

ORDINANCE 21__

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA
AMENDING ARTICLE 1716 (SPECIAL USE AUTHORIZATIONS), ARTICLE 1806
(LANDSCAPING), ARTICLE 1819 (WATER CONSERVATION MEASURES), AND ARTICLE
2208 (CRITERIA FOR ESTABLISHMENT OF A ZONING DISTRICT IN ACCORDANCE WITH
THE COMPREHENSIVE PLAN)**

WHEREAS, Arizona Revised Statutes (“A.R.S.”) §§ 11-811, et seq. gives the Cochise County Board of Supervisors (the “Board”) the authority to adopt zoning regulations to address land use; and

WHEREAS, the Board originally adopted Zoning Regulations in Cochise County, pursuant to that authority in 1975, and has with periodic modification, maintained them in effect since that time; and

WHEREAS, the Board recognizes that amendments to the Zoning Regulations can affect countywide land use patterns and therefore, warrants careful consideration of regional impacts; and

WHEREAS, Article 1716 of the Zoning Regulations includes specific factors for or against a proposed special use authorization, which includes factor “J. Water Conservation,” which is considered in deciding whether or not to approve a Special Use Authorization request; and

WHEREAS, Article 1806 of the Zoning Regulations includes landscaping requirements which provide the minimum standards for the provision, installation, and maintenance of landscaping where required for non-residential uses; and

WHEREAS, Article 1819 of the Zoning Regulations includes water conservation measures that apply either countywide or within the Sierra Vista Sub-Watershed Overlay Zone; and

WHEREAS, Article 2208 of the Zoning Regulations includes rezoning criteria, which includes factor “12. Water Conservation,” which is considered in deciding whether or not to approve a rezoning request; and

WHEREAS, the Board recognizes the general purpose of this amendment is to better organize water conservation requirements and to make water conservation requirements more measurable; and

WHEREAS, on November 10, 2021, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning Regulations, hereby known as Docket R-21-03, and attached hereto as “Exhibit A”; and

WHEREAS, on November 30, 2021, the Board of Supervisors held a duly noticed public hearing of the proposed amendments to the Zoning Regulation, Docket R-21-03 attached hereto as “Exhibit A” that will amend Article 1717, 1806, 1819, and 2208 of the Cochise County Zoning Regulations and found them to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED THAT by the Board of Supervisors of Cochise County, Arizona that the Cochise County Zoning Regulations shall be amended as contained in “Exhibit A,” attached hereto.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, this 30th day of November 2021.

Ann English, Chair
Cochise County Board of Supervisors

ATTEST:

Kim Lemons, CPCC
Clerk of the Board

APPROVED AS TO FORM:

Paul Correa

Paul Correa, Esq.
Civil Deputy County Attorney

EXHIBIT A

1716.02 Factors For or Against a Proposed Special Use Authorization

J. Water Conservation

The Special Use Authorization request complies with the water conservation policies in the County Comprehensive Plan or any other adopted area plan and/or those described in Article 18. The Special Use Authorization request shall incorporate water saving measures that meet, or exceed, all Cochise County requirements included in the Comprehensive Plan, Strategic Plan, adopted area plan, Building Code, or Zoning Requirements. For each request, the applicant shall identify the source of the water being used, an estimate of water quantity required for the proposed use, water-use minimization measures to be implemented, water-recycling measures to be implemented, and any measures used to enhance onsite recharge.

1806.04 Irrigation Requirements

A. Purpose

The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. It shall meet all the requirements listed in this section and the manufacturers' recommendations. The design, installation, service, and operation of the irrigation shall be in a manner that promotes the most efficient use of water and applies the least amount of water that is required to reduce dust, control erosion, as well as maintain healthy landscape plants.

A. General requirements - An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation.
2. Irrigation systems and watering schedules shall supply the appropriate amount of water without over-watering.
3. Water running off a landscaped area to another area where the water is not beneficially used, such as on to streets, sidewalks, gutters, alleys, public utility easements, public or private parking areas is prohibited.
4. The irrigation plan must show that the irrigation system provides complete coverage of all areas to irrigated. While head-to-head coverage is recommended, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. In addition, the design of the irrigation system shall conform to the hydrozones of the landscape plan.
5. The irrigation systems shall be designed to ensure that the operating pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance
6. Irrigation should be avoided during windy or freezing weather or during rain.
7. Property owners shall repair water leaks upon their property within fourteen (14) days after discovery.

