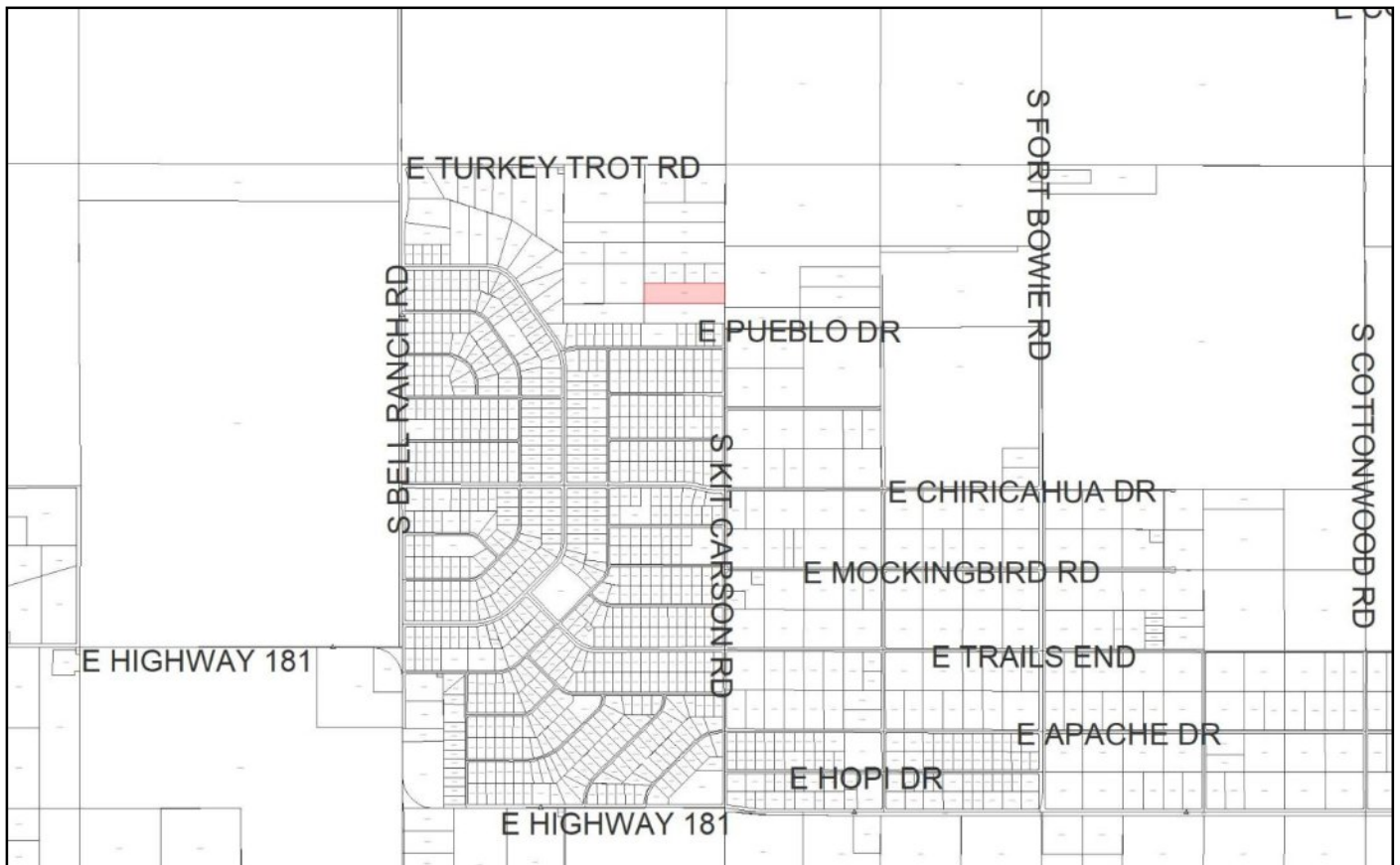
**II. PARCEL HISTORY**

None

**III. NATURE OF REQUEST**

The Applicant is requesting to amend the zoning of his ten-acre parcel from R-36 to RU-4. This will permit the use of the Owner-Builder Opt Out Amendment to the Cochise County Building Code.

The area is largely vacant and agricultural land. There are scattered rural residential uses to the south, with most homes on parcels larger than the required 36,000 square feet. North of E. Turkey Trot Road are scores of agricultural pivots, many owned by Riverview LLP, who plans to construct an additional dairy replacing several of them. A downzone to Rural zoning fits with the actual land uses in the area.



**Location Map**



#### **IV. ANALYSIS OF IMPACTS**

##### **Mandatory Compliance**

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Rural Area and is considered a "Rural" area per the Comprehensive Plan. RU-4 zoning is permitted in the Category "D," "Rural" areas and is the default zoning for the majority of the County, therefore this request to rezone to RU-4 complies with the Comprehensive Plan as detailed below.

**Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Nine of the criteria are applicable to this request, and all of the nine applicable factors are met.

**1. Provides an Adequate Land Use/Concept Plan: Not Applicable**

The Applicant intends to continue to use the parcel for their personal, residential use. The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations.

**2. Compliance with Applicable Site Development Standards: Complies**

As noted above, the 10.02-acre site is undeveloped. Downzoning to RU-4 would not negatively impact the ability of the parcel to be developed. The only site development standard that would become more stringent is the maximum density. The Applicant is aware of this, and has no plans to exceed the RU-4 density.

**3. Adjacent Districts Remain Capable of Development: Complies**

The proposal would not affect the development prospects of any neighboring property.

**4. Limitation on Creation of Nonconforming Uses: Complies**

If approved, the rezoning would not create any non-conforming land uses.

**5. Compatibility with Existing Development: Complies**

There is precedent for RU-4 zoning and Rural Residential development in the immediate area; there is currently RU-4 zoning across S. Kit Carson Road to the east.

**6. Rezoning to More Intense Districts: Not Applicable**

As indicated, this request is for a downzoning, which in this case would reduce the permitted density by a factor of two.

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

The parcel and the existing road network all support the necessary infrastructure to develop the parcel under the guidelines for the RU-4 zoning designation.

**8. Traffic Circulation Criteria: Complies**

This rezoning request will not alter the layout or function of the existing roadway network and will not require right-of-way dedication or off-site improvements. Rezoning from R-36 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic.

**9. Development Along Major Streets: Not Applicable**

This parcel does not take access off a Major roadway and is not served by roads within the County Maintenance system.

**10. Infill: Not Applicable**

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

**11. Unique Topographic Features: Not Applicable**

As this request is for a downzoning, this factor does not apply.

**12. Water Conservation: Complies**

As this proposed downzoning would reduce permitted maximum density, potential water usage could decrease.

### **13. Public Input: Complies**

As a downzoning, the Applicant was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within one mile of the subject property on September 24, 2018. Staff posted the property on September 25, 2018 and published a legal notice in the *San Pedro Valley Sun News*. Two responses in support were received.

### **14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

### **15. Compliance with Area Plan: Complies**

The subject property lies within a Category "D"– Rural Area and is considered a "Rural" area per the Comprehensive Plan. This designation is intended to create neighborhoods with lots of two-acres or more. This request would comply by creating a minimum lot size of four-acres per dwelling.

## **V. PUBLIC COMMENT**

In response to County mailings, the Planning Department has received two responses in support, which is included in the packet.

## **VI. SUMMARY AND CONCLUSION**

The request is for a downzoning, from R-36 (Residential; one dwelling per 36,000 square feet), to RU-4 (Rural; one dwelling per four acres) on a 10.02-acre parcel located on S. Kit Carson Road between E. Turkey Trot Road and E. Highway 181. At this time, the area is characterized by open expanses, with all current development occurring on a Rural scale. The Comprehensive Plan designates the site as Rural. This designation constitutes a recommendation on the part of the Plan for a rezoning to a lower-density zoning district, providing a major Factor in Favor of Approval. A rezoning to the RU-4 district would therefore reflect the policies of the Plan, and would better reflect the existing character of the surrounding neighborhood.

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

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. Two letters of support have been received.

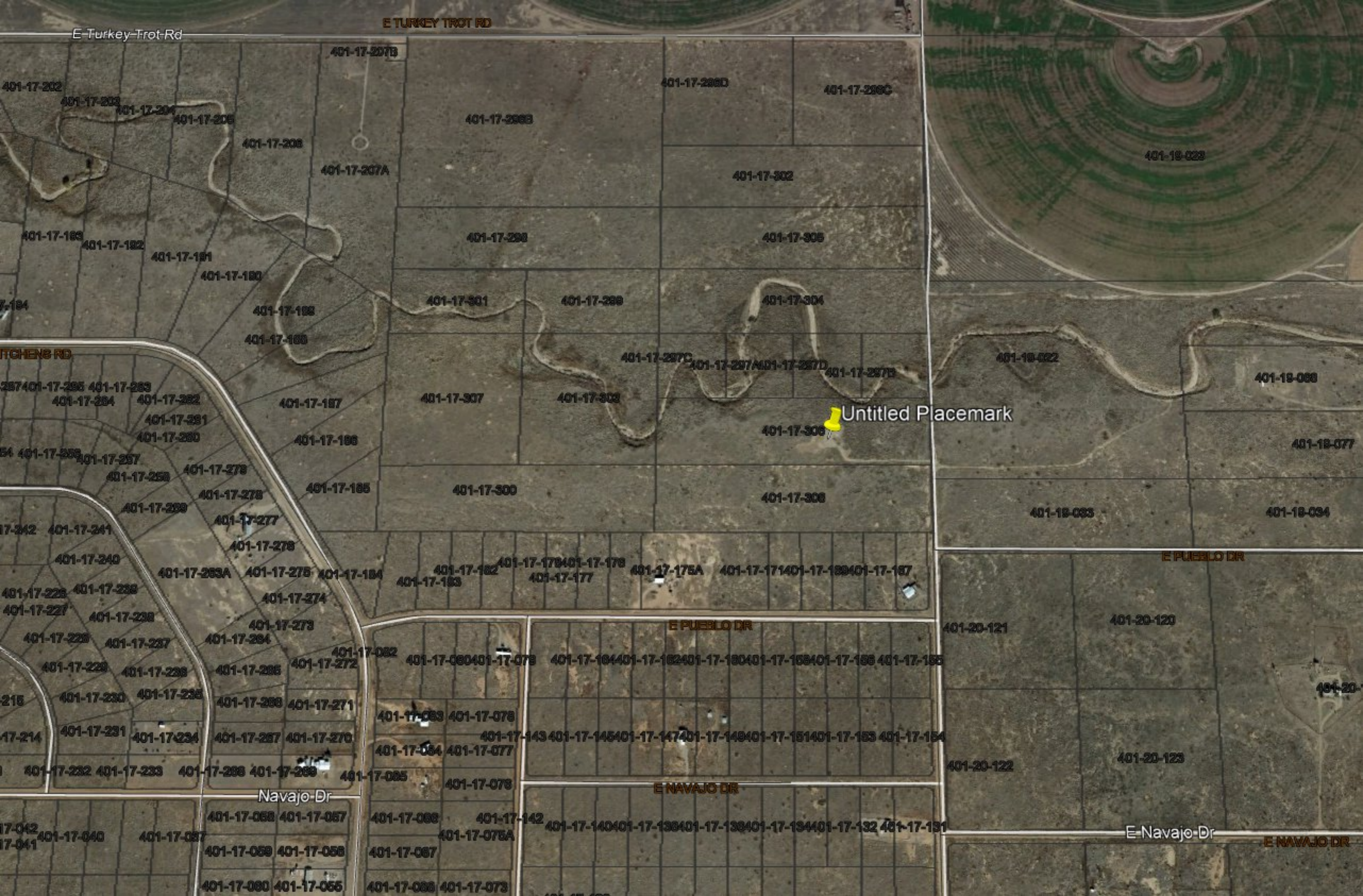
### **Factors Against Approval**

None

## **VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres) on a 10.02-acre parcel located on S. Kit Carson Road between E. Turkey Trot Road and E. Highway 181 to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.



E Turkey Trot Rd

E TURKEY TROT RD

401-17-207B

401-17-288D

401-17-288C

401-17-288B

401-18-023

401-17-302

401-17-207A

401-17-298

401-17-305

401-17-189

401-17-182

401-17-191

401-17-190

401-17-301

401-17-299

401-17-304

401-17-193

401-17-188

401-17-297C

401-17-297M

401-17-297D

401-17-297B

401-18-022

401-18-068

Untitled Placemark

401-17-306

401-18-077

401-17-307

401-17-303

401-17-300

401-17-308

401-18-033

401-18-034

E PUEBLO DR

E PUEBLO DR

401-20-121

401-20-120

401-17-182

401-17-179

401-17-178

401-17-175A

401-17-174

401-17-189

401-17-187

401-17-183

401-17-177

401-17-176

401-17-175B

401-17-174A

401-17-189A

401-17-187A

E PUEBLO DR

E NAVAJO DR

401-20-121

401-20-120

401-17-082

401-17-080

401-17-079

401-17-164

401-17-162

401-17-160

401-17-158

401-17-156

401-17-155

401-17-081

401-17-078

401-17-164A

401-17-162A

401-17-160A

401-17-158A

401-17-156A

401-17-155A

E PUEBLO DR

401-20-

401-17-083

401-17-078

401-17-143

401-17-145

401-17-147

401-17-149

401-17-151

401-17-153

401-17-154

401-17-084

401-17-077

401-17-143A

401-17-145A

401-17-147A

401-17-149A

401-17-151A

401-17-153A

401-17-154A

401-20-123

401-20-122

Navajo Dr

401-17-085

401-17-078

401-17-140

401-17-138

401-17-136

401-17-134

401-17-132

401-17-131

E Navajo Dr

E NAVAJO DR

401-17-068

401-17-057

401-17-066

401-17-142

401-17-140

401-17-138

401-17-136

401-17-134

401-17-132

401-17-131

401-17-069

401-17-058

401-17-067

401-17-075A

401-17-140

401-17-138

401-17-136

401-17-134

401-17-132

401-17-131

401-17-060

401-17-055

401-17-068

401-17-073

401-17-140

401-17-138

401-17-136

401-17-134

401-17-132

401-17-131

401-17-061

401-17-056

401-17-069

401-17-074

401-17-140

401-17-138

401-17-136

401-17-134

401-17-132

401-17-131

401-17-062

401-17-054

401-17-070

401-17-076

401-17-140

401-17-138

401-17-136

401-17-134

401-17-132

401-17-131

401-17-063

401-17-053

401-17-071

401-17-077

401-17-140

401-17-138

401-17-136

401-17-134

401-17-132

401-17-131

## Rezoning Docket Z-18-08 (Thiels)



**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

Should not effect our parcel & may increase property  
value & community aesthetic.

**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Richard Bordi (Fair Claude A ETUX)

SIGNATURE(S):

Richard Bordi

YOUR TAX PARCEL NUMBER:

401-16-376 5

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **5 PM on Wednesday, October 3, 2018** to be included in the staff report to the Commission, and by **Thursday, October 11, 2018** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at [pgardner@cochise.az.gov](mailto:pgardner@cochise.az.gov). Comments received after the April 27 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on October 10, 2018 for the Planning and Zoning Commission and October 23, 2018 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

# Rezoning Docket Z-18-08 (Thiels)

**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

I SEE NO REASON WHY NOT TO GRANT THE REQUEST. PARCEL IS LARGE ENOUGH.  
NO PROBLEM!

