

**COCHISE COUNTY BUILDING CODE ADVISORY AND APPEALS BOARD
MEETING MINUTES**

Thursday, December 12, 2019

3:00 p.m.

The meeting of the Cochise County Building Code Advisory and Appeals Board was called to order at 3:05 p.m. by Vice Chairman Ray Klumb at the Cochise County Complex, 4001 E. Foothills Dr., Sierra Vista, Arizona in the small conference room. Vice Chairman Klumb called for the roll and the following members indicated their presence: Ray Klumb, Philip Isaacson, Jim Olander, Ed Shiver, Kim Mulhern, and Mike Rutherford. The member absent was Sharon Flissar. Staff members present were Paul Esparza, Interim Building Official, and Christine McLachlan, Planner II. Vice Chairman Klumb noted a quorum was present.

Vice Chairman Klumb called for a review of August 15, 2017 meeting minutes. Mr. Shiver made a motion to pass the minutes and Mr. Isaacson seconded. The motion passed to approve the minutes as is. Vice Chairman Klumb called for a review of the October 3, 2017 meeting minutes. Mr. Isaacson made a motion to pass the minutes and Mr. Klumb seconded. The motion passed to approve the minutes as is.

NEW BUSINESS

Item 1-Recommendation to the BOS to re-appoint three expired members terms for additional three-year terms to expire on September 25, 2022.

Vice Chairman Klumb presented the three board members names whose terms have expired. Mr. Esparza stated that Ms. Flissar was not present but had expressed her interest in being re-appointed to the Professional Engineer position. Vice Chairman Klumb called for the vote on the re-appointment of Sharon Flissar to the Professional Engineer position. Ms. Flissar was unanimously approved. Vice Chairman Klumb called for the vote on the re-appointment of Mike Rutherford to the General Contractor position. Mr. Rutherford was unanimously approved. Vice Chairman Klumb called for the vote on the re-appointment of Kim Mulhern to the Member-at-Large position. Ms. Mulhern was unanimously approved. Mr. Esparza mentioned that a staff memo was prepared regarding the re-appointments and would go before the BOS for action on December 17, 2019.

Item 2 –Selection of Officers

Vice Chairman Klumb opened the discussion for selection of officers. Mr. Esparza clarified that the voting members may select a Chair and Vice Chair and that he was Secretary as the Interim Building Official. Mr. Esparza mentioned the most recent Chair was Mike Rutherford and Mr. Klumb was Vice Chair.

Vice Chairman Klumb called for a motion for Chair. Mr. Olander made a motion to retain Mr. Rutherford as Chair and was seconded by Mr. Isaacson. Vice Chairman Klumb called for a nomination for Vice Chair. Mr. Shiver made a motion to retain Mr. Klumb as Vice Chair and was

seconded by Mr. Olander. The motions were called, and Mr. Rutherford and Mr. Klumb were unanimously approved

Item 3 –Discussion on agricultural exemption of publicly accessible buildings (i.e. winery tasting room).

Vice Chairman Klumb opened the discussion. Mr. Esparza explained that state statutes define agricultural exempt uses as five contiguous commercial acres. He stated that Cochise County had specifically exempted winery tasting rooms. Vice Chairman Klumb stated that he asked that this item be included for discussion. Mr. Klumb stated that public buildings should meet ADA requirements, have accessible toilet rooms and that basic life safety things should be provided. Mr. Klumb stated these wine tasting rooms are not reviewed or permitted although they are to be built to state laws and regulations, but nobody checks or verifies the construction unless there is a complaint. Mr. Klumb believes there is more and more ag exempt going on. Mr. Klumb asked for other thoughts on the ag exemption.

Mr. Rutherford spoke regarding ADA compliant restrooms and the existing language in the code. Ms. Mulhern said that the public has expectations that commercial buildings are held to certain standards. Mr. Klumb concurred with Ms. Mulhern's statement. Mr. Rutherford asked if a C of O was issued for exempt buildings. Mr. Esparza stated that a certificate of occupancy is not granted without a building permit being issued or building inspections being completed. Mr. Rutherford would like to see a final observation of the building that it met the requirements. Mr. Esparza explained that opt out inspections are limited to zoning inspections for building setback compliance. Mr. Esparza stated that if there are complaints made regarding ADA compliance then the business would have to make accommodations.