B. System Requirements

1. Pop-up spray heads or rotary sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or rocks.
2. All new automatically controlled irrigation systems must include sensors or other technology designed to suspend or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall.
3. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system and shall comply with local plumbing codes.
4. Manual shutoff valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
5. Narrow or irregularly shaped areas, including turfgrass areas, less than ten feet (10 ft) in dimension in any direction shall not utilize overhead sprinkler irrigation.

C. Plan Requirements

The irrigation plan, at a minimum, shall include the following:

1. A scaled plan showing property lines, easements, existing or proposed structures, impervious surfaces, and significant existing natural features
2. Location, type and size of all components of the irrigation system, including, backflow preventer, flow sensor, master valve, smart irrigation controllers, main and lateral lines, manual valves, remote control valves, sprinkler heads, moisture sensing devices; end caps; quick couplers, and pressure regulators
3. An irrigation legend showing the identification of irrigation components
4. Installation details for each of the irrigation components

B. RECLAIMED WATER: Reclaimed water may be used, and is encouraged for use, in irrigation systems provided compliance with all of the following:

1. There is no direct contact with edible crops, unless the crop is pasteurized before consumption.
2. The irrigation system does not spray water across property lines that do not belong to the irrigation system's owner.
3. The irrigation system is installed using purple components.
4. Backflow prevention on the reclaimed water supply line shall be in accordance with the County's adopted plumbing code.
5. A notice is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER - DO NOT DRINK" and "AGUA DE RECUPERACIÓN - NO BEBER"

1819 Water Conservation Measures

1819.01 County-Wide Water Conservation Measures

The following measures will be applied to residential and non-residential uses:

- ~~C. New pools will be required to have a cover. The permit application shall note the type of pool cover proposed, and the permit shall be conditioned to ensure that the pool shall be covered when not in use.~~
- ~~D. For all projects installing urinals, they shall be waterless. This regulation is applicable to new construction only. Single and multiple household dwellings are exempt.~~
- ~~E. For all non-residential projects either requiring landscaping pursuant to Section 1806, or where landscaping is not required but is proposed, the landscaping shall be composed of drought-tolerant plants and materials and shall comply with the following:~~
 - ~~1. Permit Applicants shall include a detailed landscaping plan showing the location, species, and container size of all plants on site, an irrigation plan, and planting method.~~
 - ~~2. Only plants included in the County's approved list of drought-tolerant plant species, or similar plants that have been specifically approved by the County Zoning Inspector, shall be planted and maintained on any such site.~~
 - ~~3. The County Zoning Inspector, in consultation with Water Wise and other similar programs, shall maintain a list of drought-tolerant plants suitable for this area. Any plant species proposed in a landscaping plan, and not included in the County's list of approved drought-tolerant species, shall be accompanied with documentation sufficient to demonstrate that it would be appropriate to add the species to the County's list of drought-tolerant species.~~
 - ~~4. Grass types listed in the plant list shall be used for the purposes of erosion control and seeding detention basins.~~
 - ~~5. Substitution of plant species for those that have been approved in a landscaping plan is prohibited.~~
 - ~~6. The use of turf in non-residential projects is allowed only for golf courses per the requirements of Section 1817 and multi-family developments. The use of turf in multi-family developments is restricted to common use areas. Larger play areas are encouraged to use a non-living material.~~
- A. Approved Plant Species: The County Zoning Inspector shall maintain a list of suitable drought-tolerant landscape plants for Cochise County. Only plants included in the County's approved landscape plants, or similar plants that have been specifically approved by the County Zoning Inspector, shall be included on a landscape plan. Any plant species proposed in a landscaping plan, and not included in the County's list of approved landscape plants, shall be accompanied with documentation sufficient to demonstrate that it would be appropriate to add the species to the County's list. Substitution of plant species, following landscape plan approval, is prohibited.