**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Didi Freeman - SOUTHWEST SEA LAND LLC

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: MULTIPLE AREA PARCELS (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **5 PM on Wednesday, October 3, 2018** to be included in the staff report to the Commission, and by **Thursday, October 11, 2018** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at [pgardner@cochise.az.gov](mailto:pgardner@cochise.az.gov). Comments received after the April 27 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on October 10, 2018 for the Planning and Zoning Commission and October 23, 2018 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

COCHISE COUNTY

OCT 01 2018

PLANNING

**P&Z Agenda**

**6. 2.**

**Meeting Date:** 10/10/2018

WORK SESSION SUBDIVISION REGULATIONS WORK SESSION

**Submitted By:** Peter Gardner, Community Development

**Department:** Community Development

**Division:** Development Services

**Presentation:** No A/V Presentation

**NAME** Peter Gardner

**of PRESENTER:**

**TITLE** Planner II

**of PRESENTER:**

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**Agenda Item Text:**

Work Session regarding attached redline version of proposed subdivision regulations.

**Background:**

Staff is proposing updates to the Subdivision Regulations.

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**Attachments**

Redline Regulations

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# **COCHISE COUNTY**

# **SUBDIVISION REGULATIONS**

Adopted 12/18/1974

Re-adopted June 22, 2004, Resolution 04-41

Revised January 5, 2007, Resolution 06-127

Revised April 18, 2008, Resolution 08-20

Revised June 20, 2008, Resolution 08-45

Revised December 6, 2016, Ordinance 16-06

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# County Subdivision Regulations

## Article 1 Title, Purpose, Subdivision Definition, Violations

### 101 Short Title

This Ordinance may be cited as the *Cochise County Subdivision Regulations*.

### 102 Purpose

In conformance with the County Comprehensive Plan, the Subdivision Regulations are hereby approved and adopted to achieve the following:

- A. Protect the health, safety, convenience, and general welfare of the citizens of the County.
- B. Provide for the orderly growth and harmonious development of the County.
- C. Require that land be conveyed with an accurate legal description.
- D. Establish procedures and standards for all subdivisions.
- E. Provide adequate traffic circulation, streets, utilities, waste water treatment, drainage, fire and flood protection, schools, recreation areas and other facilities and services needed or desired by the community in the most cost-effective manner, with the cost being borne by those benefited.
- F. Result in individual lots of reasonable utility and livability and to promote neighborhood stability and protection of property values.
- G. Promote conservation of those areas with unique natural features and scenic qualities and provide residents with access to these areas.
- H. Promote water recharge and clean air.
- I. Provide greater design flexibility and efficiency for services and infrastructure including design methods that reduce the length of streets, thus reducing the amount of improved surface and length of utility runs.
- J. Encourage well-planned subdivisions by establishing environmentally adequate standards for design and improvement.
- K. Provide viable, innovative, cost-effective, voluntary development alternatives.

### 103 Commission and Board of Supervisors Review

A subdivision tentative or final plat shall only be approved by the Commission or Board of Supervisors if the proposed subdivision:

- A. Is in accordance with applicable Zoning and Subdivision Regulations.
- B. Is in general conformance with the Comprehensive Plan and other applicable adopted plans.
- C. Is designed to be harmonious with the terrain and surrounding area with due regard shown for significant natural features such as trees or other significant vegetated areas, water recharge areas and washes, views, historical and archaeological sites and similar community assets.
- D. Has adequate public access and minimizes traffic conflict on arterial and county collector streets.
- E. Has subdivision streets that are coordinated with existing and planned streets and access is reserved for future development of nearby properties.
- F. Has a demonstrated sufficient supply of potable water that does not result in an unreasonable depreciation of an existing water supply.
- G. Would not create water pollution.
- H. Has an adequate sewage disposal system.
- I. Is designed to include reasonable methods to minimize water use.

- J. Is designed to include adequate methods to control dust during construction and control accelerated run-off, off-site erosion and to conserve water.
- K. Has adequate fire protection.
- L. Would not result in an unreasonable burden on the ability of County or other local governments or public service agencies to provide for streets, water, sewage, fire, police, hospital, solid waste, education, housing, recreation, and other services.
- M. Is designed to include safety factors to address flooding, poor drainage, steep slopes, rock formations or other features likely to be harmful to the public health, safety, convenience, or general welfare.
- N. Is designed with due regard for natural, historic and cultural resources.
- O. Has screening or buffering from incompatible existing commercial or industrial uses bordering the subdivision.
- P. Has provided adequate securities to ensure completion of subdivision on-site and off-site improvements.
- Q. Is not subject to liens for delinquent taxes.

## **104 Compliance with Arizona Revised Statutes/Definition of a Subdivider and Subdivision**

Terms used in this Article are intended to have the same meanings as established by State Law in Arizona Revised Statutes (A.R.S.) Title 32, Chapter 20, Article 1 and will be deemed to be amended by any changes in that State Law.

- A. "Subdivider" means any person who offers for sale or lease six or more lots, parcels or fractional interests in a subdivision or who causes land to be subdivided into a subdivision for the subdivider or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to create subdivisions. This includes a person who offers for sale or lease six or more lots, parcels or fractional interests in a previously platted subdivision which does not include all roads, utilities and other improvements required by these regulations.
- B. "Subdivision" or "subdivided lands" means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels or fractional interests. Subdivision or subdivided lands include a stock cooperative and include lands divided or proposed to be divided as part of a common promotional plan. This paragraph shall not apply to leasehold offerings of one year or less or to the division or proposed division of land located in the state of Arizona into lots or parcels each of which is, or will be, thirty-six acres or more in area including to the center line of dedicated streets or easements, if any, contiguous to the lot or parcel and provided further that this definition shall not be deemed to include the leasing of agricultural lands, or of apartments, offices, stores, hotels, motels, pads or similar space within an apartment building, industrial building, rental recreational vehicle community, rental manufactured home community, rental mobile home park or commercial building, except that residential condominiums as defined in A.R.S. Title 33, Chapter 9 shall be included in this definition, nor shall this definition include the subdivision into or development of parcels, plots or fractional portions within the boundaries of a cemetery that has been formed and approved pursuant to this chapter.
- C. The following are exempt under these regulations:
  - 1. The sale or lease in bulk of six (6) or more lots, parcels, or fractional interests to one buyer in one transaction is exempt only if the entire inventory of parcels owned by the seller is sold in one transaction.
  - 2. The sale or lease of lots or parcels located in a single platted subdivision by a subdivider if:

- (a) A valid public report has been issued within the past two (2) years by the Arizona Department of Real Estate on the subdivision lots or parcels; and
- (b) The subdivision meets all current requirements otherwise required of a subdivision under these regulations; and
- (c) The method of sale or lease of lots or parcels meets all current requirements under Arizona law; and
- (d) The lots or parcels are included on a recorded subdivision plat that has been approved by the county; and
- (e) All streets and roads within the subdivision, all utilities to the lots or parcels being offered for sale or lease and all other required improvements within the subdivision, other than a residence to be built, are complete, paid for and free of any blanket encumbrances; or the streets, utilities or other improvements are not complete, but the completion of all such improvements is assured as required by Article 5 of these Regulations.

D. All non-exempt sales of subdivision land by a subdivider shall be subject to these rules.

## 105 Requirements for Subdividing

- A. No plat of a subdivision of land within the area of jurisdiction of Cochise County shall be accepted for recording or recorded until it has been approved by the Board of Supervisors.
- B. Any person causing a final plat to be recorded without first submitting the plat and obtaining approval of the board is guilty of a class 2 misdemeanor.
- C. No person, firm, corporation, or other legal entity who is a subdivider shall sell, offer to sell, or divide any lot, piece, or parcel of land in a subdivision or part thereof, unless that land is designated on a final plat recorded in accordance with these Subdivision Regulations, and all the conditions of these Regulations have been met. Any use or development of property contrary to the provisions of these Regulations shall be unlawful, against the public health, safety, convenience and general welfare, and a public nuisance.
- D. A subdivider shall not sell or lease or offer for sale or lease subdivision land until the subdivider has fulfilled all of the conditions of these regulations, including the installation of all necessary site improvements unless the property is exempt from any additional requirements imposed by these regulations as the result of meeting each of the conditions of Section 104.C above or there is a vested right to continue to develop and sell the subject property.

## 106 Acting in Concert, Advertising, Common Promotional Plan

- A. "Acting in concert" means evidence of collaborating to pursue a concerted plan.
- B. "Advertising" means the attempt by publication, dissemination, exhibition, solicitation or circulation, oral or written, or for broadcast on radio or television or other electronic media to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in lands subject to the provisions of this chapter including the land sales contract to be used and any photographs, drawings or artist's presentations of physical conditions or facilities existing or to exist on the property.
- C. "Common promotional plan" means a plan, undertaken by a person or a group of persons acting in concert, to offer lots for sale or lease. If the land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan. Separate subdividers selling lots or parcels in

separately platted subdivisions within a master planned community shall not be deemed to be offering their combined lots for sale or lease as part of a common promotional plan.

## 107 Penalties for Violation of the Subdivision Regulations

- A. **Penalties:** Upon submittal of a complaint that a parcel of land is being subdivided or that subdivision land is being sold in violation of this ordinance, the Planning Director shall determine if a person(s), firm, corporation, or other legal entity alone or in concert acted to divide a parcel of land or sell subdivision lots either on their own initiative or by using a series of owners or conveyances or common promotional plan or by any other method that ultimately resulted in the division of the lands into a subdivision. Upon determination that an illegal subdivision has been created, as soon as the first lot is offered for sale, the Planning Director shall:
1. Provide findings to the Arizona Department of Real Estate.
  2. Prepare and record with the Cochise County Recorder a "Notice of Violation" that specifically identifies any lot or lots for which building permits would not be issued under this rule as a result of the failure to comply with the requirements of these regulations or the creation of any unauthorized lots.
  3. Ensure that no building permit shall be issued for the erection or use of any structure in a subdivision unless that subdivision conforms with these regulations; the property is exempted from these regulations as result of meeting each of the conditions of Section 104.C; there is a vested\* right to continue to develop and sell property in the subdivision; or the applicant is an owner of one or more lots in a subdivision created on or before January 1, 1975, is not a "subdivider" or operating under a common promotional plan with a subdivider and the property is not subject to any "Notice of Violation". (\*Note: For purposes of these regulations there is a vested right to continue to develop or sell a subdivision that was approved on or after January 1, 1975, and that has been or is being developed in conformance with these regulations.)
  4. Revoke any previously issued permits based upon misrepresentation of the status of the subdivision.
- B. **Legal Procedures:** The Office of the County Attorney shall upon order of the Board of Supervisors, or may on its own initiative, immediately commence all necessary actions or proceedings and shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and restrain any person, firm, or corporation from setting up, developing, erecting, building, moving, or maintaining any such building or using any property contrary to the provisions of these Subdivision Regulations, or otherwise violating same.
1. Any person, firm, corporation, or other legal entity who violates any provision of these Subdivision Regulations shall be guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than the amount set forth by law for such offenses or by imprisonment in the County Jail for a period set forth by law, or by both such fine and imprisonment.
  2. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these Subdivision Regulations.
  3. All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions. In addition to other remedies provided in this Article, any adjacent or neighboring property

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owner who shall be especially damaged by violations of any provision of these Subdivision Regulations may institute against a subdivider, in addition to other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent, abate or remove such unlawful erection, construction, or use of the subject property.

## Article 2 Tentative Plat: Submittals and Review

### 201 Purpose

The purpose of this Article is to describe the tentative plat procedures common to all subdivision options unless otherwise specified in subsequent articles.

### 202 Summary of Tentative Plat Submittals and Review Schedule

* Submittals	Approximate Review Schedule
Submittal of a concept plan is recommended at the pre-tentative plat meeting	Informal pre-tentative plat meeting-scheduled within approximately 1 week of an applicant's request
<p>Tentative Plat Application</p> <ul style="list-style-type: none"> <li>▪ Tentative Plat – 15 copies: 24” x 36” (Folded to 8.5 by 11”) &amp; 1 copy: 11” x 17” (Subsequent reviews of revised plats require one 11” x 17 “ version and as many full-size copies determined necessary)</li> <li>▪ Tentative Plat Fee &amp; Health Department Fee</li> <li>▪ Letter of Intent including justification of waivers</li> <li>▪ Hydrology and Hydraulic Report</li> <li>▪ Copy of Application to State Department of Water Resources for Determination of Water Adequacy</li> <li>▪ Traffic Analysis (see 405.01)</li> </ul> <p><u>Recommended at Tentative Plat, Required at Final Plat</u></p> <ul style="list-style-type: none"> <li>▪ Draft covenants, conditions and restrictions and homeowners' association bylaws, if any</li> <li>▪ Maintenance plan for common areas, if any</li> <li>▪ Boundary Closures and line table</li> <li>▪ Method of ensuring improvements</li> </ul>	<p>The initial review by the Subdivision Committee takes <u>approximately</u> 6 weeks and is comprised of the following steps.</p> <ol style="list-style-type: none"> <li>1. Submittal Meeting with Planning Staff to determine if application is complete. If complete:</li> <li>2. Within 1 week: Planning Department will transmit the application for review to the Subdivision Committee</li> <li>3. Within 3 weeks: A staff only Subdivision Committee Meeting will be held</li> <li>4. Within 5 weeks: written comments will be provided</li> <li>5. Within 6 weeks: a Subdivision Committee meeting with the applicant will be held</li> <li>6. The time frame of subsequent reviews is as needed depending on the complexity of the revisions</li> <li>7. When the Subdivision Committee finds that all applicable requirements are satisfactorily met, the plat shall be set for action at the next scheduled Commission meeting if all required materials are received at least fifteen (15) working days in advance</li> </ol>

\* Summary only, review details in sections that follow

## 203 Tentative Plat Submittals

### 203.01 Informal Pre-tentative Plat Meeting

A preliminary meeting with the Subdivision Committee (see Section 204.01) is required. The purpose of this preliminary meeting is to discuss design alternatives and to provide the applicant with as much information as possible prior to investing money in the formal tentative and final plat submittals. Reaching a clear understanding of the overall subdivision concept before preparation of the tentative plat while plans are still flexible is an important step for the County and the subdivider. Providing a concept plan and preliminary information one week before the meeting is recommended. The subdivider and County should be prepared to discuss the items listed below.

- A. Layout of lots.
- B. Floodplain, setbacks from washes and any construction or alterations occurring in the floodplain.
- C. Adjacent development.
- D. Streets
- E. Proposed width and surface of internal streets and whether the streets are public or private.
- F. Provision for existing and future circulation and road dedication within and in the adjacent area.
- G. Purpose and design of common areas if any.
- H. Width, status, and surface of the streets providing access to the property.
- I. Subdivision impacts on off-site resources such as roads.
- J. Extent of traffic analysis needed.
- K. Provisions for fire protection and how the impact on the fire district (if one exists) will be addressed.
- L. Provisions for water and wastewater treatment.
- M. Water conservation measures to minimize increased water use.

