

# NOTICE OF MEETING

Planning and Zoning Commission  
**May 12, 2010**  
Cochise County Complex  
Board of Supervisors Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona

## AGENDA

### 4:00 P.M. CALL TO ORDER

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

**ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes, other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end.)

**APPROVAL OF PREVIOUS MINUTES** - (Call for motion to approve the minutes of the April 14, 2010 Meeting)

**CALL TO THE PUBLIC** (Ask if any member of the public wishes to speak on any item not already on the agenda).

## NEW BUSINESS

### **Item 1 (Page 1) - Introduce Docket and advise public who the applicants are.**

**Study Session, Docket R-10-02:** Study session to consider an amendment to the whole of the "Cochise County Hazard Abatement Ordinance" to abate/remove rubbish, trash, weeds, filth, debris or damaged or dilapidated buildings which constitute a hazard to public health and safety and which may be compelled to be removed, with due process, from buildings, grounds, lots, contiguous sidewalks, streets and alleys within the unincorporated areas of the County. The Ordinance outlines the due process for formal notification, removal by the County and recovery of costs for removal and appeal processes for property owners with hazardous materials.

**Item 2 (Page 13) - Introduce Docket and advise public who the applicants are.**

**Not Public Hearing: Planning, Zoning & Building Safety Fiscal Year 2010/2011 work program and summary budget work session.**

**DIRECTOR'S REPORT ON PENDING AND RECENT MATTERS AND FUTURE  
AGENDA ITEMS**

1. Board of Supervisors Actions
2. Next and potential future month's Dockets

**CALL TO COMMISSIONERS ON RECENT MATTERS**

**ADJOURNMENT**

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
MINUTES**

Wednesday, April 14, 2010

 The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Basnar at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

**ROLLCALL**

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

**Roll Call.**

**Present:** Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Gary Brauchla, John Wendle, Don Hudgins, Pat Edie, Ron Bemis.

**Absent/Excused:** Cruz Silva.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes as mailed, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

**Vote:** Motion passed (**summary:** Yes = 6, No = 0, Abstain = 2).

**Yes:** Jim Martzke, Duane Brofer, Lee Basnar, Gary Brauchla, John Wendle, Ron Bemis.

**Abstain:** Rusty Harguess, Pat Edie.

**Item 1**

 **Docket SU-10-05:** Planner Keith Dennis presented the docket for a Special Use Permit in order to establish and operate a farm equipment repair/metal fabrication operation, per Section 607.16 of the Cochise County Zoning Regulations. The operation is to take place in an existing Quonset hut which is approximately 1,200 square feet, a proposed 3,200 square foot shop, a 9' x 45' storage container, and associated outdoor storage. The business would include agriculture-related welding, metal fabrication and incidental small repairs. The subject parcel (305-73-020) is located at 3911 E. Shelton Road in Kansas Settlement, AZ. Mr. Dennis presented factors in favor of approval, factors against, and presented photos of the area.

Dan Doberstein, Applicant, stated he will be doing metal fabrication on the property.

Chair Basnar opened the meeting to the public, being there was no one who wished to speak Chair Basnar closed the meeting to the public.

Chair asked for staff's recommendation.

Mr. Dennis stated staff recommends approval of the docket.

**Motion:** To approve docket SU-10-05 based on the factors in favor as the findings in fact.  
**Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Pat Edie.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Gary Brauchla, John Wendle, Ron Bemis, Pat Edie.

## CALL TO THE PUBLIC

Chair Basnar opened the meeting to the public.

Jack Cook spoke about the using tobacco tax to pay for graduates a silver dollar.

Chair Basnar closed the meeting to the public.

### Item 2

 **Docket SU-10-07:** Planner Keith Dennis presented the docket for a Special Use Permit in order to establish and operate a goat cheese making operation with up to 30 goats in milk production on the 40-acre parcel, and to supplement on-site power needs with two additional 55 foot tall wind turbines (one currently exists on the property and serves the existing single family residence). The applicable Sections of the Zoning Regulations are 607.37 (Agricultural Processing) and 1822.02.B (which requires an SUP for more than two wind turbines on any parcel). The subject parcel (104-62-001P) is located at 11432 S. Triple R Ranch Road in Palominas, AZ. Mr. Dennis presented a location map of the property, a site plan of the proposal, and photos of the area. He further presented the factors in favor and against of the proposal. He stated staff had received 7 letters in support and 1 phone call of a property owner opposed.

J.C. Mutchler, Applicant, stated they have been producing cheese in Pima County, and would like to move back to Cochise County to produce the Cheese.

Commissioner Brofer asked if there is a problem with odors.

Mr. Mutchler stated he has 40 goats on 5 acres at the present time and has had no complaints from neighbors.

