

COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES

November 17, 2004

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 3:00 p.m. by Chairman Brofer at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

Members Present	Staff Present
Duane Brofer	Jim Vlahovich, Planning Director
Gilbert Reeves	Judy Anderson, Assistant Planning Director
David Walters	Angela Byrd, Planner I
Dave Guy	Mark Apel, Senior Planner
Lou Kuttner	Ron Durgin, Building Official
Jim Martzke	Debra Meyer, Recording Secretary
	Susana Montana, Planner II
Members Absent	Linda Weiland, Zoning Administrator
Danny Ortega	
Nancy McAvoy	Others Present
Karen Corey	(see attached list)

Chairman Brofer noted the presence of a quorum. He then introduced the Commissioners to the public. Chairman Brofer explained to the audience the procedures for considering a docket.

CALL TO THE PUBLIC

Chairman Brofer opened the meeting to the public, there being no one wishing to speak he closed the meeting to the public.

NEW BUSINESS

Public Hearing, Dockets R-04-03: Director Jim Vlahovich presented the docket, a request to update to the 2003 International building Codes, to expand the code enforcement area county wide over a three year period, and to increase the current permit fee schedule. Mr. Vlahovich explained that the purpose of having building codes is to have minimal health and safety standards in the county, and noted what was covered by the codes. Mr. Vlahovich further explained the current status of building codes in Cochise County. Cochise County currently has two code enforcement areas, one in and around Sierra Vista, and one around Benson. Building codes were adopted in the County first in the Category A Growth Area around Sierra Vista in 1985, it was expanded to the Category B Growth Areas around Sierra Vista, Huachuca City, Whetstone and Benson in 1986, and 1987. The code enforcement was lost in Huachuca City and Whetstone in 1996. Mr. Vlahovich did not elaborate. He said that there are 15 counties in Arizona and

Cochise County is one of six that does not have countywide building code. He further stated that there has been an increase in permit activity throughout the county in the last couple of years, specifically in the non code areas. Last year permit activity increased about 14 percent, and this year, up to October, it has increased about 9.5 percent. There was a 60 percent increase in residential permits, and 29 percent increase in commercial activity outside the code area. He further explained that with the increase in permit activity, they are also seeing an increase in substandard construction. It was also stated that 80% of the private property in the county is outside of an organized fire district. Mr. Vlahovich then explained the exemptions from the building codes. The implementation period would be over a three year phasing process. Starting April 1st, 2005 phase one would begin. He then described the staffing needed for this implementation. The Phase one area consists of 56% of the permit activity in the County, the cost of phase one is \$270,000.00. Phase two constitutes 40% of the permit activity in the county, the cost is \$125,000.00. Phase three consists of approximately 4% of the permit activity and the cost is \$77,000.00.

Ron Durgin, Building Official, explained that part of the adoption of this ordinance would be to establish a new building inspections department in the Planning Department. The three main components are General Assistance Services, which will provide information on building and zoning regulations and building requirements, and these are where the permits are processed and they will be issued there. Construction plan review services, involving reviewing the plans for the seven main codes. This will be done at the Bisbee location. And finally the Jobsite inspection services, which includes a minimum of 8 jobsite inspections, which are conducted at different stages of construction. The end result of this division will be safer and more sustainable construction countywide. Mr. Durgin explained that the Insurance Services Office has studied a direct relationship between the building code and building failures. They determine the Building code effectiveness classification which ranges from 1 to 10, with 1 being the best. This reflects the insurance rates for property owners. Currently the unincorporated Cochise County has a class rating of 10. Mr. Durgin explained how the permit fees are determined, and where increases will be in the fee schedule. He further explained that the fees will have a greater impact on Commercial permits. He also explained where the fees will go.

Mr. Vlahovich explained that other jurisdictions in the county will be going to the International codes and they will be raising their fees also, he stated that Cochise County is still competitive with the current fees in these jurisdictions. He said the county is currently using the 2000 International Codes, and they want to upgrade to the 2003 codes. He stated that the County wants to upgrade to the 2003 codes because the City of Sierra Vista uses these codes and the county contracts with them to review and inspect the current code area around Sierra Vista. He stated they would be allowing alternative building construction methods, such as rammed earth, and straw bale construction, under the building codes. He further explained the public input, from meetings. Most input was positive, with concerns about price and waiting for inspections. He stated staff recommends forwarding this docket to the Board of Supervisors for approval.

Chairman Brofer opened the meeting to the public.

Lynn Mattingly, Hereford, stated he supports the proposal because he is a licensed contractor and they build to code anyway. Mr. Mattingly also stated that the Southeastern Arizona Contractor's Association supports the proposal.