### 203.02 Tentative Plat Submittal Meeting

The applicant shall schedule an appointment with the Planning Department to submit tentative plat applications. An incomplete application will not be processed. The Planning Department representative shall determine if a submittal is complete at the submittal meeting. A complete application must have all of the requirements listed in this Article.

### 203.03 Tentative Plat Submittal Requirements

- A. The tentative plat submittal shall include:
  - 1. Fifteen (15) copies of the tentative plat that are 24 by 36 inches in size and folded to 8.5 by 11 inches in size.
  - 2. One (1) 11 by 17 inch reduced version.

Subsequent revisions shall include one (1) 11 by 17 inch reduced version and additional full copies as needed.

- B. The following information shall be clearly and legibly drawn on the tentative plat at a scale of 1" = 40', 1"=50', 1"=100', or 1"=200' as necessary to show all required details.
  - 1. Show on sheet number one only:
    - a. Metes and bounds legal description of all property being subdivided and parcel numbers.
    - b. Key maps showing:

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- i. Location of the subdivision within the context of the surrounding area and major roads.
  - ii. The relationship of the sheets when the plat consists of two (2) or more sheets.
- c. All applicable standard notes listed below and other notes required by the Subdivision Committee.
- i. This subdivision has private streets that are not maintained by Cochise County.
  - ii. The minimum floor elevations including basements shall be (#) inches above the highest natural ground elevation at the building pad. No building shall be oriented in such a way as to block the natural storm runoff. All lots are subject to the requirements of the Hydrology and Hydraulic study prepared for this subdivision and on file with the Cochise County Highway and Floodplain Department.
  - iii. Existing platted streets not incorporated into the subdivision shall be abandoned separately through the Board of Supervisor's abandonment process.
  - iv. Individual sewage disposal systems are proposed (septic tank and leach field). Prior to building permit issuance, individual percolation or soil evaluations will be required for all lots. A minimum one-hundred (100) foot setback is required from all wells and fifty (50) feet from all lot lines.
  - v. If sewage disposal systems other than conventional leach field systems are required, Arizona Department of Environmental Quality (ADEQ) approval is required prior to construction of the system.
  - vi. Dust and erosion control measures shall be employed during and post-construction and shall comply with the *Cochise County Land Clearing Ordinance*.
  - vii. It is the subdivider's responsibility to obtain any additional State or Federal permits.
  - viii. Zoning is \_\_\_\_\_ and shall remain.
  - ix. The length in miles of streets.
- d. Name of the Subdivision and Subdivider and property owner if different.
- e. Name, registration number, seal, and signature of a professional land surveyor registered to practice in the State of Arizona.
- f. Date of plat (updated on subsequent revisions and noted as 2<sup>nd</sup> Revised Plat, etc.)
2. Scale and north arrow on all pages.
3. Streets:
- a. Locations and widths of proposed streets, and other rights-of-way.
  - b. Road cross-sections for all types of proposed streets in accordance with the applicable standard in the *Cochise County Road Construction Standards and Specifications for Public Improvements*.

- c. Sight distance triangles at all road intersections.
6. Boundaries of all areas subject to inundation or storm water overflow. Erosion setbacks and one-hundred (100) year floodplain limits to be depicted.
7. Existing topographical contours for every two (2) vertical feet change unless otherwise noted in these regulations.
8. Area to be cleared. Clearing cannot occur until the improvement plans are substantially approved.
9. Street layout designed to control accelerated run-off and off-site erosion.
10. Washes identified as significant in the *Upper San Pedro Partnership Hydrologic Protection Areas Final Report* or any applicable County Land-Use Plans.
11. Existing easements including recording data and proposed easements and their purpose.
12. Phasing, with each phase designed to stand alone in the event other phases are not completed.
13. Lots and boundary lines including:
  - a. Approximate lot lines with a depiction of a typical and minimum lot.
  - b. Proposed use of each lot.
  - c. Typical lot depicting wash setbacks, buildable areas and defensible space setbacks, if applicable.
  - d. Boundary lines, distances and bearings for subdivision boundaries.
  - e. Drainageways and detention basins.
14. Existing structures, walls, ponds, tanks, wells, irrigation canals, laterals, ditches and dikes, streets, paths, trails and utilities denoting whether these items are to remain, be altered or removed.
15. Common areas reserved or dedicated for parks, schools or other public uses, including private streets and conservation areas.
16. Profile of the fencing and gating to be used if the subdivision is a gated community and a note on how access will be provided for emergency vehicles.
17. Location and design of community mail boxes with pullout for vehicle parking for mail pickup if proposed.
18. Location of fire hydrants, water tanks or other requirements for fire protection.
19. Area and number of tracts, if any, to be excluded from the proposed subdivision and their proposed use.
20. Adjacent zoning district classifications, subdivisions with recordation reference, parcels and nearby streets.
21. Depiction of other natural features such as significant vegetated areas, water recharge areas and washes, views, historical and archaeological sites and similar community assets that should be taken into account during design.

22. Other notes in support of proposed covenants, conditions and restrictions such as building envelopes, landscaping restrictions and restrictions to certain types of structures and lot sizes.
23. Any other items as required by law or as required by the Subdivision Committee.

### **203.04 Letter of Intent**

A written letter of intent to subdivide must be submitted with the tentative plat. This letter must include the following information and certifications.

- A. Date of submittal.
- B. Name and address of each person having an interest in the proposed subdivision and the extent of such interest.
- C. Name, phone number, and E-mail address of contact person.
- D. Notarized letter of agency from the owner if the project representative is not the owner.
- E. Metes and bounds legal description and general location of the proposed subdivision, distance to the nearest incorporated town and a sufficient description of existing landmarks and boundaries to locate and field inspect the proposed subdivision by vehicle.
- F. Parcel numbers and working name of the proposed subdivision.
- G. Total area in acres and number of lots in the proposed subdivision and typical and minimum lot sizes.
- H. Reference by book, page, and date of recordation of any previous plats.
- I. Utilities and services:
  1. Description of the utility service areas which serve the subdivision.
  2. Description of medical facilities, elementary and high schools and public transportation available to the subdivision.
- J. Nature of off-site and on-site improvements proposed to be constructed by the subdivider including:
  1. Description of how improvements will be guaranteed.
  2. Description of the existing legal and physical access to the site.
  3. Statement as to whether private streets are proposed and how they will be maintained.
- K. Statement as to whether the community will be gated and how access will be provided for emergency services.
- L. Description of any special districts in which the proposed subdivision is located.
- M. Description of the zoning district classifications in which the proposed subdivision is located along with a statement that all applicable Cochise County Zoning Regulations shall be satisfied within the proposed subdivision.
- N. Statement that the proposed subdivision is intended to meet the minimum Cochise County standards or identification of any waivers that are anticipated. Provide a technical justification for any waivers from the provisions of these Subdivision Regulations or any other applicable County regulations.
- O. Statement of what provisions will be made for fencing the subdivision to preclude livestock from roaming within the subdivision and on public streets, if any.
- P. Description of dust control measures to be used during construction.
- Q. Description of water conservation measures to be employed in the subdivision.
- R. Statement as to whether all or any portion of the subdivision is located in the vicinity of a military airport (ARS § 28-8461) or in a high noise or accident potential zone (§28-8461) or in the vicinity of a public airport (§28-8486).
- S. Statement as to whether the subdivision is in a designated PM10 area (particulate matter of 10 microns or less).

### **203.05 Related Exhibits/Other Submittals**

In addition to the Tentative Plat and letter of intent, the following submittals are required to complete the application.

- A. Check made payable to the Cochise County Treasurer for the tentative plat processing fee in the amount as set forth in the adopted Planning and Zoning Fee Schedule.
- B. Check made payable to the Cochise County Treasurer for the Health Department review fees in the amount as set forth in the adopted Health Department Fee Schedule.
- C. Unless otherwise stipulated in these regulations or agreed upon with the County Subdivision Committee, a traffic analysis report prepared by a professional civil engineer registered to practice in the State of Arizona shall be required, addressing at a minimum the criteria in Section 405.01 and any other criteria the Planning Director and County Engineer determine necessary to identify the type and extent of road improvements.
- D. A Hydrology and Hydraulic Report in accordance with *Floodplain Regulations for Cochise County* requirements unless otherwise specified in these regulations.
- E. Copy of the application submitted to the Arizona Department of Water Resources to determine water adequacy.
- F. Copy of the instrument to be used to maintain common areas is recommended to be submitted as part of the tentative plat submittal. A homeowners' association is required for maintenance of conservation areas, private roads and other private improvements unless some other entity acceptable to the County is proposed.
- G. Copy of all proposed instruments creating covenants, restrictions, reservations, easements, owners' association, or other conditions, if any, is recommended to be submitted as part of the tentative plat submittal.
- H. Copies of required 401, 404, NPDES, Intent to Clear and other required Federal and State permits or applications.
- I. Preliminary title report no more than thirty (30) days old.
- J. If required in an adopted County land-use plan, documentation from the Arizona State Museum, the State Historic Preservation Office (SHPO), or a qualified archaeologist, as to whether or not there are any known historical or archaeological sites within the area to be developed and completion of a field survey if determined warranted by these agencies.

## 204 Tentative Plat Review

### 204.01 Composition and Duties of Subdivision Committee

It shall be the duty of the Subdivision Committee to examine all required tentative and final plat submittals and exhibits and to determine compliance with these Subdivision Regulations and other applicable ordinances and regulations. A recommendation on the tentative or final plat through the Committee Chair shall not be forwarded to the Commission or Board of Supervisors until consensus is reached among all members of the Subdivision Committee that the submittals comply with all applicable regulations or that the waivers requested are reasonable and adequately justified. Subdivision Committee meetings shall be scheduled as needed with the applicant. The Subdivision Committee is hereby established and shall consist of the following members or their duly authorized representatives.

#### The Planning Director, who shall:

- A. Review applications for completeness and transmit applications and revisions for review.
- B. Serve as the County's project representative throughout the process.
- C. Review all submittals for compliance with the Comprehensive Plan, Subdivision and Zoning Regulations and other applicable plans and planning ordinances.
- D. Confirm that property taxes are current prior to final plat approval.
- E. Confirm that road names and road name signs comply with the rural addressing ordinance.
- F. Represent other reviewing agencies that are not formal members of the Subdivision Committee.
- G. Schedule and chair subdivision committee meetings.
- H. Mail a certified letter to the City Manager of any City located within three (3) miles of the subdivision boundaries thirty (30) days prior to final plat approval.

- I. Make staff presentations on behalf of the Subdivision Committee to the Planning and Zoning Commission and Board of Supervisors.
- J. Ensure that the final plat and related documents are recorded and copies distributed to the Subdivision Committee members.
- K. Inspect and approve those on and off-site improvements not reviewed by the County Engineer.
- L. Ensure that requirements of other applicable agencies represented by the Planning Director have been completed prior to sale of lots.
- M. When applicable, release assurances to allow lot sales upon completion of County inspections and approval of all on- and off-site subdivision improvements.
- N. Confirm that a lighting district has been established prior to lot release, if required.
- O. Maintain complete files.

**The County Engineer, who shall:**

- A. Review all submittals for compliance with all Highway and Floodplain regulations.
- B. With the Planning Director determine the adequacy of the traffic analysis and the on and off-site improvements identified in the report.
- C. Review, approve, or reject improvement plans unless improvement plans are self-certified by a Professional Civil Engineer registered in the State of Arizona.
- D. Work with the project engineer to complete ongoing inspections at appropriate times during construction of Highway and Floodplain related improvements.
- E. Receive project engineer certification that improvements are constructed, tested, inspected, and accepted according to the approved improvement plans.
- F. Monitor the condition of improvements during the first year after completion and require repairs if necessary within that time period.

**The County Director of the Environmental Health Division who shall:**

- A. Review all submittals for compliance with all County Health requirements.
- B. Advise the applicant of applicable State Health Requirements of which he is aware.
- C. Work with project engineer to complete ongoing inspections at appropriate times during construction of sanitation and other health related improvements if any.
- D. Advise Planning Director of compliance with applicable State and County Health requirements.

**204.02 Transmittal List**

The Planning Director shall ensure that all interested agencies and parties are given an opportunity to review the application. Agency representatives or interested parties may attend Subdivision Committee meetings as non-voting members. The Planning Director shall represent their interests on the Subdivision Committee. The Planning Director shall ask the applicant for additional copies of plats and supporting documents if needed to transmit to these agencies. In addition to the Subdivision Committee, the transmittal list may include but is not limited to the following:

- A. Standard Transmittal List
  - 1. Cities within three (3) miles of the Subdivision
  - 2. County Building and Zoning Administrator
  - 3. County Administrator/Board of Supervisors
  - 4. County Rural Addressing
  - 5. Design Review committees if established as part of an adopted Community Plan
  - 6. Applicable Fire Protection Provider
  - 7. Homeowner or Community Associations representing the area

8. Utilities
9. Agencies with existing easements on the property
10. Natural Resource Conservation District
11. Natural Resource Conservation Service
12. Military base if within the vicinity of a military airport.

B. Other Agencies as applicable

1. Arizona Department of Environmental Quality
2. Arizona Department of Transportation
3. Arizona Department of Water Resources
4. Arizona State Fire Marshal
5. Arizona State Land Department
6. Arizona Department of Agriculture
7. Army Corps of Engineers
8. Bureau of Land Management
9. County Attorney's Office
10. U. S. Forest Service
11. National Park Service
12. Applicable school district
13. Applicable law enforcement agency
14. University of Arizona Cooperative Extension Water Wise Program or other agency designated to review water conservation measures
15. Other interested parties identified in the review process

**204.03 Commission Action on the Tentative Plat**

Upon review of the tentative plat and supporting documents the Commission may recommend to the Board of Supervisors:

- A. Approval of the tentative plat as presented, if they find that the tentative plat and supporting documents comply with these Subdivision Regulations and other applicable regulations.
- B. Approval of the tentative plat with conditions, as specifically noted.
- C. Denial of the tentative plat, providing the applicant with a list of modifications, findings, and considerations that must be addressed before re-submittal to the Commission.

**204.04 Commission Action on Waivers**

Upon review of waiver(s), the Commission may forward to the Board of Supervisors a recommendation of:

- A. Unconditional approval.
- B. Unconditional denial, stating the factors favoring denial.
- C. Conditional approval, stating the recommended conditions.

**206 Final Plat Review**

Final plats are reviewed directly by the Board of Supervisors if the final plat conforms substantially to the tentative plat, waivers and conditions recommended by the Commission.

**207 Waivers**

The Board of Supervisors may approve, disapprove, or conditionally approve waivers to the terms of these regulations so long as they are not contrary to the public interest, and where due to unique conditions, a literal enforcement of the provisions and requirements of these Subdivision Regulations would result in undue hardship.