Chair Basnar opened the meeting to the public.

Bill Dole stated he lives near the property and supports the proposal. He further stated he has a wind turbine, and there is little noise produced by them.

Being there was no one else who wished to speak; Chair Basnar closed the meeting to the public, and asked for staff's recommendation.

Mr. Dennis stated staff was recommending conditional approve, and presented the conditions and requested modifications stated in the staff report.

**Motion:** Motion to approve docket SU-10-07 with the conditions and modifications stated by Staff. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Gary Brauchla, John Wendle, Ron Bemis, Pat Edie.

### Item 3

 **Docket SU-10-04:** Planner Keith Dennis presented the docket for a Special Use Permit in order to legitimize an existing 70' x 1,200' private airstrip and 3,000 square foot hangar on a 61.2-acre parcel, pursuant to Section 607.14 of the Cochise County Zoning Regulations. The subject parcel (104-80-013A) is located at 11647 S. Apache Sky Road in Palominas, AZ. Mr. Dennis presented aerial photos of the property showing the airstrip, a site plan explaining the proposal and photos of the property. He further explained the factors in favor and against. He further stated staff had received 13 letters opposed and 2 in support of the proposal.

Commissioner Martzke asked about the legal access since the applicant owns the property.

Mr. Dennis stated if the parcel is sold it would create an issue for future buyers.

Chair Basnar asked for the applicant's statement.

Glenn Spencer, Applicant, stated he did not build an airstrip it was a driveway. He stated they are operating a UAV ultralight to help the American Border Patrol patrol the border. He further stated they would not fly anywhere north of the border.

Chair Basnar opened the meeting to the public.

William Odle stated he lives about 1.5 miles from the property on the border. He stated he asked Mr. Spencer to adhere to the FFA regulations to keep the plane at 500'. He stated the plane is unobtrusive and he supports the proposal.

Jim Hazen stated he has concerns about the credibility of the American Border Patrol employees.

John Nesal stated he is concerned about having an airstrip on the border, unless it is operated by the government. He feels it could be used by the drug cartels to bring drugs into the county.

Mary Frances Clinton stated she has had numerous encounters with the applicant and feels he has been insensitive to the neighbors being allowed to live in peace. She further stated that Mr. Spencer has been trying to use her private easement as a public easement.

Kevin Quint stated he has seen the plane flying and it was flying below 500'. He further stated he is opposed to the proposal.

Bradford Finn stated it's not quiet; and he is already using it. He further stated he is opposed to the proposal.

Helene Jackson stated she lives in McNeal, she further stated her concerns are different from the neighbors. She stated she is concerned about allowing someone using the owner builder opt out being used for commercial purposes.

Mike Jackson stated he supports the owner opt out and doesn't want it misused for commercial properties.

Michael Cockworth stated he lives approximately 200 yards from Mr. Spencer and has witnessed the violations.

Being there was no one else who wished to speak; Chair Basnar closed the meeting to the public.

Mr. Spencer stated they did put the flags on the fence and it was an error of hired help that they were thrown in the trash. He further stated that if the airstrip is not approved, they will continue to fly the border.

Chair Basnar asked for staff's recommendation.

Mr. Dennis stated based on the factors against the proposal staff is recommending denial.

**Motion:** Motion to approve the Docket. **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** John Wendell.

Chair Basnar stated he has reservations about the approval of the docket, and does not support the proposal.

Commissioner Wendle stated he feels with the amount of expressed opposition he can not support the docket.

Commissioner Brauchla stated he can not support approving something that was built without a permit.

Commissioner Bemis stated he will not support something that was put in without proper permits.

