

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
WORK SESSION HELD ON
Tuesday, June 27, 2017**

A work session of the Cochise County Board of Supervisors was held on Tuesday, June 27, 2017 at 11:00 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Patrick G. Call, Vice-Chairman; Peggy Judd, Member

Staff Present: Edward T. Gilligan, County Administrator
Arlethe G. Rios, Clerk of the Board
Elda Orduno, Civil Deputy County Attorney

Attendees: Jerry Stabley, Planning Director, Planning & Zoning Department
Peter Gardner, Planner, Planning & Zoning Department
Mike Izzo, Building Official, Planning & Zoning Department
Lisa Marra, Communications & Community Relations Administrator
Eric Petermann, Opinions Editor, Sierra Vista Herald
Robert Montgomery, Contractor
Cheyenne MacMasters, Citizen
Philip Isaacson, Contractor
Frank Scruggs, Citizen
Helen Jackson, Citizen
Mike Jackson, Citizen

Chairman English called the meeting to order at 11:00 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

INTRODUCTIONS

ITEMS FOR DISCUSSION

Community Development

1. Discussion and possible direction regarding amending County Zoning Regulations to remove the Rural Residential Owner-Builder Amendment, otherwise known as Opt Out.

Mr. Stabley introduced his staff and said that they were very passionate about this issue due to safety issues.

Mr. Mike Izzo, Building Official, presented this item using a PowerPoint presentation. Mr. Izzo said that staff was worried about the opt out option due to safety issues that had been witnessed by staff. He stated that since 2012 one third of single family residential homes were built using the opt out option:

- June 2012 through June 2017 (346 full plan review permits)
- June 2012 through June 2017 (118 Opt-Out permits)
- County staff almost always identify safety issues when reviewing plans or doing on-site inspections
- Homes built using the Opt-Out are not benefiting from the attention to safety that our process provides
- Unable to confirm water conserving measures in our Opt-Out homes

He stated that even if the opt-out option was removed, agricultural and ranching communities would not be affected due to exemptions for those types of areas under the Arizona Revised Statutes.

He explained why building codes were important:

- Safeguard the health, life safety, and welfare of county residents
- Address public health and welfare issues such as air quality and energy consumption
- Ensure fire resistant construction materials
- Structural integrity
- Foundations and footings
- Mechanical, electrical and plumbing

He also noted that many people believed that the County did not support citizens using of alternative materials, but the County actually encourages the use alternative materials and they are allowed under current building codes. He discussed the fire safety risks of residential occupancies if the structure was not up to code and highlighted the effect on local contractors. He added that at this time staff requested that the Board consider amending the County Zoning Regulations to remove the Rural Residential Owner-Builder Amendment, otherwise known as the opt-out option. He showed pictures of several homes built under this amendment.

Supervisor Judd asked who would be responsible if something went wrong.

Mr. Izzo said he did not know, but did not think it would be the County. He noted that another concern for staff was future owners of the property.

Supervisor Judd stated that she worried that citizens not using these County services were not making a good investment. She asked if the opt-out option was eliminated, would there be a grace period for people currently in the process.

Mr. Izzo said that the people undergoing construction through the opt-out process would be allowed to continue with that process.

Chairman English said that the thought she presentation was skewed because not everyone who used the opt-out process would forgo using a licensed contractor. She added that rules would not stop people from making dangerous decisions regarding their homes and that she

was in support of adding language to accommodate issues like water conservation.

Mr. Robert Montgomery, Chairman of the Palominas Fire District board said that fire fighting techniques have changed and that access to a home can be made if necessary if there are no windows or doors available.

Chairman English said that the opt-out option has been great for families who cannot afford to build a home all at once.

Mr. Izzo said that inspections are for proactive reasons and permits can be extended as long as there is activity. He noted that staff's main concern is that homes are being built safely.

The Board directed staff to bring back a proposal at a formal meeting for review.

Chairman English adjourned the meeting at 11:50 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Arlathe G. Rios, Clerk of the Board