- A. Waiver requests shall be submitted with the tentative plat application accompanied by a technical analysis justifying the waiver with an explanation of likely impacts.
- B. The Commission shall provide a recommendation to the Board of Supervisors on all waivers.
- C. Waivers will be forwarded to the Board of Supervisors for action with the tentative plat upon recommendation by the Planning Commission and when accompanied by the appropriate processing fee as set forth in the adopted Planning and Zoning Fee Schedule

## **208 Effective Period of Tentative Plat and Plat Extensions**

- A. Approval of residential tentative plats shall be effective for two (2) years.
- B. Approval of commercial tentative plats shall be effective for three (3) years.
- C. The Planning Director may grant one (1) one-year time extension upon written request by the subdivider if:
  - 1. The applicant demonstrates substantial progress towards final plat approval; and
  - 2. The subdivision is in conformance with current County regulations or the developer agrees to conform to current County regulations.
- D. Additional one-year time extensions must be approved by the Planning and Zoning Commission.
- E. Extensions shall be accompanied by the fee set out in the Planning Department Fee Schedule.

## Article 3 Final Plat: Submittals and Review Process

### 301 Purpose

The purpose of this Article is to describe the final plat procedures common to all subdivision options unless otherwise specified in subsequent articles describing subdivision options.

* Submittals	Approximate Review Schedule
<p>Final Plat Application</p> <ul style="list-style-type: none"> <li>▪ Final Plat –15 copies: 24” x 36” (Folded to 8.5” by 11”) &amp; 1 copy: 11” x 17” (Subsequent review of revised plats require one 11” x 17 “ version and as many full-size copies as determined necessary)</li> <li>▪ Final Plat Fee and Improvement Plan review fee</li> <li>▪ Final Hydrology and Hydraulic Report, revised as required during tentative plat review</li> <li>▪ Copy State Department of Water Resources Determination of Water Adequacy</li> <li>▪ Traffic analysis if a revision was required</li> <li>▪ Covenants, conditions and restrictions and homeowners’ association bylaws (CC &amp; R’s), if any</li> <li>▪ Boundary Closures and line table</li> <li>▪ Mechanism to ensure improvements</li> <li>▪ Improvement Plans/Signage Plan (Self-certified by a professional civil engineer registered in the State of Arizona, or accompanied by a review fee in the amount as set forth in the applicable adopted County Fee Schedule. If submitted for County review, it is recommended that these plans be submitted in advance of the final plat because Improvement Plan review can take a minimum of 6 weeks)</li> </ul>	<p>The initial review takes approximately 6 weeks (excluding review of the improvement plans) and is comprised of the following steps.</p> <ol style="list-style-type: none"> <li>1. Submittal Meeting with Planning Staff to determine if application is complete. If complete:</li> <li>2. Within 1 week: Planning Department will transmit application for review to the Subdivision Committee</li> <li>3. Within 3 weeks: a Staff only Subdivision Committee Meeting will be held</li> <li>4. Within 5 weeks: written comments will be provided</li> <li>5. Within 6 weeks: the Subdivision Committee will meet with the applicant</li> <li>6. The time frame of subsequent reviews is as needed depending on the complexity of the revisions.</li> <li>7. When the Subdivision Committee finds all applicable requirements are satisfactorily met, the plat shall be set for action at the next scheduled Board of Supervisors meeting if all required materials are received at least fifteen (15) working days in advance.</li> </ol>

\* Summary only, review details in sections that follow.

### 302 Substantial Conformance with Tentative Plat

A final plat is the legal document recorded in the Office of the County Recorder showing the survey data for all lots, streets, common areas, flood prone areas and easements and any general notes pertinent to buyers. A final

plat must be in substantial conformance with the tentative plat approved by the Commission. Any final plat or portion thereof found by the Planning Director not to be in substantial conformance with the approved tentative plat must be resubmitted to the Commission for approval. Substantial conformance means:

- A. The number of lots does not increase by more than ten (10) percent.
- B. The layout of the lots does not vary in a manner that affects other aspects of the subdivision such as access to conservation areas, drainage, or circulation.
- C. Drainage and road right-of-way dedications and easements are substantially as depicted on the tentative plat.
- D. The circulation system does not vary in a manner that affects other aspects of the subdivision or overall area circulation and access.
- E. The improvement standards, percent, and layout of common areas, conservation areas, and water conservation measures meet or exceed those approved by the Commission.

### **303 Final Plat Submittal**

#### **303.01 Final Plat Submittal Meeting**

The applicant shall schedule an appointment with the Planning Department to submit final plat applications. An incomplete application will not be processed. The Planning Department representative shall determine if a submittal is complete at the submittal meeting. A complete final plat shall include all the requirements listed in this Section.

#### **303.02 Final Plat Submittal Requirements**

- A. The original final plat submittal and all subsequent revised submittals shall include:
  - 1. Fifteen (15) copies of the final plat that are 24 by 36 inches in size and folded to 8.5 by 11 inches in size.
  - 2. One (1) 11 by 17 inch reduced version.

Subsequent revisions shall include one (1) 11 by 17 inch reduced version and additional full-size copies as needed.

- B. Two (2) signed copies of a Mylar version and three (3) signed blue line copies must be submitted after the plat is approved by the Subdivision Committee and before the plat is presented for Board of Supervisors' action, along with original copies of the subdivision security and other documents to be recorded with the final plat.

C. The following information shall be clearly and legibly drawn on the final plat at a scale of 1" = 40', 1"=50', 1"=100', or 1"=200' as necessary to show all required details.

1. Show on sheet number one only:

a. Metes and bounds legal description of all property being subdivided.

b. Key maps showing:

i. Location of the subdivision within the context of the surrounding area.

ii. The relationship of the sheets when the plat consists of two (2) or more sheets.

c. All applicable standard notes listed below and other notes required by the Subdivision Committee including all notes on the tentative plat needing disclosure to property owners during a title search.

i. This subdivision has private streets that are not maintained by Cochise County. The County is held harmless for safety and vehicle damage from private streets.

ii. The minimum floor elevations including basements shall be (#) inches above the highest natural ground elevation at the building pad. No building shall be oriented in such a way as to block the natural storm runoff. All lots are subject to the requirements of the Hydrology and Hydraulic study prepared for this subdivision and on file with the Cochise County Highway and Floodplain Department.

iii. The County has approved the Hydrology and Hydraulic study and the Board of Supervisors has approved the signage and marking plan.

iv. Lots, tracts, conservation areas, and common areas cannot be further subdivided.

v. The hydrology and culverts have been designed to pass the one-hundred (100) year storm event so that it deposits twelve (12) inches or less of water across any road.

vi. Previously recorded lots (*list lot numbers*) will be superseded by (*subdivision name*) and will no longer legally exist effective on the day of the final recording of (*subdivision name*).

vii. Existing platted streets not incorporated into the subdivision shall be abandoned separately through the Board of Supervisors abandonment process.

viii. Individual sewage disposal systems are proposed (septic tank and leach field). Prior to building permit issuance, individual percolation or soil evaluations will be required for all lots. A minimum one-hundred (100) foot setback is required from all wells and fifty (50) feet from all lot lines.

ix. If sewage disposal systems other than conventional leach field systems are required, Arizona Department of Environmental Quality (ADEQ) approval is required prior to construction of the system.

x. Dust and erosion control measures shall be employed during and post-construction and shall comply with the *Cochise County Land Clearing Ordinance*.

- xi. It is the subdivider's responsibility to obtain any additional State or Federal permits.
  - xii. Zoning is \_\_\_\_\_ and shall remain.
  - xiii. The Arizona Department of Water Resources issued a determination of adequate water supply on (insert date).
- d. Name of the Subdivider and property owner if different.
- e. Name, registration number, seal, and signature of a professional civil engineer or land surveyor licensed to practice in the State of Arizona.
- f. Title, subdivision name, scale, north arrow, legend, sheet number, and number of sheets comprising the map.
2. Date of plat (updated on subsequent revisions and noted as 2<sup>nd</sup> Revised Plat, etc...)
3. Primary control points or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred. Where a coordinate system has been established by the County Engineer, primary control points shall reference at least two corners of the subdivision and be tied by course and distance to a section corner, a quarter-section corner or established city or county survey monument. The final plat shall include a description of the corner marker indicating how the bearings were determined.
4. Tract boundary lines fully balanced and closed, showing right-of-way lines of streets, easements and other rights-of-way, and property lines of all lots and other sites with accurate dimensions, bearings or deflection angles and radii, arcs, semi-tangents and central angles of all curves.
5. Curve tables and line tables.
6. Subdivision boundary.
8. Streets including:
- a. Sight distance triangle easements at all road intersections.
  - b. Name and right-of-way width of each street or other right-of-way.
9. Designation and right-of-way width of all drainageways, detention basins and whether private or dedicated to the public.
10. Boundaries of all areas subject to inundation or storm water overflow. Erosion setbacks and one-hundred (100) year floodplain limits to be depicted in a surveyable manner.
11. One (1) foot no-access easements on arterial and county collector streets unless otherwise agreed to by the County Engineer.

12. Purpose and dimensions of all easements, clearly labeled and identified, and if already of record, proper reference to the records given; if not of record, a statement of such easement shall appear on the first sheet.
13. Area to be cleared. (Clearing cannot occur until the improvement plans are substantially approved.)
14. Lot numbering and lot area shown within the respective boundary of each lot.
15. Location and description of monuments, lot corners, and outer survey points.
16. Block numbering or lettering, and the block area shown within the respective boundary of each block.
17. Area and number of tracts, if any, and their proposed use.
18. Common areas reserved or dedicated for parks, schools or other public uses including private streets and conservation areas.
19. All lots not intended for sale or reserved for private purposes and all parcels offered for dedication for any purpose, public or private shall be so designated.
20. Other notes in support of proposed covenants, conditions and restrictions such as building envelopes, landscaping restrictions and restrictions to certain types of structures and lot sizes.
21. Any other items as required by law or as required by the Subdivision Committee.
22. Phasing, with each phase designed to stand alone in the event that other phases are not completed.
23. Existing structures, walls, ponds, tanks, wells, irrigation canals, laterals, ditches and dikes, streets, paths, trails and utilities with an indication of whether these items are to remain, be altered or removed.

### **303.03 Certificates and Acknowledgments**

The following certificates and acknowledgments shall appear on the final plat.

- A. Certificate consenting to the preparation and recordation of the final plat and offering for dedication all streets, drainageways, easements, common areas and other parcels intended for public uses, as shown on the final plat acknowledged by all persons holding title by deed to the lands. If lands dedicated are held in trust, the trustee shall sign the certificate. If the lands to be dedicated are mortgaged or subject to any liens, the mortgagee and all lien holders shall also sign the certificate. The execution of the certification shall be acknowledged and certified by a notary public.
- B. Certificate signed and sealed by a professional land surveyor licensed to practice in the State of Arizona under whose direction the survey, subdivision and plat of the land described on the said plat was made including:
  1. A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision.
  2. A statement that the surveyor prepared the description of the lots shown on the plat and certifying to their correctness.

3. A statement that the bearings shown on the plat are expressed in relation to the true meridian or a previously established meridian or bearing and that all monuments shown on the plat are actually located in the ground and their location, size and material are correctly shown.
  4. A statement that all lots are staked or shall be staked in accordance with the provisions of these subdivision regulations.
  5. The registration number, seal and signature of the licensed professional land surveyor.
- C. Certificates to be signed by the County Planning Director, County Engineer, Director of Environmental Health and Assessor, to certify that the plat complies with all requirements within their jurisdiction.
  - D. A certificate to be signed by the Chairman of the Board of Supervisors and attested to by the Clerk of the Board of Supervisors to certify that said Board approved the final plat and showing the date of said approval.
  - E. A certificate to be executed by the County Recorder showing the date, time of day, fee number, book and page number of recordation.
  - F. If an assurance agreement is used to provide security for improvements, a block to write recording data including docket number and date recorded.

#### **303.04 Related Submittals, Reports and Exhibits**

- A. A check made payable to the Cochise County Treasurer for the final plat processing fee and improvement plan review fee in the amount as set forth in the adopted County Fee Schedules (unless improvement plans will be self-certified by a professional civil engineer registered in the State of Arizona in which case only the final plat processing fee is required).
- B. A copy of the engineer's or surveyor's calculations showing the closure of the subdivision boundary and of each block, and all other excluded or dedicated tracts and rights-of-way, to be depicted on the final plat or as a separate document. The error of closure and the area bounded shall be shown for each calculation. The relative error of the unbalanced field measurement closure for the subdivision boundary shall be included.
- C. A copy of the report prepared by the Arizona Department of Water Resources stating that an adequate supply of water exists for the projected needs of the subdivision.
- D. A copy of the final *Hydrology and Hydraulic Report* approved by the County Engineer.
- E. Three (3) copies of improvement and sign plans for private and public improvements. If improvements will be constructed in phases, plans for phase one at a minimum, are required.
- F. Letters of the intent to serve from utility companies and fire districts serving the subdivision.
- G. Confirmation that appropriate improvement plans have been provided to utility providers.
- H. Arizona Department of Environmental Quality Certificates to Construct Water and Sanitary Sewer Systems, as applicable.
- I. Copy of an archaeological field survey completed by a qualified archaeologist acceptable to the Arizona State Museum or State Historic Preservation Office, if required in an adopted County plan.
- J. The final original signed version of the instrument used to assure completion of public improvements.
- K. If conservation areas are to be maintained by another entity, originals of the agreement and conservation easement that shall be recorded with the final plat.
- L. The final original signed version of the covenants, conditions, and restrictions.
- M. Documentation that property taxes are current.

## **304 Final Plat Review**

### **304.01 Staff and Agency Review**

- A. The procedure for staff and agency review of the final plat shall be the same as for the tentative plat.
- B. When members of the Subdivision Committee find that all applicable requirements have been satisfactorily met, they shall sign the plat.

### **304.02 Board of Supervisors Review and Action**

- A. Upon approval by the Subdivision Committee, the Planning Director shall schedule the final plat, the offers of dedication and agreements, and guarantees and securities for required improvements, for review at the next available meeting of the Board of Supervisors.
- B. Upon review of the final plat and the offers of dedication and agreements, and guarantees and securities for required improvements the Board of Supervisors may:
  - 1. Find that the final plat and the offers of dedication and agreements, and guarantees and securities for required improvements are in substantial conformance with the tentative plat approval and comply with these Subdivision Regulations and other ordinances or requirements and approve the final plat as presented.
  - 2. Approve the final plat with conditions, as specifically noted.
  - 3. Deny the final plat, providing the applicant with a list of modifications, findings, and considerations that must be addressed for re-submittal to the Commission.
- C. Upon approval by the Board of Supervisors, the Chairman and Clerk of the Board of Supervisors shall so certify and attest such action upon the final plat.

## **305 Appeals**

The Board of Supervisors shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, grant, or refusal made by the Commission or any official in the administration of these Subdivision Regulations.

- A. An appeal shall be made in writing setting forth the particulars and the reasons for the appeal and include the fee adopted in the Planning Department fee schedule.
- B. Hearings on such cases shall be at such times as may be set by the Board of Supervisors, but no later than within sixty (60) days of receipt of the appeal.
- C. Notice of not less than fifteen (15) days or more than thirty (30) days of the hearing date shall be given to the appellant, the Commission, or officials concerned.

## **306 Minor Final Plat Amendments – Combination of Lots**

Any recorded subdivision plat may be amended to:

- A. Correct an error in any course or distance or other necessary item that was omitted.
- B. Correct a drafting, graphic, technical, or similar type error.
- C. Adjust a drainage or maintenance easement.
- D. Combine or reconfigure lots so long as:
  - 1. The external subdivision boundaries remain the same.
  - 2. The number of lots does not increase.