Jean Eisenhower stated she lives in a straw bale home. She stated she enjoyed living in her house in a pioneer situation for a year. She stated that living in a rural situation doesn't need these codes. She believes that people need the freedom to build and learn new alternatives in construction, and that this freedom is obtained in counties like Cochise that don't have all the constraints of building codes. She

believes that privatizing may be the way to serve everybody's needs. She believes if ranchers are exempt everyone should be exempt. She also noted that people should be able to choose whether they build under the building code or not.

Asanti Riverwind, director of two ecologic nonprofits, stated this proposal comes from the corporations and government, not from the people. He further stated that he has lived in teepees and yurts for the last ten years. He stated that the building materials used are flammable, and carcinogenic. He believes we should learn from the pioneers that started this country. He further stated that there is too much bureaucracy, and people should be allowed more freedom.

Mike Hudson, City of Willcox, stated he wants freedom, but people are building structures that are not safe. These codes keep people safe. He further stated they are not promoting more government; they are trying to keep people safe. He said when the county passes these codes the City of Willcox intends to adopt these codes also.

Chairman Brofer closed the meeting to the public.

Commissioner Guy stated that the building inspectors know the codes, so why do they need a plan examiner.

Mr. Durgin explained that the plans examiner makes sure the plan is approved before the contractor starts construction. The corrections are made in the planning stage as opposed to after it's built.

Chairman Brofer entertained a motion. Commissioner Martzke made a motion to forward a recommendation of approval to the Board of Supervisors by recommendation of staff. Commissioner Kuttner seconded.

Commissioner Kuttner stated he wants everyone to understand the County is not going from an age of innocent nature to an era of corporate suppression.

Commissioner Walters stated he lives in a rural part of the county and these codes are needed, and he hopes the codes will allow for alternative construction methods.

Commissioner Reeves stated they need the codes to bring the construction standards up.

Commissioner Brofer stated he was a realtor in the 1980's, and the houses that were built around the Moson Road area weren't built to code and this created a lot of problems.

Vote was 6:0 to forward the approval

Public Hearing, Docket R-04-02: Assistant Director Judy Anderson presented the docket to exclude pre 76 mobile homes, to be effective if approved January 7, 2005. It would not affect an existing permitted mobile home. She stated it is proposed to apply to residential uses and accessory uses such as storage, guest houses, and sheds. This date was established based on when the Housing and Urban Development (HUD) standards were implemented, June 15, 1976.. She further stated that if the IBC is adopted, pre 76 mobile homes would be the only structures coming into the county that are not built to any national safety code. She said it is the conclusion of the Planning

Department that all newly permitted structures in the county should be built to some sort of national code. She also said the Planning Department issues about 200 new permits annually. Many jurisdictions in the state do not issue permits for pre 76 mobile homes, so Cochise County could become a dumping ground for these mobile homes. Ms. Anderson stated affordable housing has been a concern, but that these mobile homes are hard to finance, and Section 8 renter's assistance program can not be used for pre 76 mobile homes. Some of the late 70's and early 80's mobile homes are becoming more affordable. She described the safety concerns affiliated with pre-76 mobile homes and also described the standards addressed in the HUD code. She said the most problematic part is disposal. Landfills will take the mobile homes, but the white goods must be removed. The County is working with the landfill board to try to come up with a way to address this problem, and the homeowner will be allowed 90 days to dispose of the mobile home. She further explained that an alternative to precluding mobile homes, is adopting a rehabilitation code. It would require more extensive inspections, and could be quite costly to rehabilitate a mobile home.

Chairman Brofer opened the floor to the public.

Ron Babcock, Willcox, stated he feels the pre76 mobile homes are unsafe and do no maintain their value, and the appearance is terrible. He stated he doesn't feel it is fair the amount of tax they pay for the old mobile homes, compared to the amount of tax he pays for his house.

Chairman Brofer closed the meeting to the public.

Ms. Anderson stated that staff recommends forwarding a recommendation to the Board of supervisors to preclude pre76 mobile homes in all zoning districts of Cochise County, as presented in the proposed zoning amendments.

Chairman Brofer entertained a motion.

Commissioner Reeves made a motion to forward a recommendation to the Board of Supervisors to preclude pre76 mobile homes in all zoning districts of Cochise County as presented in the zoning amendments. Commissioner Walters seconded. Vote 6:0.

Martha Steele asked if there was an emergency provision to put this into effect immediately. She lives in Willcox and people are bringing these mobile homes in daily without permits.

PLANNING DIRECTOR'S REPORT

1) Mrs. Anderson stated there was nothing to add to last weeks Planning Director's report.

Call to Commissioners

Commissioner Martzke made motion to adjourn, Commissioner Reeves seconded.

Meeting adjourned at 4:40 pm.

ADJOURNMENT