



Cochise County

Community Development

Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Planning & Zoning Commission
FROM: Christine McLachlan, AICP, Planner II
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket R-21-03 (Water Conservation)
DATE: November 15, 2021

I. PROPOSED ZONING CHANGES

This is a dual-purpose, staff-initiated amendment, intended to revise local amendments of the building code and sections of the zoning regulations in response to previous adjustments to the 2015 Building Codes, to better organize/specify water conservation requirements, and to make water conservation measures in the County more measurable, in general.

More specifically, this amendment to the Zoning Regulations will:

1. **Amend Section 1716.02 Factors For or Against a Proposed Special Use Authorization**
2. **Add Section 1806.04 Irrigation Requirements**
3. **Amend Section 1819.01 County-Wide Water Conservation Measures**
4. **Amend Section 1819.02 Sierra Vista Sub-watershed Overlay Zone**
5. **Amend Section 2208.03 Rezoning Criteria**

This amendment is a re-evaluation of the County's water conservation requirements for land in private ownership. Notably, the intent of the regulations, which is to conserve water, has been in place for many years. These changes will help staff, the commission, and the board better evaluate whether development requests are consistent with this intent.

The specific additions or revisions are explained in further detail below.

This amendment also proposes changes to the following:

- International Residential Code (IRC) 2015 edition, to re-insert permit exemptions, previously contained in the Zoning Regulations;
- IRC 2018 Edition, Appendix Q Tiny Homes, add a minimum size requirement for tiny homes;
- International Plumbing Code (IPC) 2015 Edition, add water conservation requirements, either currently mandated by state law or previously contained in the Zoning Regulations

A. Amend Section 1716.02 Factors For or Against a Proposed Special Use Authorization

As stated in the Zoning Regulations, "The Planning Commission, and the Board of Supervisors if the Special Use Authorization request is appealed, shall consider the factors listed below in deciding whether or not to approve a Special Use Authorization request. Compliance or non-compliance with applicable Special Use Authorization factors serves as the basis for analyzing the Special Use Authorization request and determining factors in favor or factors

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against the Special Use Authorization request.” The regulations then specifically list ten factors, including “J. Water Conservation.”

Although the intent of this measure has always been to consider the impact of a special use on the water supply, the current wording only ensures minimum compliance with the general policies of the Comprehensive Plan. The level of detail included in most special use concept plans, and their preliminary nature in the process, is often not adequate for case planners, or the commission, to impartially evaluate whether a request will overly stress the local water supply, which is the intent of the regulations.

The following is proposed (strike-through deletion, underline addition):

~~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.

Staff believes the more specific language included in the zoning regulations, which will require changes to the special use application, will assist case planners and the commission/board to better evaluate the impact on water use of each special use request.

B. Add Section 1806.04 Irrigation Requirements

While the Zoning Regulations include Section 1806.03 Landscaping, Planting and Maintenance Requirements, there is not a section that provides irrigation requirements. According to the Arizona Department of Water Resources, the largest use of potable water in Arizona is for landscaping and as much as 70 percent of residential water use is outdoors. Significant water savings can be achieved through climate-appropriate landscape design, proper plant installation, efficient irrigation, and regular maintenance of irrigation. Section 1819 of the Zoning Regulations mandates the submission of an irrigation plan. The inclusion of section 1806.04 will clarify application requirements for an irrigation plan. Some of the water conservation measures are performance-based, including a requirement for 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.” Other requirements, such as “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” are prescriptive, providing specific requirements for irrigation design. Overall, the intent is to assist applicants in the preparation of irrigation plans that are consistent with the County’s water conservation goals.

C. Amend Section 1819.01 County-Wide Water Conservation Measures

Current County-wide conservation measure consists of three sub-parts and apply to residential and non-residential uses. Current residential requirements mandate pool covers and waterless urinals. Because section 1816 (Swimming Pools) already mandates swimming pool covers, the duplicative requirement in section 1819 is proposed for deletion. Urinal requirements are addressed in the County’s proposed “Water Conservation Code” amendment to the 2015 International Plumbing Code (IPC). Consequently, this requirement is similarly proposed for deletion in section 1819. The remaining requirements all relate to landscape requirements and strictly apply to non-residential permits. Essentially, this amendment re-organizes/consolidates approved plant species information from four separate parts into one. Groundcover is addressed in section two.