3. The utility easements and street access to the combined lots are not changed.

The Planning Director is hereby authorized to approve and record minor plat amendments as follows:

- A. Two (2) signed copies of a Mylar version, three (3) signed blue-line of the final plat shall be submitted.
- B. The fee as set forth in the adopted Planning and Zoning Fee Schedule shall be submitted.
- C. The amended plat shall contain a certification block for the signatures of the Planning Director and County Engineer and shall be marked "AMENDED -PLAT OF ~". If more than one (1) amended plat is necessary, the successive plats shall be titled "SECOND AMENDED PLAT OF ~", and follow in numerical order.
- D. The amended plat shall contain a revised legal description for the new lots.
- E. The amended plat shall be signed by the Planning Director and County Engineer for certification that the only changes on the amended plat are technical changes as authorized above.
- F. After obtaining the signatures of the Planning Director and County Engineer, the amended plat shall be recorded in the Office of the County Recorder, without further action by the Board of Supervisors.

### **307 Changes Other Than Minor Amendments**

Changes to final plats other than minor plat amendments shall be processed as a new subdivision application. If the Planning Director determines that the proposed amendments are substantially in conformance with the original tentative plat, the approved tentative plat may be used and the amendment can proceed directly to the Board of Supervisors as a revised final plat. If the amendment is not in conformance with the tentative plat, it shall be presented first to the Planning Commission as a tentative plat and then to the Board of Supervisors as a final plat. Changes requiring a new plat include but are not limited to:

- A. Abandonment of roadways or right-of-way dedications that affect overall circulation and cannot be handled through the County roadway abandonment process.
- B. Any decrease in conservation areas, common areas, or amenities.
- C. Any increase in the number of lots.
- D. Any reconfiguration of lots, roadways, tracts, drainageways and conservation areas that is not in substantial conformance with the tentative plat.
- E. Any change other than those specifically defined as minor amendments.

### **308 Abandonment by the Property Owner or County**

- A. To abandon a recorded final plat in part or in whole, the property owner(s) shall submit a written request to the Planning Director along with:

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1. Two (2) signed copies of a Mylar version, three (3) signed blue-line copies of the plat and other related documents as required designating those lots, roadways, public right-of-way, easements and other features, which are proposed for abandonment.
  2. The fee as set forth in the adopted Planning and Zoning Fee Schedule
- 
- B. The Planning Director may initiate the abandonment of a recorded final plat if required improvements or a portion thereof have not been completed in a timely fashion or if due to the passage of not less than ten (10) years, without substantial sales and improvements, it appears that the subdivision or portion thereof, will not be developed as originally intended.
  - C. The Board of Supervisors may abandon a recorded final plat if required improvements have not been completed in a timely fashion or it is otherwise proposed for abandonment by the Planning Director.
  - D. The owner(s) shall be given thirty (30) days notice of such actions.
  - E. The abandonment request shall be reviewed by the County Subdivision Committee to determine that roadways, public right-of-way, easements, and other items that serve a public interest are not abandoned.
  - F. Upon approval by the Subdivision Committee, the abandonment request shall be presented to the Board of Supervisors for action to approve, disapprove, or conditionally approve the request.

## **Article 4 General Requirements**

### **401 Purpose**

The purpose of this Article is to describe the requirements common to all subdivision options except as these requirements are specifically excluded in other Articles of these regulations.

### **402 Subdivisions in Adopted Plans**

Subdivisions within the boundaries of community, regional, master development and other plans adopted as amendments to the Comprehensive Plan shall be developed in a manner that is consistent with the guidelines adopted within these plans.

### **403 Contiguous Property under Same Ownership/Continuation of Public access**

- A. Portions of any contiguous property within the ownership of the subdivider shall be included within the boundaries of the subdivision when needed or required for any circulation, drainage or flood control facilities, or logical continuation of conservation areas.
- B. The subdivider shall submit a development plan for portions of contiguous property owned by the subdivider, but not included within the subdivision boundaries, to be reviewed by the Commission and approved by the Board of Supervisors. This development plan shall demonstrate that:
  - A. The remaining land is of a size and shape such that it can be developed with a use that is compatible with surrounding development and can meet the specifications of other applicable ordinances and regulations; and
  - B. Public access such as arterial and collector streets, trails, and sidewalks shall be continued from contiguous property and designed to be adequate to serve future development.

### **404 On-site and Off-site Improvements and Improvement Plan Certification**

#### **404.01 Improvement Plan Certification**

- A. The rules and regulations of the Cochise County Highway and Floodplain Department are applicable to subdivision design. Improvement plans for all on-site and off-site improvements reasonably related to construction of a subdivision in Cochise County must be designed to all County, State, Federal, and established engineering standards. These Improvement plans must be certified by a professional civil engineer registered by the State of Arizona. Subdividers may submit improvement plans as follows:
  - 1. Improvement plans and review fee in the amount as set forth in the applicable adopted County Fee Schedules, or
  - 2. Improvement plans that are reviewed and self-certified by a professional civil engineer registered by the State of Arizona.
- B. Three (3) complete sets of engineering plans and subsequent revisions shall be submitted as self-certified by a Professional Civil Engineer registered by the State of Arizona; or submitted for review along with appropriate

review fees in the amount as set forth in the applicable adopted County Fee Schedule in which case subsequent revisions shall also be submitted for approval by the County Engineer.

- C. Improvement plans shall include all road, drainage, fire protection, utilities, road and regulatory signs and markings, and other improvements required for approval of the tentative and final plats.
- D. At a minimum, improvement plans and regulatory signs and marking plans for the first subdivision phase shall be substantially approved by the County Engineer or shall be self-certified by a Professional Civil Engineer registered by the State of Arizona, prior to final plat approval. Road design and regulatory signage shall be provided for the entire subdivision.
- E. If the Improvement plans are submitted as self-certified, the County will require the certifying Civil Engineer to schedule and attend frequent on-site meetings with County Highway and Floodplain representatives to resolve any discrepancies or deficiencies which may arise during the construction phases.
- F. If the Improvement plans are submitted as self-certified, the County Engineer must review, approve, and accept any and all field changes.
- G. The Board of Supervisors shall approve regulatory signs for public roads as part of final plat approval.
- H. Improvement plans shall provide for and conform to the requirements in the *Cochise County Road Construction Standards and Specifications for Public Improvements, Floodplain Regulations, and Cochise County Land Clearing Ordinance*.
- I. Prior to approval by the County Engineer or to submittal of self-certified improvement plans, the developer shall provide written confirmation that the plans have been reviewed and approved by the pertinent utility companies.
- J. Unless the Board of Supervisors authorizes a specific amendment to the approved or self-certified improvement plans, Board approval of the final plat shall be conditional upon the obligation to construct all improvements as indicated on the approved or self-certified improvement plans.

#### **404.02 On-site Improvements**

Subdividers shall construct and provide all on-site improvements including those along subdivision boundaries as lawfully required by the County. These improvements may include, but are not limited to:

- A. On-site streets and boundary streets;
- B. Street name signs and traffic regulatory signs, markings, traffic control signals, street lights when required, and other traffic control devices;
- C. Drainage and erosion improvements;
- D. Utilities;
- E. Water conservation measures; and
- F. Lot staking and survey monuments.

#### **404.03 Off-site Improvements**

Subdividers shall construct and provide all off-site improvements reasonably related to the impacts of the new subdivision as lawfully required by the County. These improvements may include, but are not limited to:

- A. Off-site streets impacted by the subdivision traffic, including resurfacing and widening;
- B. Turn lanes, turn bays and traffic lights when warranted;
- C. Drainage and off-site erosion improvements;
- D. Water conservation measures;
- E. Dust abatement during construction;
- F. Sidewalks, curbs, gutters and trails when required; and

- G. Adequate water supply and distribution systems, sanitary sewer and sewage disposal, and utilities, as required.

## 405 Streets and Circulation

### 405.01 Traffic Analysis

Unless otherwise specified in these regulations, an analysis of traffic levels and distribution is needed to evaluate the impacts of the subdivision traffic. The analysis shall address, at a minimum, the following information and any other information the Planning Director and County Engineer determine necessary to identify necessary street improvements.

- A. Current average daily traffic on the streets serving the subdivision.
- B. Average estimated daily traffic to be generated by the subdivision using traffic generation standards in the most current version of the Institution of Transportation Engineers *Trip Generation Manual* unless otherwise justified by the applicant based on the type of development.
- C. Estimates of peak hour or peak seasonal traffic generation.
- D. Level of service of existing streets serving the subdivision before and after introduction of subdivision traffic.
- E. Adverse effects upon traffic flow along the streets abutting the site resulting from traffic entering and leaving the site.
- F. Current condition of existing streets serving the site.
- G. Conformity to applicable policies of the Comprehensive Plan or other approved plans if any.
- H. Existing and anticipated traffic patterns on-site and in the surrounding area.
- I. Future circulation needs into and around the surrounding area for current or potential future development.
- J. Nature of the anticipated on-site and off-site improvements to be constructed.
- K. If deemed necessary, the County Engineer may require conformance with the Arizona Department of Transportation *Traffic Impact Analysis Manual*.

### 405.02 Road Improvements Standards

Unless otherwise specified in these Regulations, the *Cochise County Road Construction Standards and Specifications for Public Improvements* as amended from time to time shall be used to determine the appropriate type and level of on and off-site road improvements.

### 405.03 Circulation and Layout

- A. Subdivision design shall provide public streets of a type and in locations adequate to accommodate current and projected future circulation needs within the subdivision and the surrounding area.
- B. Access into the subdivision from off-site streets shall be sufficient to facilitate emergency access to all lots.
  - 1. A minimum of two means of access, built to *Cochise County Road Construction Standards and Specifications for Public Improvements*, is required for all residential subdivisions except rural subdivisions (see definition) and subdivisions with 27 lots or fewer.
  - 2. All non-residential subdivisions shall provide a second means of access built to *Cochise County Road Construction Standards and Specifications for Public Improvements*.
- C. Non-local traffic on local streets shall be discouraged by the use of appropriate traffic calming methods and road layout design.
- D. Half-streets or partial width rights-of-way shall be prohibited except where necessary to provide right-of-way, to complete a road pattern already begun, or to insure reasonable development of adjoining parcels. Where a platted half-street abuts the proposed subdivision, the remaining half width shall be platted within the subdivision.
- E. Adequate access shall be provided to each lot through public or private streets.
- F. Direct access from individual lots to streets that are identified or function as collectors and arterial streets shall be prohibited through subdivision design or via a one (1) foot no-access easement.
- G. Corner lots shall access onto local streets.

- H. Road design shall be compatible with approach grades, drainage, bridges, or future grade separations, where a subdivision abuts or contains the right-of-way of a railroad, limited access highway or irrigation canal.
- I. Cul-de-sac streets shall terminate in a circular turnaround area with a radius of at least fifty-two (52) feet.
- J. Cul-de-sacs shall not exceed six hundred (600) feet in length from the entrance to the circumference of the turnaround area except in rural subdivisions (see definition) where cul-de-sacs can be twelve-hundred (1200) feet in length.
- K. Block lengths shall facilitate overall circulation and emergency access. Block lengths shall not exceed fifteen-hundred (1500) feet except in rural subdivisions (see definition) where block lengths shall not exceed 2640 feet (one-half (½) mile).
- L. Adequate sight distance triangles shall be designed and maintained at all road intersections.
- M. Community mailboxes with an adequate pullout area to remove vehicles from through traffic are encouraged and may be required if deemed necessary by the County Engineer; they shall be located on local streets rather than collector or arterial streets.

**405.04 Sidewalks, Curbs and Gutters and Other Access**

- A. Sidewalks, curbs, and gutters are required in all non-residential subdivisions along the front of the buildings and connecting all separate buildings and parking areas.
- B. Sidewalks, curbs and gutters are required on local and collector streets for residential subdivisions when the lot size is ½ acre or smaller.
- C. Sidewalks, curbs, and gutters are required on streets that are identified or function as arterial streets.
- D. Sidewalks, curbs, and gutters are required in residential subdivisions when required by the County Engineer for storm water management and may be required when recommended by a city located within three (3) miles of the subdivision.
- E. Sidewalks may include utility easements.
- F. Sidewalks shall be constructed in accordance with the *Cochise County Road Construction Standards and Specifications for Public Improvements* as amended from time to time.
- G. Sidewalks may be constructed after construction of residential improvements if necessary to prevent destruction during site construction. The Planning Director is authorized to accept a bond or certified check based on the estimated cost to construct sidewalks in lieu of other security for the project improvements.
- H. In addition to these requirements, sidewalks or other types of access shall be required if otherwise specified in these regulations, if addressed in applicable adopted plans and/or determined necessary to provide safe access to schools, parks, conservation areas, commercial services, playgrounds, or other nearby public areas.

**405.05 Private Streets and Drainageways**

- A. Private streets shall be constructed to conform to *Cochise County Road Construction Standards and Specifications for Public Improvements* unless otherwise stipulated within these Regulations.
- B. Private drainageways shall be constructed to conform to the *Floodplain Regulations for Cochise County* unless otherwise stipulated within these Regulations.
- C. Private streets and drainageways shall be constructed according to improvement plans approved by the County Engineer.
- D. Prior to sale of lots or release of a bond or other assurances, the subdivision engineer shall certify that the private streets and drainageways have been constructed according to the improvement plans approved by the County Engineer or self-certified by a Professional Civil Engineer registered by the State of Arizona.
- E. A private street shall not be allowed if the road is needed for overall neighborhood or regional circulation. Streets identified as, or that function as collector or arterial streets, shall not be private.
- F. A private drainageway shall not be allowed if needed to address overall area or regional drainage concerns.
- G. A note shall be placed on the final plat stating that the County does not maintain private streets or drainageways and holding the County harmless for safety and vehicle damage from private streets.
- H. The developer shall provide adequate reliable means of long term maintenance for any subdivision private streets or drainageways, either through a homeowners' association or otherwise.

#### **405.06 Required Road, and Regulatory Sign and Markings**

- A. All signs and markings shall comply with the *Manual of Uniform Traffic Control Devices* (MUTCD).
- B. The Developer shall install:
  - 1. Street name signs including directional information at all street intersections.
  - 2. Stop signs at the intersection of all streets with collector and arterial streets, at a minimum.
  - 3. Speed limit signs on all streets identified or functioning as county collector and arterial streets at the entry to the subdivision, and on local streets at egress from collector or arterial streets.
  - 4. Other regulatory signs and markings as required by the County Engineer.
- C. The developer shall pay his or her fair share of traffic lights installed at the intersection of all streets with collector and arterial streets, if determined to be warranted by the County Engineer.
- D. Location and design of road name and regulatory signs and markings shall be depicted on improvement plans and/or sign plans.

#### **405.07 Road Names and Addresses**

- A. time.
- B. Cochise County Rural Addressing shall approve all road names.
- C. Road names shall conform to the *Cochise County Rural Addressing Ordinance* as amended from time to time. The County shall provide subdivision addresses before final plat approval.