Mr. Isaacson stated that he has lots of ag status and was told by staff that the ag exemption is a governed by the state. Ms. McLachlan stated that was correct but the winery tasting room exemption was a Cochise County provision. Mr. Klumb stated that bad stuff can happen without oversight. Ms. Mulhern asked if ag buildings already built are exempt. Mr. Klumb stated any changes would be applicable to new construction. Mr. Rutherford questioned if a building is constructed that did not meet requirements and we ignore it does that present liability for the county. Mr. Esparza clarified the question. Mr. Rutherford stated he would like to see some final say. Mr. Klumb clarifies the difference between opt out and ag exemptions. Mr. Esparza stated that septic inspections are not subject to opt-out. Mr. Isaacson stated he was in favor of the public being safe in public buildings and asked about state authority in ag exemptions. Mr. Esparza stated that county imposed the exemptions of winery tasting rooms several years ago. This is not a state exemption.

Vice Chairman Klumb wrapped up the discussion. Mr. Esparza stated this was not an action item and that the BCAAB sentiments were clear regarding the exemption of winery tasting rooms. Mr. Esparza and Ms. McLachlan would discuss their concerns with planning staff.

Item 4 –Discussion and action on a recommendation to the Board of Supervisors to repeal Resolution 14-77 Amendment to the Cochise County Building Safety Code for Residential Owner-Built Dwellings and Accessory Structures.

Vice Chairman Klumb opened the discussion regarding the opt-out. Mr. Esparza stated that Ms. McLachlan has as PowerPoint presentation on the Owner-Built Dwelling Amendment.

Ms. McLachlan concluded her PowerPoint presentation and asked for questions and comments. Mr. Esparza stated the number of opt-out permits that have been issued in 2019. Mr. Klumb referenced the first slide of the PowerPoint regarding all construction must meet Building Code Standards. Ms. McLachlan explained the stand allow resolution that permitted the Owner-Built Residential dwellings opt-out amendment. Ms. Mulhern stated that people coming from outside the area have a reasonable expectation that buildings have plans reviewed and building inspections done and would not question this. Ms. Mulhern stated this does not satisfy her expectations. Mr. Rutherford asked if the title to opt out properties has a notification that it is an opt out structure. Mr. Esparza stated that the property owner is required to sign an affidavit that is recorded stating the home was built to existing building code. Mr. Rutherford stated as a board member of SACA they have been against the opt-out since day one. He recommended they get rid of it. Mr. Klumb discussed that a pro for the opt-out has been the reduced fees but does not feel it's an agreement for the opt-out. Mr. Rutherford stated his concerns are wiring that you don't see or cutting other costs. Mr. Olander asked if most of the opt-outs are because they don't want to pay the permit fees. Mr. Esparza stated that may be so, but some do not want any government oversight. Mr. Isaacson stated he has customers that want to opt-out, but he has not done so. He stated that it's a safety thing, these are not times where people are so hard up that they can't afford a dwelling to live in. If they can build, they are able to get a permit. Mr. Isaacson has remodeled opt-outs that have been terrifying.

Mr. Klumb asked if someone wanted to make a motion regarding the opt-out. Mr. Shiver made a motion to get rid of the opt-out and was seconded by Mr. Olander. Mr. Klumb called the motion and it passed unanimously.

Item 5 – Building Official's report

Mr. Esparza discussed his new experiences as the Interim Building Official. Mr. Rutherford asked if the BOS agrees about getting rid of the opt-out. Ms. McLachlan commented about the next steps regarding a BOS work session to determine where the BOS may be. Mr. Rutherford stated that staff can convey that SACA is in total agreement about eliminating the opt-out. Mr. Esparza asked about this being discussed at a SACA luncheon. Mr. Esparza discussed a recent request to build an earthbag home and how that process evolved.

Mr. Esparza discussed the new Building Bulletin and was soliciting comments and suggestions. BCAAB members mentioned they had not seen the bulletin. Mr. Rutherford mentioned that the Cochise County Update monthly email is a good place to get information. There was discussion about topics in the August 2019 building bulletin including fire sprinklers.

Mr. Esparza mentioned building staff is doing a good job and he should be contacted if anyone has concerns or issues.

Item 6 –Call to the Public

No public was present.

Item 7 –Adjournment.

Mr. Klumb entertained a motion to adjourn. Mr. Olander made a motion to adjourn the meeting. Mr. Isaacson seconded. All were in favor and the meeting adjourned at 3:57 p.m.