The use of groundcover/turf is proposed for expansion to include soil stabilization and the list of uses exempted. This means uses where turf may be considered, was expanded to include public parks, schools, cemeteries, public recreational and common areas of hotels and motels (not to exceed 500 SF). Section 3 of landscape and Irrigation is proposed to reference the new language of 1806.04 (Irrigation Requirements).

D. Amend 1818.02 Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone

The proposed additions/deletion in this section of the zoning are mostly intended to clarify the language and intent of the regulations to ease internal plan review. In addition, the two current irrigation requirements are deleted. These requirements are proposed to be moved and expanded upon in section 1806.04, Irrigation Requirements.

E. Amend 2208.03 Rezoning Criteria

As stated in the Zoning Regulations, “The Planning Commission and the Board of Supervisors shall consider the factors listed below in deciding whether or not to approve a Rezoning.” The regulations then specifically list fifteen factors, including “12. Water Conservation.” This is fairly similar to the evaluation criteria of special uses. The current language is also very similar. Again, staff proposes the addition of language that will allow case planners, the commission, and the board, to impartially evaluate whether a request will overly stress the local water supply, which is the intent of the regulations.

~~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.

II. PROPOSED BUILDING CODE CHANGES**A. International Residential Code 2015 Edition, Work Exempt from Permit (Local Amendment)**

The 2015 edition of the International Residential Code (IRC) provides many exemptions for work permit in residential settings. Previously these exemptions were included in the Zoning Regulations. To avoid duplications and/or conflicts between information in the Zoning Regulations and the IRC, the work exempt information will now defer to section 105.2 of the 2015 IRC. Additional work exempt from permit is considered a local amendment. No changes or deletions are proposed, this is simply an organizational change.

B. Appendix Q Tiny Houses 2018 IRC Edition, (Local Amendment)

The 2018 IRC provides requirements for tiny houses, which is a popular development option in Cochise County. Appendix Q prescribes a maximum value of 400 square feet. The County wishes to add a minimum threshold of 296 square feet. This minimum value is a compilation of the minimum space thresholds that are required to construct a house. For example, the minimum bathroom size is 42 square feet, the minimum size for a kitchen is 30 square feet. This allows for all necessary bathroom fixtures and their associated required clearances. Again, this is not a substantive change. It is recommended to help staff and applicants more efficiently process applications.

C. International Plumbing Code 2015 Edition

The additions to the IPC are a combination of state law definitions/requirements and previous requirements contained in section 1819 of the Zoning Regulations. Specifically, provision 4, 6, 8, 9, and 10 are proposed to move the zoning regulations to the IPC as a local amendment. These provisions are water conservation measures but because these

are building review concerns, including urinals, hot water on demand, and water softeners, they are more appropriately included in the IPC.

III. SUMMARY AND RECOMMENDATION

The proposed changes would amend Article 17 and Article 18, and 22 of the Cochise County Zoning Regulations as indicated in Exhibit A of the attached document (attachment 1). They would also amend the 2015 IRC work exempt from permit requirements, add minimum size threshold for tiny homes (Appendix Q, IRC 2018), and add water conservation measures to the 2015 IPC (attachment 2).

On November 10, 2021, the Planning and Zoning Commission unanimously voted, by a vote of 7-0, to forward a recommendation of approval to the Board of Supervisors, in support of this amendment.

III. ATTACHMENTS

Ordinance with Exhibit A amending Articles 17 and 18, and 22 of the Cochise County Zoning Regulations with strike-through and underline. (Zoning Regulations, attachment 1)

Resolution with Exhibit A Cochise County Amendments to the International Residential Code 2015 Edition, Cochise County Amendments to Appendix Q Tiny Houses 2018 IRC Edition, Cochise County Amendment to the International Plumbing Code 2015 Edition. (Building Code, attachment 2)