#### **406 Street Lighting**

- A. All street lighting shall be in conformance with the *Cochise County Light Pollution Code* as amended from time to time.
- B. Street lighting is required at street intersections for subdivisions when the average lot size is ½ acre or smaller or as otherwise required in common areas in conformance with the *Cochise County Zoning Regulations* as amended from time to time.
- C. For non-residential subdivisions, street lights shall be provided along one side of each street block and in parking areas used at night in conformance with the *Cochise County Zoning Regulations* and *Light Pollution Code* as amended from time to time.
- D. Provision for continued maintenance shall be provided by a street lighting improvement district or homeowners' association.

#### **407 Hydrology and Hydraulic Requirements**

The classification and design of drainageways and designation of design storm frequencies shall be based on the *Floodplain Regulations for Cochise County* and *Cochise County Road Construction Standards and Specifications for Public Improvements*. A Hydrology and Hydraulic report, to be submitted with the Tentative Plat, is required unless waived by the County Engineer or otherwise specified in the alternative subdivision options.

#### **408 Health Requirements**

The rules and regulations of the Cochise County Health Department and the Arizona Department of Environment Quality (ADEQ) are applicable to subdivision design. Such rules and regulations shall be deemed minimum standards. Applicants are advised to initiate early and continuous coordination with ADEQ. Prior to approving the tentative plat and final plat, the County Health Department shall review the application for compliance with all applicable County and State rules and regulations that are enforced by that Department.

##### **408.01 Sewage Disposal**

- A. Individual sewage disposal systems, including septic tank systems shall not be permitted or installed on lots of less than one-acre (43,560 square feet) in size excluding streets and easements, when both a well and

individual sewage disposal system are located on the same lot, unless ADEQ approves an alternative wastewater treatment system such as a de-nitrification or filtration system.

- B. If lots are connected to a community water system, individual sewage disposal systems, including septic tank systems are permitted on lots of 36,000 square feet or larger in size excluding streets and easements.
- C. For lots of less than 36,000 square feet in size, excluding streets and easements, a connection to a County-approved sanitary sewer system or other system approved by the Cochise County Health Department or Arizona Department of Environmental Quality, is required.
- D. Subdivisions shall be connected to available sewage disposal systems if located within four hundred (400) feet of the subdivision boundaries, and with available capacity at the plant and in the distribution lines.
- E. The ADEQ *"Notice of Intent to Discharge and Provisional Verification of General Permit Conformance"* for the sewage disposal system shall accompany the final plat, if applicable.
- F. No building/use permit shall be issued for any subdivided lot of less than 36,000 square feet in size excluding streets and easements, unless there is a connection to a County-approved sanitary sewer system or other system approved by the Cochise County Health Department or Arizona Department of Environmental Quality, which is operated and maintained in accordance with County and ADEQ regulations.
- G. Except when sewage disposal is to be provided via individual septic systems, lots shall not be sold from any phase until the sewage disposal system is completed with connections to the edge of each lot and ADEQ has issued a *"Verification of General Permit Conformance"*.

#### 408.02 Water Distribution Systems

- A. Unless otherwise specified in these regulations, applicants shall ensure that water is available from a County or Arizona Department of Environmental Quality approved water delivery system to each and every subdivided lot of less than one (1) acre (43,560 square feet) in size. In the Sierra Vista Sub-watershed Water Conservation Overlay District, this provision shall apply to subdivisions where the average lot size is five acres or smaller and 28 lots or more are proposed.
- B. Subdivisions shall connect to available water distribution systems if located within four hundred (400) feet of the subdivision boundaries and with available capacity at the plant and in the distribution system and the subdivision is within the provider's service area in conformance with Arizona Corporation Commission regulations.
- C. The ADEQ *"Certificate of Approval to Construct"* for the water delivery system shall accompany the final plat.
- D. Unless otherwise specified in these regulations, applicants shall ensure that water is available from a County or Arizona Department of Environmental Quality approved water delivery system to each and every subdivided lot of less than one (1) acre (43,560 square feet) in size.

#### 408.03 Water Adequacy

- A. When submitting a tentative plat, the subdivider shall include a copy of the application submitted to the Arizona Department of Water Resources (ADWR) for water adequacy determination.
- B. Pursuant to ARS 11-806.01 § F and Resolution 08-20, the Board of Supervisors shall not approve a final plat for a subdivision unless one of the following applies:
  - 1. The director of water resources has determined that there is an adequate water supply for the subdivision and the subdivider has included the report with the plat.
  - 2. The subdivider has obtained a written commitment of water service for the subdivision from a city, town, or private water company designated as having an adequate water supply by the director of water resources.
- C. The Board of Supervisors may exempt a subdivision from § 408.03B if the director of water resources has determined the subdivision will have an inadequate water supply because the water supply will be transported to the subdivision by motor vehicle or train if all of the following apply:
  - 1. The Board determines that there is no feasible alternative water supply for the subdivision and that the transportation of water to the subdivision will not constitute a significant risk to the health and safety of the residents of the subdivision.

2. If the water to be transported to the subdivision will be withdrawn or diverted in the service area of a municipal provider as defined in ARS §45-561 and the municipal provider has consented to the withdrawal or diversion.
3. If the water to be transported is groundwater, the transportation complies with the provisions governing the transportation of groundwater in ARS title 45, chapter 2, and article 8.
4. The transportation of water to the subdivision meets any additional conditions imposed by the county.

## 409 Utilities

- A. Adequate utilities or facilities, furnishing for the subdivision, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, shall be provided.
- B. Each subdivision plat shall include easements that are adequate for all necessary utilities, including access for maintenance and repair of such facilities. Easements shall be located along both sides of street frontages and be at least ten (10) feet wide or as otherwise required by the utility company.
- C. The electric, telephone and cable services shall be installed underground except where it is demonstrated to be infeasible from an engineering, operational or economic standpoint.
- D. Utilities shall not be allowed in drainageways, drainage easements, grader ditches, and flow paths.
- E. All required utility connections shall be provided to the edge of each lot.
- F. Each cul-de-sac street shall be provided with a utility easement designed to prevent dead-end mains unless waived by the utility companies.
- G. All service shall be in conformity with the Administrative rules and regulations of the Arizona Corporation Commission.

## 410 Screening, Fencing and Cattle Guards

- A. When a residential subdivision borders an existing commercial or industrial establishment, perimeter screening by an opaque solid wall or fence with a minimum height of six (6) feet from grade, shall be required. The screen shall be constructed out of standard materials or other acceptable materials approved by the County Zoning Inspector. The Commission may approve an existing vegetative screen if it meets the intent of creating a solid opaque screen and is maintained in accordance with 1806.03 of the *Cochise County Zoning Regulations* (Landscaping, Planting, and Maintenance Requirements).
- B. Non-residential subdivisions shall provide a solid opaque wall with a minimum height of six (6) feet from grade along the perimeter of the subdivision where abutting a residentially-zoned area.
- C. The developer shall obtain a building permit for subdivision gates, walls, and fences as required by the *Cochise County Zoning Regulations*.
- D. Perimeter fencing or cattle guards on streets sufficient to protect property and streets from the intrusion by livestock may be required if deemed necessary by the Planning Director. Cattle guards shall be constructed to conform with the *Cochise County Road Construction Standards and Specifications for Public Improvements* as amended from time to time.

## 411 Fire Protection

### 411.01 Fire Protection Requirements

- A. Subdivisions adjacent to the boundaries of a fire district shall be annexed into the service area pursuant to ARS § 48-262 if acceptable to the district
- B. No subdivision with individual lot sizes of 36,000 square feet or less shall be established unless there are appropriate provisions for fire protection service.
- C. Fire protection improvements shall be subject to the same financial assurances as other subdivision improvements.
- D. Covenants, conditions, and restrictions for subdivisions within an area served by a volunteer fire department shall require individual property owners to pay fire department fees, to be collected and paid to the fire

department by the Homeowner's Association or through some other enforceable mechanism acceptable to the fire department until such time as they become a district.

- E. Fire protection provisions shall be described during the tentative plat process and shown on improvement plans.
- F. Water supply appliances provided within the subdivision shall be located per the Fire Code applicable to the serving fire district or adopted by the County at the time of development.
- G. Water supply appliances when required shall be compatible with the equipment of the agency providing service.

**Water Flow Requirements**

Lot Sizes	Water Flow	Duration of flow
36,000 square feet or smaller lots	250 gallons per minute calculated at twenty (20) p.s.i. flowing pressure in excess of the normal estimated water consumption of residences in the subdivision.	System capable of sustaining this flow for 2 hours
Larger than 36,000 square feet to less than 2 acres	250 gallons per minute calculated at twenty (20) p.s.i. flowing pressure in excess of the normal estimated water consumption of residences in the subdivision is recommended or at a minimum a 36,000 gallon storage tank is required.	System capable of sustaining this flow for 2 hours is recommended
2 acres or larger lot sizes	Some provision for a water supply for fire protection is recommended; if no water supply is provided a note shall be placed on the final plat indicating that a fire protection water supply is not provided.	

**411.02 Emergency Vehicle Access Requirements/Gated Communities**

- A. A minimum of two means of access built in conformance to *Cochise County Road Construction Standards and Specifications for Public Improvements* are required for all subdivisions except in rural subdivisions (see definition) and minor expedited residential subdivisions with 27 lots or fewer.
- B. If streets pass under an arch, sign or overpass, a minimum clearance of fourteen (14) feet, six (6) inches must be provided.
- C. Emergency providers shall be provided with convenient and reliable methods for access through subdivision gates without delay.
- D. Gates shall be of a width that is in accordance with the Uniform Building Code or International Fire Code adopted at the time of development.

**411.03 Subdivisions Not Within A Fire Protection Service Area**

For subdivisions with individual lot sizes greater than 36,000 square feet, if a fire district, volunteer fire department or private protection service are unavailable other measures to provide adequate fire protection may be approved by the County.

A note shall be placed on the final plat indicating that a fire service provider is not available.

## 412 Water Conservation

### 412.01 General

- A. Subdivisions shall conform to water conservation measures and policies adopted in the *Cochise County Zoning Regulations* and policies of the *Cochise County Comprehensive Plan* and other ordinances as adopted or as amended from time to time.
- B. Where applicable, water conservation measures as described below shall be included in covenants, conditions and restrictions and depicted on the tentative and final plats as part of a typical lot drawing or as a note on the plat.
- C. Where applicable, water conservation measures shall be enforced by the Homeowner's Association.
- D. The County shall enforce water conservation measures at permit issuance, if approved as a condition of final plat approval.
- E. Water conservation measures in addition to the ones described in this section are encouraged.
- F. Washing outdoor hard surfaces with water is prohibited.

### 412.02 Landscaping

In street medians, hardscapes, conservation areas, and common areas:

- A. Turf is only allowed for publicly used common areas.
- B. Turf shall not be allowed in areas eight (8) feet wide or less.
- C. Turf or high water-use plants shall not be allowed on slopes that exceed twenty-five (25) percent.
- D. Only plants on the County approved list, as updated from time to time or other drought tolerant plants approved by the County shall be used.
- E. Where irrigation is used, timers shall be installed.
- F. Rainwater harvesting and re-use shall be utilized where practical.
- G. Sprinkler heads shall be installed no closer than eight (8) inches from impermeable surfaces.
- H. Impermeable covering shall not be applied to any soil surfaces.
- I. A minimum of a two (2) inch thick layer of porous mulch shall be applied to all irrigated, non-turf areas.

### 412.03 Common Use Buildings

- A. All lavatory faucets shall be equipped with mechanisms that close automatically after delivering not more than one (1) quart of water.
- B. Cooling systems that do not need a water source shall be used.
- C. Outdoor misters are prohibited.
- D. All hot water pipes shall be insulated.
- E. All hot water pipes shall be re-circulating and shall have hot water pumps with timers along with adequate signage appropriately displayed on the hot water heater identifying the pump and timer and include instructions for use. On demand hot water systems are exempt from this requirement.
- F. As adopted in the *Cochise County Zoning Regulations*, pool and spa covers shall be used to prevent evaporation.
- G. A gray water diversion valve with a pipe exiting to a potential irrigated landscaped area shall be installed at a minimum, on washing machines, with adequate educational signage prominently displayed if approved by the Cochise County Health Department. The exit pipe shall be adequately marked to indicate it as a non-potable water pipe in conformance with Arizona Department of Environmental Standards.
- H. Water efficient washing machines are required.

## 413 Land Clearing

A note shall be placed on the tentative and final plats stating that all land clearing shall be in conformance with the *Cochise County Land Clearing Ordinance* and clearing methods depicted on the improvement plans and in the *Hydrology and Hydraulic Report*. Clearing for subdivisions shall not occur until the improvement plans are

reviewed and substantially approved or self-certified by a Professional Civil Engineer registered by the State of Arizona.

#### **414 Lots**

- A. The lot area and minimum building setback lines shall conform to the requirements of zoning and other applicable regulations.
- B. The depth and width of lots shall be adequate to provide for off-street parking and loading requirements.
- C. Double frontage lots, except corner lots, shall be prohibited on streets that are identified or function as County collectors and arterials unless a one-foot no access easement is recorded.
- D. Lots cannot be further split.
- E. In numbering lots, the following rules apply:
  - 1. An Arabic numeral shall designate each lot.
  - 2. Numbering shall follow in a continuous fashion within the subdivision.
  - 3. Common areas shall be designated by capital letters and be designated in sequence within a subdivision starting with the letter "A".

#### **415 Lot Corner Staking and Monument Improvements**

The subdivider shall be responsible for installing lot corner staking and monument improvements as described below:

- A. Lot corner staking shall be iron or steel bars, or iron pipes at least fifteen (15) inches long and one-half (1/2) inch in diameter and shall be set at all corners, angle points and points of curvature for each lot and block within the subdivision, except for those points at which a monument is found or installed.
- B. Survey monuments shall be installed at:
  - 1. All corners and angle points in the boundaries of the subdivision.
  - 2. The intersecting points of center lines of streets.
  - 3. The intersections of the rights-of-way lines of streets within the boundaries of the plat.
  - 4. At all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the right-of-way lines of streets.

#### **416 Maintenance of Common Areas**

- A. An appropriate mechanism, homeowners' association, or some other method shall be required to ensure that common areas, including but not limited to private streets and drainageways and conservation areas, are maintained for the purposes intended, in a manner satisfactory to the Planning and Zoning Commission and the Board of Supervisors.
- B. Enforceable covenants and restrictions shall specify the ownership of the common areas and the responsibility for maintenance, taxes, and insurance. If an association is involved, the covenants and restrictions shall include guarantees that any such association will not be dissolved without the consent of the County.
- C. The County may agree to enforce specific covenants and restrictions if this provision is stated on the final plat as a condition of plat approval.
- D. Thirty (30) days written notice to the County is required if responsibility for the common areas is to be transferred. The County reserves the right to prohibit any such transfer that would not be consistent with these regulations.

#### **417 Requirements for Covenants, Conditions and Restrictions**

When common areas such as private streets, drainageways, and conservation areas are held in common ownership and maintained by a homeowners' association, the developer shall:

- A. Provide the County with a copy of the covenants and restrictions governing the association, to be recorded with the final plat.
- B. Include the following declaration in the covenants, conditions and restrictions when private streets and drainageways are proposed:

“All private streets and drainageways depicted on the plat shall remain private and shall not be dedicated to public use until such time as:

  - approval of any such dedication is approved by the property owner through the Homeowner’s Association;
  - the County Board of Supervisors consents to accepting this public dedication; and
  - the streets are upgraded to current County standards before being dedicated to public use.”
- C. Formally establish the association upon final plat approval.
- D. Require mandatory membership for homeowners.
- E. Require that the Association be responsible for maintenance of common areas, pursuant to a comprehensive maintenance plan.
- F. Provide a means for obtaining adequate financial support for the association.
- G. Require that the County be given thirty (30) day’s written notice if responsibility for the common areas is to be transferred.