- B. Groundcover: The use of turf types listed in the Cochise County approved landscape plant list is limited to the following applications/uses within non-commercial developments:
 - a. erosion control
 - b. soil stabilization
 - c. seeding detention basins
 - d. Exemptions:
 - i. Golf courses, subject to the limits of Section 1817;
 - ii. Common areas of multi-family developments, hotels and motels (not to exceed 500 SF);
 - iii. Schools;
 - iv. Parks;
 - v. Cemeteries;
 - vi. Public recreational facilities

- C. Irrigation: see 1806.04 Irrigation Requirements

1819.02 Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone

The following water conservation measures shall be required of all non-residential properties in the Sierra Vista Sub-watershed, as defined by the Arizona Department of Water Resources and delineated on County maps and, when a building permit is required, be subject to plan review and inspections:

- ~~A. All new commercial car wash facilities, including automobile dealerships, shall use water recycling systems which recycle a minimum of 75 percent of the water used. This requirement does not apply to small operation auto detailers or similar uses.~~
- A. Commercial Car Wash Operations:
 - 1. All commercial conveyor and in-bay car wash operations located on properties not served by sanitary sewers shall be equipped with a self-contained water recycling system. For the purposes of this section of zoning, a water recycling system is defined as a water system at the car wash that captures, and reuses water previously used in wash or rinse cycles. Plans shall indicate and specify a water reclamation system for the purpose of recycling water to the maximum degree possible given the equipment to be used in conducting car wash activities.
 - 2. All commercial self-serve car wash operations shall indicate disposal of rain or surface water and the protection of the potable water system on associated site plans.
- B. The use of misters is prohibited in commercial and industrial developments.
- C. All new multi-family development exceeding four units shall provide independent-unit metering (water meter for each dwelling unit), with the following exceptions: Multi-family complexes providing 80-percent or more low- to moderate-income housing units, as defined by the Federal office of Housing and Urban Development (HUD), may provide an alternative to water-saving design methods in lieu of the use of independent-unit metering. ~~The burden of proof is on the applicant to show that an equivalent, or greater, water savings will be achieved. The applicant shall state all proposed alternative water savings measures for consideration by the County Zoning Inspector. Alternative water-saving methods to may include, but not be limited to, the following, may be considered by the County Zoning Inspector and permitted in lieu of the use of independent-unit metering:~~

1. Short hot-water line run distances (core plumbing systems).
 2. Ratio Utility Billing Systems (R.U.B.S. – as allowed under applicable State law).
- D. Artificial Water Features - New artificial water features such as ponds, lakes, water courses, and other types of decorative water features are prohibited in any new nonresidential development commercial construction or in common user areas of multi-family housing unless their sole source is harvested rainwater or they are a necessary and functional component serving other allowable uses, for example, storage ponds on a golf course or aeration devices. All new ponds must be lined to prevent seepage. This provision does not pertain to required storm water detention/retention facilities, holding ponds used for treated effluent being used for permitted irrigation purposes, or permitted swimming pools and spas. ~~Flowing water used in fountains, waterfalls, and similar features shall be recirculated.~~
- E. ~~Outdoor Sprinkler Systems: Any new installation or replacement of an automatic outdoor sprinkler system shall also include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time. Where there are multiple areas with a sprinkler system watered from one controller, the sensor must be installed at the largest area.~~
- F. Landscaping: Any new landscaping proposing irrigation installation or re-installation in a median or similar strip of permeable surface less than fifteen feet in any horizontal dimension, adjacent to a roadway, sidewalk, parking area or other paved or impermeable area, shall be irrigated by a subsurface (drip), non-sprinkling irrigation system.

2208.03 Rezoning Criteria

12. Water Conservation

~~Uses proposed in any Rezoning shall show conformance with the water conservation regulations in Article 18, and water conservation policies in the County Comprehensive Plan or any other applicable area/community or master plan. The uses proposed in any Rezoning shall incorporate water saving measures that meet, or exceed, all Cochise County requirements included in the Comprehensive Plan, Strategic Plan, adopted area plan, Building Code, or Zoning Requirements. For each request, the applicant shall identify the source of the water being used, an estimate of water quantity required for the proposed use, water-use minimization measures to be implemented, water-recycling measures to be implemented, and any measures used to enhance onsite recharge. In the Sierra Vista Sub-Watershed Overlay Zone, private, voluntary, retirement of development rights proposed by an Applicant within two miles of the San Pedro Riparian National Conservation Area or within one mile of the Babocomari River may be a factor in favor of their request for concomitant density increases elsewhere in the County.~~