

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
WORK SESSION HELD ON
Monday, October 9, 2017**

A work session of the Cochise County Board of Supervisors was held on Monday, October 9, 2017 at 10:00 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
Britt W. Hanson, Chief Civil Deputy County Attorney
Arlethe G. Rios, Clerk of the Board

Attendees: Jerry Stabley, Planning and Zoning Interim Director
Paul Esparza, Planning Manager, Planning and Zoning Division
Robert Kirschmann, Planner II, Planning and Zoning Division
Peter Gardner, Planner I, Planning and Zoning Division
Karen Riggs, Highway and Floodplain Director

Chairman English called the meeting to order at 10:02 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 from the Board of Supervisors to staff on proposed changes to the Subdivision Regulations and establishing Minor Land Division Regulations.

Mr. Stabley said that the discussion on land divisions had been of interest to the Board and staff had prepared a discussion around that topic and other subdivision regulations. He stated that the main purpose of today's meeting was to get direction from the board regarding any changes.

Mr. Kirschmann presented this item using a PowerPoint presentation. Mr. Kirschmann went over the definition of land division - splitting one parcel into two or more parcels and the definition of a subdivision - splitting one parcel of land into six or more parcels. Mr. Kirschmann noted that the main reason why counties and municipalities regulated land

division was in order to ensure provided amenities to residents in the form of recreation and scenic purposes and to protect buyers, county investments, and neighboring properties. He added that protecting buyers included: are large enough to meet minimum zoning size; have access; have streets and drainage that work; and have buildable areas out of the floodplain.

He said that this process could be improved upon and would discuss six different focuses.

1. Lack of protection for small land divisions

Mr. Kirschmann said that currently there was no process in the County to deal with minor land division reviews for five lots or fewer. He stated that they usually begin at the Recorder's Office where they are filed and those filings are not reviewed by planning and zoning to see if these new lots will meet minimum zoning requirements or have physical and legal access.

Chairman Call asked if this would be a voluntary process.

Mr. Kirschmann said that it would be, but there would be County regulations involved.

Mr. Hanson noted that State statutes do allow the Board to regulate this process.

Mr. Gardner noted that 13 of the 15 counties have this process formalized and regulations enacted, so it is not an unusual process.

Mr. Hanson added that the difficulty would be in enforcement and he recommended that all offices and departments involved agree on the process before it is implemented.

Ms. Riggs noted that most of the process regulations would be derived from State statutes.

2. Approval process too long

Tentative plats require approval by the Planning and Zoning Commission and the Board of Supervisors.

Mr. Kirschmann suggested that the proposal was to take one step out of the process by allowing the Planning and Zoning Commission to approve the tentative plat and then have the Board of Supervisors approve the final plat.

Chairman English said that this proposal was reasonable and that if there were any issues with the change in the process the Board could always revise the process and ensure the requirements for plats are reviewed.

3. Process designed to help small land owners used by large land owners

Minor expedited residential subdivision - "Encourage landowners to participate in the subdivision process by minimizing costs and streamlining the review and approval process" as to reduce wildcat subdivisions.

Ms. Riggs stated that this process was created for residents to help them participate in the subdivision process, but had never been used in that manner and mostly was being used by developers to avoid costs associated with their subdivision processes. She added that if the Board did decide to keep this process she would suggest getting rid of the drainage waiver to ensure that process is done correctly.

4. Fees do not match staff time

Mr. Kirschmann stated that currently there are no processing fees for staff time spent on minor expedited residential subdivision processes.

The Board agreed that this process should not be in place if it is not being used properly.

Chairman English noted that staff time spent on any process should always be appropriate and costs related should be prudent.

5. Overly generous open space bonus

Mr. Kirschmann went over the current process for Conservation residential subdivisions:

- 50% lot bonus if 50% of land is in conservation area - sewer, water, and fire protection provided
- 1000 acre development, RU-4 Zoning - without bonus (250, 4 acre lots) and with bonus (375, 1.3 acre lots)
- Concerns - lot sizes fitting character of an area, water use/aquifer depletion, land that should not be built upon getting bonus

He said that the proposed solutions were to reduce the minimum percentage of land in conservation area, reduce or eliminate the bonus, and allow flexible lot sizes.

Vice-Chairman Call said he wanted to ensure that the intent is clear that the County is encouraging open space and water conservation.

6. Short time frames for renewals

Assurance Agreements aka Third party Trusts - done with final plat, maximum time 3 years.

Mr. Kirschmann said that the proposed solutions are to have assurance agreements be in place for a three years maximum and if the subdivision is vested then a 10 year maximum would be appropriate.

Chairman English said that "vested" would need to be defined.

Mr. Kirschmann went over the proposals from the discussion and clarified the direction of the Board:

- Develop a Minor Land Division review process - Have discussion about the proposed process with the Recorder and the Assessor and then draft a formal proposal for the Board
- Require only Planning and Zoning Commission approval for Tentative Plats - The Board agreed that this change would be reasonable
- Modify or Eliminate Minor Expedited Residential Subdivisions - The Board agreed that eliminating would be appropriate
- Modify Conservation Residential Subdivisions - The Board requested further discussion on this topic
- Extend Assurance Agreement Timeframes - The Board agreed that this would be appropriate as long as the requirements were clear for those involved

The Board thanked staff for the information and directed all these proposals be brought back in the manner requested.

Chairman English adjourned the meeting at 11:05 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Arlthe G. Rios, Clerk of the Board