

COCHISE COUNTY

Amendment to the Cochise County Zoning Regulations Mailed Notification Radius (R-20-03)

Board of Supervisors

June 9, 2020

Cochise County
Development Services



Public Programs...Personal Service

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State Legal Requirements

Arizona law requires notice to be sent via first class mail to each property owner whose property is *directly affected* by a proposed change to:

- the Comprehensive Plan
- Rezoning
- Special Uses

Arizona law defines “directly affected” or a “zoning area” as the area within 300 feet of the proposed amendment (ARS 11-814)



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Other Notification Methods

- Publication in a newspaper
- Physical posting on subject parcels
- Citizen Review Report
- Legal Notice/Case Information on the County website

The screenshot displays the Cochise County website interface. At the top, there is a navigation bar with links for Home, My Workbench, Intranet, Email, and IT Support. Below this is a search bar and a main header with the text "Docket SU-20-04 and Z-20-06". The main content area is titled "Docket Information for Current Planning Cases" and includes sections for "Docket SU-20-04 and Z-20-06 (Dollar General Hereford)", "Public Hearing Notice", "Cochise County Planning Zoning Commission Information", "Cochise County Board of Supervisors Information", and "Case Information". The "Case Information" section includes a "Case Planner" contact: Christine McLaughlin, AICP, Planner I, 1415 Melody Lane, Building F, Bisbee, AZ 85603, P: 520-432-8266, cmclaughlin@cochiseaz.gov. At the bottom, there are three site photos: "LOOKING SOUTH FROM RAMSEY ROAD", "INTERSECTION OF RAMSEY RD & MOSON RD", and "LOOKING NORTH ON MOSON RD". A "Site Photos" link is visible next to the third photo. The right sidebar contains "FORMS" and "CONTACT US" sections, with contact information for the Director Daniel Coxworth and the Benson Office.

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Current Mailed Notification Requirements per Zoning Regulations

	Special Use, Rezoning, and Citizen Review	Minor Land Use Change (Comp Plan Req.)	Special Event - Events of Public Interest	Variance	Wind Turbines Greater than 45'
Area A	300'	1,000'	300'	300'	300'
Area B	1,000'	1,000'	300'	300'	1,000'
Area C	1,000'	1,000'	300'	300'	1,000'
Area D	Minimum 1-mile, Maximum 3-miles also a minimum of 50 parcels shall be notified	1,500'	1,500'	300'	Minimum 1-mile, Maximum 3-miles also a minimum of 50 parcels shall be notified
Intensive Use	Minimum 1-mile, Maximum 3-miles also a minimum of 50 parcels shall be notified	Not applicable	Not applicable	Not Applicable	Not Applicable
Also/ However	Rezoning to less intensive Districts do not require a Citizen Review.	If the Comp. Plan amendment also includes a proposal to amend Zoning District boundaries, then the notification requirements in Article 22 are applied instead.	Notice must also be sent to each County and municipality which is contiguous to the area of the proposed temporary use(s).		Any protested permit application shall require Special Use Authorization