**Vote:** Motion denied (**summary:** Yes = 1, No = 7, Abstain = 0).

**Yes:** Duane Brofer.

**No:** Jim Martzke, Rusty Harguess, Lee Basnar, Gary Brauchla, John Wendle, Ron Bemis, Pat Edie.

**Item 4**

 **Docket SU-10-06:** Planner Michael Turisk presented the docket for a Special Use Permit in a RU-4 zoning district (Rural; minimum lot size 4 acres) to legitimize the placement and rental of 35 storage containers (approximately 160 sq.-ft. each) on the site of the Security Plus Self Storage of Bisbee facility located at 101 S Taylor Rd. just outside of incorporated Bisbee and south of State Route 92. The Applicant also owns two adjacent parcels (102-15-118 and 119) that are under the jurisdiction of the City of Bisbee; those properties are also used as part of the self storage facility. The Applicant has requested several site development standard modifications, including the minimum 40 foot setback requirement for Special Uses in the Rural zoning districts to allow storage containers to remain approximately 3 feet from the north and south property boundaries, per Section 604.03 of the Zoning Regulations. In addition, the Applicant has requested a modification of the minimum parking and loading area improvement requirements for commercial uses in Category B Growth Areas to allow for the existing native surface, per Section 1804.07C, and the minimum landscaping requirements for commercial uses in Category B Growth Areas, per Section 1806.02B. Also, the Applicant seeks modifications of the minimum parking area design standard requirements, per Section 1804.09 and the requirement that two-way driveways be a minimum of 24 feet in width, per Section 1804.06F(3). The subject parcel (tax parcel id number 102-15-121) is located at 101 S. Taylor Rd. in unincorporated Bisbee. Mr. Turisk presented maps and photos of the property and explained that the parcel is in the City of Bisbee; however the City hasn't completed the process of the annexation.

Chair Basnar asked about the property to the south of the property.

Mr. Turisk stated the property is an auto salvage yard under the City's jurisdiction.

Chris Borchard, Applicant, stated the storage containers were placed there by the previous owners, and would like to leave them as they are.

Chair Basnar opened the meeting to the public.

Linda Weiland, stated she owns the property to the west. She stated she is concerned about dust and stated she would like the applicant to move the containers, and put down AB to elevate the dust.

Mr. Borchard stated he would work with the surrounding neighbors by putting the AB down. He further stated he does not feel moving the containers would eliminate the problem.

Chair Basnar closed the meeting to the public, and asked for staff's recommendation.

Mr. Turisk stated staff recommends approval with the conditions stated in the staff report.

Commissioner Wendell asked about the treatment of the parking area.

Mr. Turisk stated staff is recommending AB on the parking area.

Chair Basnar asked if the applicant had agreed to staff's recommendations.

Mr. Turisk stated the applicant seems willing to comply.

**Motion:** Motion to approve docket SU-10-06 based on the factors in favor being the findings of fact. With the conditions stated by staff. **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Martzke.

**Motion:** Motion amended to leave the storage containers in place. **Action:** Amend, **Moved by** Gary Brauchla, **Seconded by** John Wendle.

**Vote:** Motion failed (**summary:** Yes = 4, No = 4, Abstain = 0).

**Yes:** Duane Brofer, Rusty Harguess, Gary Brauchla, John Wendle.

**No:** Jim Martzke, Lee Basnar, Pat Edie, Ron Bemis.

Vote on original motion.

**Vote:** Motion passed (**summary:** Yes = 7, No = 1, Abstain = 0).

**Yes:** Jim Martzke, Duane Brofer, Lee Basnar, Gary Brauchla, John Wendle, Rom Bemis, Pat Edie.

**No:** Rusty Harguess.

#### Item 5

 **Docket SUA-02-10:** Planner Michael Turisk presented the docket for a Modification of Special Use Permit SU-91-06 (approved in 1991 for a private airstrip, accessory uses and structures), to allow for the construction of a six bedroom guesthouse and six additional single-family residences, pursuant to Section 607.01 of the Cochise County Zoning Regulations. The Applicant would also construct a private gymnasium to accommodate additional personnel and their families, pursuant to Section 607.07. The subject parcel (tax parcel id number 404-11-023) is zoned RU-4 (Rural; minimum lot size 4 acres) and is located approximately one-third of a mile east of the McNeal town site at 3870 Davis Rd. Mr. Turisk presented maps and photos of the areas. He further explained the factors in favor and against. He stated staff had received 6 letters in support, and letters in opposition.

Walter Durfey, Representative for New Tribes Mission Aviation, stated he was pleased with his experience with Planning and Zoning.

Helene Jackson stated the letters in support were from members of New Tribes Mission. She further stated she doesn't feel New Tribes has been a good neighbor. She further stated she would like staff to add a condition to not allow more flights.

Mike Jackson stated he feels the people of McNeal should be concerned about safety, and that the Commission revokes the permit if the home is used for children.

Walter Durfey stated NTM has been very careful not to fly where they are not supposed to fly. He further stated that the other comments that were made do not apply to NTM of McNeal.

Chair Basnar asked for staff recommendation.

Mr. Turisk stated that staff recommends approval with the conditions and modification stated in the staff report.

**Motion:** Motion to approve SUA-02-10 with the conditions and modification stated by staff based on the factors in favor of approval being the findings in fact. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

**Motion:** Motion to amend the motion to delete the words "prior to permit issuance" in item 1., **Action:** Amend, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

Vote on amendment.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendle, Pat Edie, Gary Brauchla, Ron Bemis.

Vote on original motion.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendle, Pat Edie, Gary Brauchla, Ron Bemis.