## 418 Phasing

- A. Phasing shall be approved as part of tentative plat approval and depicted on tentative and final plats.
- B. Subdivision phasing shall be designed so that each phase can function independently if the other phases are not completed.
- C. All improvements shall be completed for a phase before any assurances guaranteeing improvements are released.
- D. Improvements required to address regional and area needs shall be completed as part of the first phase unless otherwise expressly authorized by the Board of Supervisors.

## 419 Improvement Plans

- A. Three (3) complete sets of engineering plans and subsequent revisions shall be submitted as self-certified by a Professional Civil Engineer registered by the State of Arizona or submitted for County review along with appropriate review fees in the amount as set forth in the applicable adopted County\_Fee Schedule, in which case subsequent revisions shall also be submitted for approval by the County Engineer.
- B. Improvement plans shall include all road, drainage, fire protection, utilities, road and regulatory signs and markings and other improvements required for approval of the tentative and final plats.
- C. At a minimum, improvement plans and regulatory signs and marking plans for the first subdivision phase shall be substantially approved by the County Engineer or shall be self- certified by a Professional Civil Engineer registered by the State of Arizona prior to final plat approval. Road design and regulatory signage shall be provided for the entire subdivision.
- D. The Board of Supervisors shall approve regulatory signs for public roads as part of final plat approval.
- E. Improvement plans shall provide for and conform to the requirements in the *Cochise County Road Construction Standards and Specifications for Public Improvements, Floodplain Regulations, and Cochise County Land Clearing Ordinance*.
- F. Prior to approval by the County Engineer, the developer shall provide written confirmation that the plans have been reviewed and approved by the pertinent utility companies.
- G. Unless the Board of Supervisors authorizes a specific amendment to the approved plans, Board approval of the final plat shall be conditional upon the obligation to construct all improvements as indicated on the approved plans.

## Article 5 Lot Sales, Improvement Security and Inspections

### 501 Securing Subdivision Improvements

The purpose of this article is to describe the acceptable methods to guarantee that the required on-site and off-site improvements and utilities are provided before lots are sold. Unless all required improvements are completed, and approved by the County before final plat approval, some method of security to guarantee improvements shall be approved at the time of final plat approval. Any such agreement between the County and the subdivider, Title Company, escrow agent, surety or financial institution shall:

- A. Be in favor of the County.
- B. Be continuous in form.
- C. Designate the County as the beneficiary.
- D. Be approved by the County Attorney.

#### 501.01 Assurance Agreement

An assurance agreement (third party trust agreement) is the most commonly used method of providing assurances.

- A. The Board of Supervisors approves assurance agreements at the time of final plat approval.
- B. The title to the subdivided property is placed in trust with a third party escrow agency or trust company authorized to do business in the State of Arizona along with an agreement between the trustee and the County that title to any lot or parcel within the subdivision will not be transferred until written approval is given by the County for the release or partial release of property held in trust. The County will not authorize any such release until the necessary improvements have been completed.
- C. The agreement must contain an accurate legal description of the subdivision.
- D. Special conditions or improvements unique to the subdivision shall be listed in an attached exhibit.
- E. The agreement must be recorded at the time of final plat recordation.
- F. The agreement must provide authorization for County to abandon the subdivision final plat and convert the property to unsubdivided land if the required improvements fail to be installed in compliance with the County's standard specifications within three years:
  - 1. The Planning Director, or representative, under authority vested by the Board of Supervisors, may extend the time specified to complete improvements for one (1) year if the purposes of these Regulations would still be served.
  - 2. The Board of Supervisors may extend the time specified to complete improvements for additional terms if the purposes of these Regulations would still be served.
  - 3. The subdivider must demonstrate that progress has been made to complete improvements or that an undue hardship would result.
  - 4. The developer must request an extension before the assurance agreement expires. The determination whether to extend an assurance agreement will be at the sole discretion of the Board of Supervisors, who may consider the following factors in making that determination:
    - i) Whether the property taxes on the subject parcel are current.
    - ii) If the subdivision is phased, whether the subdivision infrastructure improvements for at least 20% of the proposed phase have been completed. If it is not phased, whether at least 25% of the subdivision infrastructure improvements have been completed.
    - iii) The number of extensions previously granted. A maximum of three extensions, not exceeding a total of ten years since either the original approval of the assurance agreement or the most recent release of a lot, whichever has occurred later.

- iv) The economic conditions or other circumstances that are affecting the developer's ability to complete subdivision improvements.
  - v) Has the character of the area or physical factors such as drainage, floodplain, water issues or circulation patterns changed significantly that compliance with current County Subdivision and/or Zoning Regulations is necessary.
- G. If the subdivision is sold, a new assurance agreement shall be executed concurrently with the sale.
- H. Assurances shall be released as follows:
1. After final plat approval, lots for five (5) model homes per phase can be permitted to the developer or duly authorized sales representative prior to completion of improvements. These homes shall not be sold to individual property owners or occupied for residential use until they are released for sale. Model homes will be permitted by phase and additional model homes shall not be permitted for subsequent phases until improvements are completed in the previous phase.
  2. Upon the recommendation of the County Engineer, the Planning Director, or representative, under authority hereby vested by the Board of Supervisors, may release assurances upon a determination that all improvements are completed in accordance with all conditions of final plat approval.
  3. The Planning Director shall record a form in the County Recorder's Office indicating which lots have been released from an assurance agreement within a recorded subdivision.
  4. Partial releases shall only be approved for completed phases.

#### **501.02 Surety (Performance) Bond, Irrevocable Letter of Credit, Cash or Certified Check**

- A. A surety bond, irrevocable letter of credit, cash or certified check are all acceptable methods to ensure completion of improvements provided that they are submitted and accepted by the County before final plat approval.
- B. A surety bond or irrevocable letter of credit used for security must be executed by a financial institution or insurer licensed to do business in the State of Arizona.
- C. The total amount to be bonded or obligated must equal the cost estimate for the required improvements. A professional civil engineer registered to practice in the State of Arizona must prepare the estimates and improvement plans. The estimates shall include all expenses that would be incurred by a third party if completing the construction, including materials, equipment, labor, engineering and supervision costs, and an appropriate cost inflation factor. The estimates and preliminary construction plans shall be transmitted to the County Engineer for inspection and approval. The estimates shall be in the amount necessary for the County to construct all required improvements in the event the subdivider defaults.
- D. 75 percent of the lots can be sold and building permits issued upon recordation of the final plat and acceptance of the required security. The Board of Supervisors shall specify a completion date for improvements.
- E. If the subdivider fails to complete the improvements upon which final plat approval was based, the Board of Supervisors may, after reasonable notice to the subdivider, order the cessation of all future land sales until the improvements are completed. The Board at its discretion may demand payment of all security and proceed as determined necessary to protect the public health, safety, and welfare.
- F. The County shall return the security upon acceptance of public improvements which shall occur within one (1) year after completion of the improvements.

#### **501.03 Other Methods of Security**

The subdivider may request that the Board of Supervisors approve a substitute means of improvement security. Such a request must be accompanied by the appropriate agreements and any related submittals.

## 502 Construction and Inspections of Improvements

Improvements required as part of subdivision approval are the subdivider's responsibility. The Board of Supervisors shall not consider the acceptance, for maintenance, of any subdivision streets or other subdivision improvements unless they have been constructed and improved to the minimum Cochise County Road Construction Standards and Specifications for Public Improvements, Floodplain Regulations for Cochise County or other standards set forth in the Subdivision Regulations or approved by the Board of Supervisors. Inspection and acceptance of improvements shall proceed as follows:

- A. A right-of-way permit application shall be submitted for streets dedicated to the public, based on the approved improvement plans, before construction is started.
- B. The subdivider shall have a professional civil engineer registered to practice in the State of Arizona supervise the construction of public and private improvements.
- C. The subdivision engineer shall invite the Highway and Floodplain Inspector and Planning Director or designated representative to a pre-construction meeting and ensure that Highway and Floodplain Inspectors are involved before any construction is started. At this meeting inspections throughout construction shall be scheduled as agreed upon between the subdivision engineer and the Highway and Floodplain Inspector.
- D. The subdivision engineer shall give the inspectors two (2) days notice for inspections.
- E. Inspections shall be conducted as described in the *Cochise County Road Construction Standards and Specifications for Public Improvements*.
- F. Following completion of all required improvements for the subdivision or any phase, a certificate signed and sealed by the subdivision engineer shall be submitted to the County Engineer. This certificate shall:
  1. Certify that all improvements have been completed in substantial accordance with the provisions of these Subdivision Regulations and all other applicable County regulations and in accordance with the plans approved by the County Engineer upon which approval of the final plat was based.
  2. Include a report of the date that the subdivision engineer conducted inspections.
  3. Include a copy of the ADEQ "Certificate of Approval of Construction" for water and wastewater systems.
  4. Include a stamped "Record Drawing" ("as-built") set of Mylar plans along with an electronic version on a CD or DVD compatible with the County's current version of AutoCAD.
- G. Upon receipt of the certification of all completed improvements provided by the project engineer, the County Inspection Team, to include the County Engineer or designated representatives (Engineering and Technical Services Engineer and Inspector and Operations Supervisor) and the Planning Director or designated representatives, shall conduct a final inspection of improvements.
- H. The County Engineer shall give final approval if based on the report from the inspection team improvements are satisfactorily completed in accordance with the approved improvement plans.
- I. The County will formally accept public improvements into the County's maintenance system one year after final inspection upon the determination by the County Engineer that no additional public improvements are required. The applicant is responsible for any repair or re-construction if the public improvements fail to meet the required standards during this one (1) year period.
- J. An inspection fee for public improvements in the amount as set forth in the adopted Highway and Floodplain Fee Schedule as amended from time to time shall be required.
- K. An inspection fee for private improvements in the amount as set forth in the adopted Planning Department Fee Schedule as amended from time to time shall be required.
- L. Existing roads that are incorporated into the subdivision circulation system and that serve existing development shall be maintained to at least the current level of service during construction of subdivision improvements.

## **Article 6 Alternative Residential Subdivision Options**

### **601 Purpose and Application**

The purpose of this Article is to describe alternative residential subdivision options that address particular situations and offer some flexibility of design. For some low-impact developments, density bonuses, exceptions to the general submittal and review process, and alternative requirements are provided.

## 603 Residential Conservation Subdivisions

### 603.01 Purpose of a Residential Conservation Subdivision

Development under this provision is optional. It is intended to encourage: a) an innovative site planning design in harmony with the natural features and historic uses, such as ranching, and compatible with constraints of specific sites; b) more cost-effective development due to decreased grading and more efficient servicing of the subdivision with utilities, streets, and other essential services; and c) conservation areas for subdivision or public purposes.

### 603.02 Description of a Residential Conservation Subdivision

- A. A minimum of fifty (50) percent of the site shall be conservation areas. If the subdivision is proposed to be done in phases, conservation areas for each phase shall be fifty (50) percent. Conservation areas are intended to conserve, in perpetuity, resources that might otherwise be permanently altered by development. These areas shall comprise no less than 40 acres for one subdivision.
- B. In zoning districts with a minimum lot size of 36,000 square feet or greater, a thirty-four (34) percent density bonus is provided so long as the subdivision complies with the design and improvement requirements of this Article.
- C. Lot sizes are flexible and do not need to meet the minimum lot size of the zoning district except that the minimum individual lot-size must conform to requirements for sewage disposal, water distribution systems, and fire protection described in Article 4.
- D. Density bonuses cannot be applied to areas within a previously-approved master development plan.

### 603.03 Density Bonus

#### Example of Density Bonus For a 1000-Acre Parcel, Zoned RU-4

Subdivision Type	Conservation Areas	Number of Lots & Density Bonus
Conventional	None	<b>Maximum 250 lots (may be less after calculating roads)</b> (No density bonus)
Conservation	50% conservation areas = 500 acres	<b>335 lots</b> (34 % bonus: 250 lots x 1.34)

### 603.04 Conservation Area Definition and Design

Conservation area: That area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for historic ranching use and/or public or subdivision residents' enjoyment or use. It shall be an integral part of the design within the boundaries of the subdivision and under common ownership or easement.

- A. The following categories generally should be included in the conservation area:

1. Wetlands and cienegas;
- 2.

- 3.
- 4.
5. **Ridgelines;**
6. Significant wildlife habitat areas and corridors;
7. Cultural or archaeological sites listed on the National or State Register or in local land-use plans; and
8. Significant stands of predominantly unspoiled native and other historically adapted vegetation.

B. The conservation area calculation may include:

1. Other cultural or archaeological sites;
2. Paths or trails not intended for vehicular access within the public right-of-way and to and through the conservation area;
3. Historic ranching and grazing areas other than irrigated agricultural fields (accessory ranch structures or service streets may also be included).
4. Community gardening;
5. Passive outdoor recreation such as hiking, bicycling, or equestrian trails; or
6. Other similar compatible uses.

C. The conservation area calculation shall not include:

1. Any public or private streets accessing the lots;
2. Outdoor storage areas and junkyards;
3. Golf courses; and
4. Other uses or structures incompatible with the intent of conservation areas.
5. Areas not feasibly buildable, to include:
  - a. Wash corridors, including a minimum of 50 feet from the primary banks;
  - b. FEMA designated Flood Zone A's and other special flood hazard areas;
  - c. Hillsides with slopes greater than thirty (30) percent;
  - d.

D. Conservation Area Design Considerations:

1. Conservation areas should be as accessible as feasible through direct access or provision of a trail system.
2. Conservation areas should be used to provide access to adjoining public lands where historic access exists. This access may be limited to subdivision residents, except where historic public access exists, in which case it shall be public access. Access may be limited to un-motorized travel only.
3. Conservation areas can be used to buffer the subdivision from adjoining uses, especially higher density or higher intensity uses.
4. The utility of conservation areas shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the conservation areas and shall be integrally related to the development and of such a size and slope as to make it useful for its intended purpose.

### 603.05 Exceptions/Additions to the General Submittal, Review Procedures and Requirements

As noted below, certain procedures and requirements for the Conservation Subdivision differ from those described in Articles 2, 3 and 4.

### **603.05.01 Preliminary Meeting, Existing Resources and Site Context Drawing**

A preliminary meeting will be held to familiarize staff with the project, and the applicant with the Conservation Subdivision process. An existing resources inventory and site context drawing is needed at this meeting to show how the new subdivision fits into the surrounding landscape and show features that cross parcel lines or should be extended through the subject parcel to maintain existing circulation patterns, trails, significant water recharge, vegetation or conservation areas, and corridors. This drawing is an informal drawing that serves as the first step in determining the areas to be maintained as conservation areas. Ten (10) copies of the site context drawing shall be submitted ten (10) days before a preliminary review meeting to be scheduled by the Planning Director. The drawing must be drawn to scale and clear and legible, but does not need to be drawn by an engineer (an aerial photo can be used).