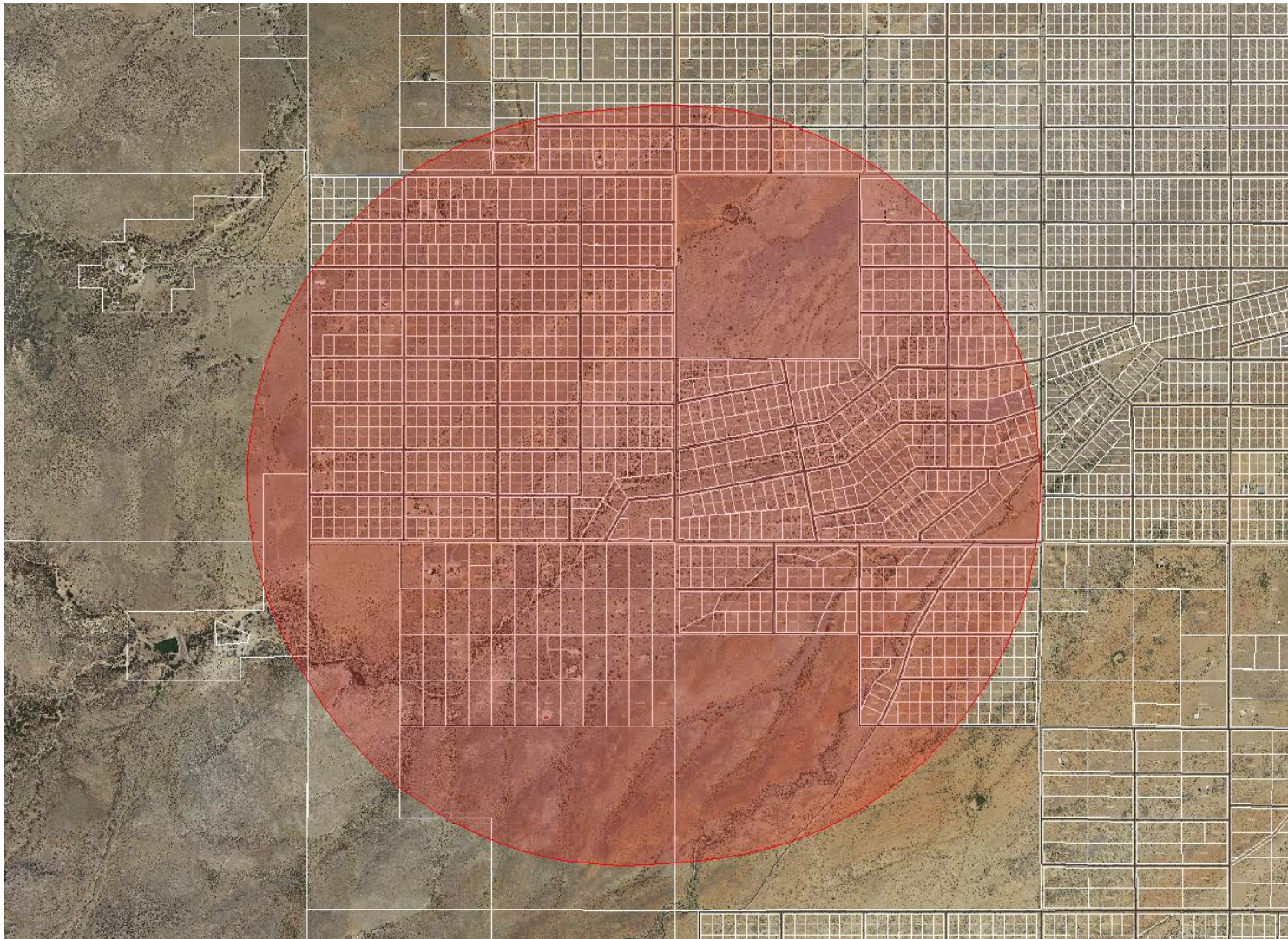
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Issues – the current mailed notification requirements:

- **Are complex/inconsistent (vary by growth area, proposed use, application request)**
- **Can be confusing**
- **Are time-intensive/expensive**
- **Are inflexible**
- **“Intensive uses” do not include uses such as jails, crematories, recycling centers, slaughterhouses...**
- **Exceed the mailed notification requirements of the state and every other County in Arizona**



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**1-Mile Notification Radius = 3.14 square miles total area
(Roughly, the area equivalent of Naco, AZ)**



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Recommendations

- **Simplify** the mailed notification requirements by limiting the mandatory mailing to all properties within a radius of no less than 300 feet of the subject parcel.
- **Add flexibility** - the Planning Director (“County Zoning Inspector”) may expand the notification area to greater than a 300-foot radius, at the time of application acceptance, if there are compatibility concerns associated with the request.



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Impact

- **Greater deference provided to residents in the immediate area.**
- **Reduction in total amount of mailed notification (time and money savings).**
- **Greater reliance on other forms of notification.**
- **Flexibility/not limited to current list of intensive uses or growth categories.**
- **Applications that have greater potential for compatibility issues will be required to have a larger mailed notification radii.**
- **Also, removal of dated ‘filing a protest’ requirements. These requirements only apply to Counties with 5 or more supervisors.**



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Details of Proposed Changes

See attachment A for strike-through (deletion) and underline (addition)

Zoning Regulations

- **Section 1716.03.D.2.**
- **Section 1720.03.F.7.**
- **Section 2203.02**
- **Section 2206.02**
- **Section 2207.1 and 2207.04**



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Recommendations

Staff is recommending approval of Docket R-20-03.

The Planning and Zoning Commission unanimously recommended approval of the amendment on May 13, 2020.

