



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Public Hearing, Docket R-19-02 (Subdivision Regulations Repeal and Replace)
DATE: June 25, 2019

I. BACKGROUND AND PROPOSED CHANGES

Section 102.A.3. of the Cochise County Comprehensive Plan mandates periodic review and updates of the Subdivision Regulations to:

- reduce complexity, contradictions, and unnecessary regulations
- encourage subdivision development in lieu of minor land divisions of property through density bonuses and other incentives

In addition, within the same section, it requires that viable, cost-effective, voluntary development alternatives for the subdivision of land should be provided through the subdivision regulations.

To address these mandates, and to better the land division process in Cochise County, during an October 9, 2017 work session with the Board of Supervisors, Staff provided an overview of the land division process. As a result, staff was directed to make the following changes to the Subdivision Regulations:

- Update the Regulations to conform with current ARS
- Remove the Minor Expedited Subdivision option
- Perform clerical revisions to reflect current practices

Following receipt of that direction, the Planning and Zoning Commission held a public hearing on January 9, 2019 for draft changes to the Cochise County Subdivision Regulations.

At that hearing the following changes were proposed:

- Eliminating a provision that required septic testing on at least one-third of all subdivision lots. Current state law requires testing on all septic system prior to permit issuance.

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- Eliminating the “Minor Expedited Subdivision” process. The Minor Expedited Subdivision process was a no-fee planning review option that was used to circumvent the drainage review and more-intensive subdivision regulation process.
- Removing obsolete technology references.
- Removing the requirement for the review of tentative plats by the Planning and Zoning Commission.

At the public hearing, the Commission voted 7-0 to forward Docket R-18-02 with a recommendation of approval to the Board of Supervisors.

Staff incorporated these changes into an updated document (Exhibit A). The updated document is intended to replace the Subdivision Regulations that are currently in place. The County’s Subdivision Regulations were originally adopted in 1974 and have been amended several times over the years. Primarily, the focus of this recent effort was to reformat and reorganize the regulations in a manner that is more user-friendly and corresponds to the development review process. If approved, the current County Subdivision regulations would be repealed and replaced by these regulations.

In addition to the re-organization and re-formatting, the following changes are introduced in the document:

- Graphics were added to assist concept visualization.
- Requirements for specific numbers of copies has been amended from a specific number to the number of copies that is requested on the application form. If necessary, staff can more easily amend the number of copies requested on an application form than within County regulations.
- Within Article 5, Alternative Conservation Subdivision Option, the density bonus for conservation subdivisions that provide sewer, water and fire protection was increased from a 50 percent bonus to a 75 percent bonus. This increase is intended to further incentivize the provision of these improvements, which can be costly to the applicant.
- In addition, the definition of Conservation Area (section 503.C) was altered as follows (parts underlined are proposed): “Definition of 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 and shall not include any part of a saleable or sold lot.” With the specification that a conservation area shall not include any part of a saleable or sold lot, no part of a sold lot will be included in the overall calculation of conservation areas.
- Also, within Article 5, under Section 503. E. Conservation Area Design Considerations, the regulations mandate:
 - At least 25% of the conservation area be buildable land.
 - At least 75% of the conservation area be a continuous tract.
 - The conservation area must adjoin neighboring conservation/natural areas.
 - And the conservation area must be directly accessible to the largest practicable number of subdivision lots.

These additional stipulations will effectively alter both the calculation and the design of conservation subdivisions. Additionally, it brings the Subdivision Regulations further into alignment with Goal 102.A.2 of the Cochise County Comprehensive Plan, which states “Development should occur in a manner that

preserves open space, agricultural and ranching resources, and existing historical sites which may include: wildlife corridors; hydrologic recharge areas; floodplains; geologic features; historic, archaeological, or cultural resources; or arable soils.” The County wishes to facilitate the preservation of washes and wetlands, while at the same time, promoting usable, connected space for future residents. Protecting large areas of continuous lands, while reducing the development footprint, leads to a greater positive cumulative impact on wildlife habitat, water quality and scenic vistas.

At the June 12, 2019 public hearing, the Commission voted 6-0 to forward Docket R-19-02, which is the attached proposed Subdivision Regulations 2019 Edition, with a recommendation of approval to the Board of Supervisors.

II. SUMMARY AND RECOMMENDATION

The updates and edits included in these proposed subdivision regulations reduce the complexities, contradictions and unnecessary regulations of the adopted subdivision regulations. Graphics were added to aid concept visualization and the document was completely reorganized to follow the development process. In addition, the document includes density bonuses to encourage subdivision development in lieu of minor land divisions. Staff is requesting that the Board consider approving the changes as presented.

Sample Motion: *Chairman Supervisor, I move to approve Docket 19-02 as proposed.*

III. ATTACHMENTS

- A. Exhibit A, Proposed Subdivision Regulations, 2019 Edition
- B. Exhibit B, Resolution to Adopt the Cochise County Subdivision Regulations, 2019 Edition
- C. Exhibit C, Adopted Cochise County Subdivision Regulations