The applicant should be prepared to discuss the following information about the site and the surrounding area within three hundred (300) feet from the boundaries of the site:

1. Adjacent development and zoning.
2. Existing road circulation system in areas adjacent to the site.
3. Existing circulation systems for alternative modes of transportation such as pedestrian, bicycle and equestrian trails, or sidewalks in areas adjacent to the site.
4. Existing watercourses, stream corridors, floodplains, ponds, and wetlands on site and adjacent to the site.
5. Existing areas conserved as part of adjacent developments.
6. Public land adjacent to the site.
7. Ridgelines on site and adjacent to the site.
8. Meadows on site and adjacent to the site.
9. Significant stands of drought tolerant vegetation, native or historically adapted to Cochise County on site and adjacent to the site.
10. General topography.
11. Significant water recharge areas.
12. Hillsides with slopes thirty (30) percent or greater.
13. Existing cultural, archaeological, or historic sites.
14. Scenic corridors identified in adopted County land-use plans if any.

### **603.05.02 Site Visit**

After the existing resources inventory and site context drawing have been reviewed with the Subdivision Committee, the subdivider shall arrange a staff visit to the site to familiarize those reviewing the application with the property. This visit provides an informal setting to discuss preliminary site design and location of conservation areas. The visit should include, but is not limited to, staff from the Planning and Highway and Floodplain Departments, a Planning and Zoning Commissioner if possible, the subdivider, the property owner or seller if available, or someone else familiar with the property, and the subdivision engineer.

### **603.05.03 Site Layout Meeting**

Based on the existing resources inventory, site context drawing, and the site visit, the next step is to develop a preliminary site layout. This can be done as an overlay(s) to the existing resource/site analysis map. It is to be done in conjunction with the Subdivision Committee at a working meeting.

Step 1: Identify Significant Conservation Areas

Sketch in the significant areas listed in 603.04 that shall remain as mandatory conservation areas. The existing resources inventory and site context drawing and site visit provide the information needed to identify these areas.

Step 2: Draw in remaining interconnected conservation areas

It is likely the conservation areas defined in Step 1 will not make up the required fifty (50) percent of the site. The next step is to draw in the remaining conservation areas. These conservation areas shall be designed as described in Section 603.04.

Step 3: Locate Housing Sites

Once Steps 1 and 2 are completed, the area remaining is developable area. In this step, housing sites are located in the developable areas. Locating conservation areas first makes it possible to select housing sites with the best views and access to the conservation areas.

Step 4: Locate Streets and Trails

Once the conservation areas and housing locations have been identified, streets and trails are more easily sited with less impact to the terrain and special features of the site.

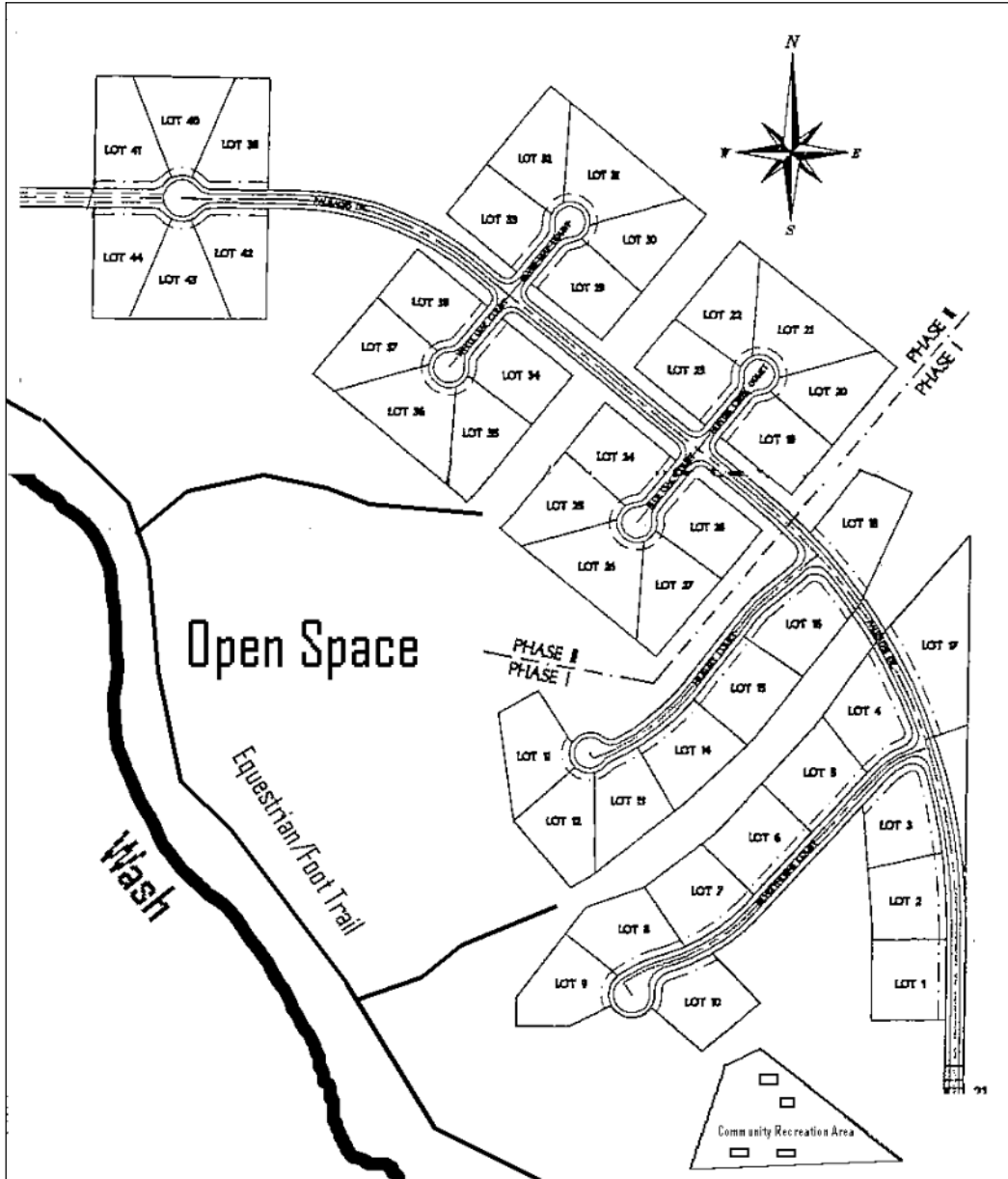
Step 5: Draw in Lot lines

The final step is to draw in the lot lines. Lot sizes are flexible, with a minimum lot size of one (1) acre (43,560 square feet) if individual septic systems and wells are used on individual lots.

**603.05.04 Conformance with Site Layout Plan: Formal Tentative and Final Plat Process**

The remaining process follows the requirements described in Articles 2 through 5. Additionally, along with these general requirements, the tentative and final plats must be in substantial conformance with the site layout agreed upon by the Subdivision Committee in the previous steps. Conservation areas as agreed upon in the site layout meeting must be depicted on the Tentative and Final Plats with a note calculating the percentage of conservation area provided.

### Example: Residential Conservation Subdivision



Adopted 06/22/2004, Resolution # 04-41 #040721721  
Revised 01/05/2007 Resolution 06-127  
Revised April 18, 2008, Resolution 08-20  
Revised June 10, 2008, Resolution 08-45  
Revised December 6, 2016, Ordinance 16-06

## Article 7 Definitions

### 701 General Rules

Unless specifically defined below, words or phrases used herein shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations their most reasonable application.

- A. Board of Supervisors means the Board of Supervisors of Cochise County also known as the Board.
- B. Building includes the word structure.
- C. Commission means the Cochise County Planning and Zoning Commission.
- D. Common usage shall be used to interpret all words and terms unless otherwise defined.
- E. Lot includes the words plot or parcel.
- F. Person includes a firm, association, organization, partnership, trust, or company as well as an individual.
- G. Shall and must are mandatory and the words may, can and should are permissive.
- H. Applicant includes subdivider, developer, property owner, and authorized representative.
- I. Used or occupied includes the words intended, designed, or arranged to be used or occupied.
- J. The words road and street can be used interchangeably.

### 702 Definitions

Abandoned: Said of streets, public ways, easements or rights-of-way when the Board of Supervisors, by proper actions abrogates all public rights to said streets, public ways, easements or rights-of-way.

Acre: An area of land comprising forty-three thousand, five hundred sixty (43,560) square feet.

Agent: Person representing the applicant during subdivision project. An agent shall provide a notarized authorization of agency from the property owner(s).

ADOT: Arizona Department of Transportation.

Approval, Tentative: Approval of the tentative plat by the Commission.

Approval, Conditional: An affirmative action by the Commission or the Board of Supervisors indicating that approval shall be forthcoming upon satisfaction of certain specified stipulations

Approval, Final: Unconditional approval of the final plat by the Board of Supervisors, as evidenced by certification on said plat by the Clerk of the Board of Supervisors.

Area of Jurisdiction: All of that part of the County outside the limits of any incorporated municipality.

Block: That property or group of lots entirely surrounded by streams, rail, streets, unsubdivided acreage, or other barrier, except an alley, of such size as to interrupt the continuity of development on both sides thereof.

Common areas: Those areas reserved for the common use of all subdivision property owners. Common areas can include commonly owned conservation areas, private streets, and other private infrastructure and areas maintained in agricultural or other conservation easements.

Conservation Easement: A recorded document preserving land in perpetuity in its present, repaired, or enhanced state as described in the easement document.

Cost estimates: The estimated cost of subdivision improvements including an appropriate inflation factor, approved by the County Engineer, to be used to determine the amount needed to secure improvements.

Covenants, conditions, and restrictions: A privately executed, recorded, and enforced document designed to govern the use of lots within a subdivision. The County cannot legally enforce covenants unless specific restrictions are denoted on the final plat as a condition of final plat approval.

Dedication: The giving by the owner of private property for public use, and the acceptance by the proper public authority.

Defensible Space: Refers to an area around the perimeter of structures or developments that is designed to be a key point of defense against encroaching fires.

Easement: A grant by the owner to the public or some particular person or part of the public of a parcel of land set aside or over which a liberty, privilege or advantage in land without profit exists, but distinct from the ownership of said land.

Engineer, County: The Cochise County Engineer who is the Highway and Floodplain Department Director or a designated representative.

Engineer, Subdivision: The project engineer registered to practice in Arizona and authorized by the property owner to oversee the project including construction of improvements.

Engineering Improvement Plans: Plans, profiles, maps, cross-sections, and other required details necessary for the construction of public improvements, prepared by an engineer registered to practice in the State of Arizona in accordance with the approved tentative plat and in compliance with standards of design and construction of the County.

Exception: Any parcel of land located within the boundaries of a subdivision that is not included in the plat.

Fees: As set forth in the adopted Recorder, Planning and Zoning, Highway and Floodplain, and Health Department Fee Schedules. All checks are payable to the Cochise County Treasurer.

Floodplain Regulations: The *Floodplain Regulations for Cochise County* adopted by the Flood Control District and as amended from time to time.

Metes and Bounds: The legal description of a lot or parcel of land by courses and distances.

Owner: The person or persons holding title by deed to land, or holding title as vendees under a land sale contract, or holding any other title of record.

Parks: Include turf field game areas, hard-surface game courts, multiple use-areas, circulation, parking, recreation service buildings and other park-related uses.

Paved: to include double bituminous surface treatment and asphaltic concrete.

Plan, Comprehensive: Plan and maps adopted by the Board of Supervisors for the guidance of growth in Cochise County.

Plans, Other: Other plans and maps adopted by the Board of Supervisors as amendments to the Comprehensive Plan for the guidance of growth in a specific area of Cochise County. The term plan includes community, regional, neighborhood, area, master development, and transportation or circulation plans.

Planning Director: The Director of the Cochise County Planning Department.

Plat, Tentative: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with the provision of these Subdivision Regulations.

Plat, Final: A map of all or a part of a subdivision providing substantial conformance to an approved tentative plat prepared in accordance with the provisions of these Subdivision Regulations and bearing all certificates of approval as required by these Subdivision Regulations and duly recorded by the Cochise County Recorder.

Rights-of-Way: The entire dedicated tract or strip of land that is for the use of the public for circulation and services, the length and width of which shall be sufficient to provide adequate accommodation for all physical features to be included therein in accordance with the *Cochise County Road Construction Standards and Specifications for Public Improvements*.

Roadway Construction Standards: Refers to the *Cochise County Road Construction Standards and Specifications for Public Improvements*, a set of regulations setting forth details, specifications, and requirements established by the County Engineer, approved and amended from time to time by the Board of Supervisors, for design and construction of improvements within established County road rights-of-way and within private subdivision street easements.

Rural Subdivision: Average density of one dwelling unit per two (2) acres or less dense.

Signs and markings: Street name signs including directionals, stop signs, speed limit, and other regulatory signs and markings. Signs shall comply with *Manual of Uniform Traffic Control Devices* (MUTCD) and all regulatory signs shall be approved by the Board of Supervisors as part of final plat approval.

Substantial progress towards final plat approval: Substantial progress requires that a final plat has been submitted for review and that progress has been made addressing any conditions of Tentative Plat approval.

Tract: Any portion of land included within the subdivision that is not used as an individual parcel usually denoted A, B, C.... The purpose of a tract shall be denoted on the tentative and final plats.

## **Article 8 Adoption of Ordinance and Severability**

### **801 Application**

These Subdivision Regulations shall apply and govern the subdivision of all land within the area of jurisdiction. Where these Subdivision Regulations impose a greater restriction upon land improvement, development, or use, than is imposed or required by existing provisions of law, ordinance, contract, or deed, these Subdivision Regulations shall control.

### **802 Approval Required**

Until a tentative plat and a final plat of a subdivision shall have been approved and recorded in accordance with these Subdivision Regulations, no person proposing a subdivision within the area of jurisdiction shall subdivide or file a plat for record, or sell any part of said subdivision.

### **803 Zoning**

All proposed subdivisions shall be designed to meet the requirements for the zoning district within which it is located. In the event that an amendment or variance from zoning requirements is requested, said action shall be initiated by the property owner or his authorized agent. The processing of the tentative plat shall not proceed until a complete application for such zoning amendments or variances required in relation to said tentative plat has been submitted. A final plat shall not be approved until such zoning amendments or variances have been approved.

### **804 Severability**

If any provisions of these Subdivision Regulations be held invalid, such invalidity shall not affect other provisions that can be given effect without the invalid provision, and to this end the provisions of these Subdivision Regulations are declared to be severable.

### **805 Conflicting Provisions Repealed**

All other ordinances, regulations, resolutions and parts thereof which conflict with the provisions of these Subdivision Regulations, to the extent of such conflict and no further are hereby repealed.

### **806 Amending the Regulations**

The Board of Supervisors may, after receiving a recommendation from the Commission and after holding a public hearing as required by law, amend these Subdivision Regulations. Amendments may be initiated pursuant to an application or by the Commission on its own motion.

### **807 Effective Date**

These Subdivision Regulations shall become effective beginning on June 22, 2004 and remain in full force thereafter.

APPROVED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 22nd DAY OF JUNE 2004

RESOLUTION NUMBER 04-41