### Item 6

 **Docket R-10-02:** Study session to consider an amendment to the whole of the "Cochise County Hazard Abatement Ordinance" to abate/remove rubbish, trash, weeds, filth, debris or damaged or dilapidated buildings which constitute a hazard to public health and safety and which may be compelled to be removed, with due process, from buildings, grounds, lots, contiguous sidewalks, streets and alleys within the unincorporated areas of the County. The Ordinance outlines the due process for formal notification, removal by the County and recovery of costs for removal and appeal processes for property owners with hazardous materials.

**Motion:** Motion to leave R-10-02 on table until May meeting. **Action:** Table, **Moved by** Jim Martzke, **Seconded by** Gary Brauchla.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendle, Pat Edie, Gary Brauchla, Ron Bemis.

## **DIRECTOR'S REPORT ON PENDING AND RECENT MATTERS AND FUTURE AGENDA ITEMS**

1. Board of Supervisors Actions included creating a new department called Community Development. Two dockets are going to the Board of Supervisors on April 27<sup>th</sup>, Bachman Springs, and Beal Appeal.

2. Next Month's Dockets include a Special Use, Hazard Abatement, and the Planning Department Work Plan.
3. Mr. Wendell is moving out of the State and has been replaced by Jim Lynch who will be attending the May meeting.

### **CALL TO COMMISSIONERS**

Chair Basnar stated he wanted to express his appreciation to Mr. Wendell.

Mr. Wendell stated he felt it was an honor to serve on the Commission.

### **ADJOURNMENT**

**Motion:** Adjourn, **Action:** Adjourn, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8).

**Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendle, Pat Edie, Gary Brauchla, Ron Bemis.



## **COCHISE COUNTY PLANNING DEPARTMENT**

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

TO: Planning & Zoning Commission

FROM: Rick Corley, Zoning Administrator  
FOR: Benny J. Young, P.E., Planning Director

DATE: May 11, 2010 for the May 12, 2010 Study Session

SUBJECT: Docket R-09-02, County Hazard Abatement Ordinance—amendment to the whole.

### I. Background

Under ARS 11-268 (see attachment A) the State legislature gives counties the authority to abate hazards, establish a payment schedule for property owner to reimburse the County for abatement expenses, and place liens on properties to recoup County expenses when not voluntarily repaid by the owner(s). There has been a hazard abatement ordinance (Resolution 84-65) in effect in the County since October 19, 1984; this was amended in 1987 (Resolution 87-91) to allow liens to be placed on properties on which the County abated hazards. However, liens have not routinely been placed on properties. On June 11<sup>th</sup>, 2009, the Board of Supervisors gave staff direction to update Resolution 87-91 to reflect current County staffing and policies, and to provide a systematic approach to recovering County funds via the lien process.

Attachment B is the proposed Hazard Abatement Ordinance which is intended to simplify and clarify definitions and processes while meeting the new requirements of Statute ARS 11-268:

### II. Revisions to Hazard Abatement Ordinance Resolution 87-91:

Please note that the proposed Ordinance is an amendment to the whole of the currently adopted Ordinance. The entire Ordinance is new and would replace the existing Ordinance. Therefore, deletions from the 1987 Ordinance are not noted by strike-through text and additions are not noted by underlined text.

Differences between the 1987 Ordinance and the proposed Ordinance:

Chapter 1 Purpose and Scope of the 1987 Ordinance is deleted.

Chapter 2 of the 1987 Ordinance is now "Part I: DEFINITIONS" instead of ENFORCEMENT  
The Ordinance deleted two definitions and added fifteen new definitions for clarity. The definitions chapter has been moved ahead the enforcement chapter for reader clarity.

Part 1 of the proposed Ordinance consists of definitions. Note that a public nuisance is defined as

accumulations of trash, etc., that constitutes a public health hazard. Violations are accumulations that have arisen to the level of health hazard.

Chapters 4 through 8 of the 1987 Ordinance have been streamlined and included in a new Part II which describes the definitions and processes for violations, notices of abatement orders, appeals of the notices of abatement orders, and the material removal process.

Part 2 is the main part of the proposed Ordinance, it establishes at subparagraph (noted below):

- A, that dumping on your private land, public land or other private land is a violation; that dumping on public or others' land is also a class 1 misdemeanor;
- At subparagraphs B & C, those cited have 30 days to remove;
- D spells out what is to be in the order, including an estimate of cost of clean-up, and notice that appeal must be taken within 15 days;
- E provides the appeal process, hearing before board set within reasonable time (arbitrary deadlines difficult for scheduling, political pressure will force earliest reasonable time);
- F spells out the process if the owner doesn't appeal (appeal stays enforcement per E.4) or abate; two estimates are required, the county goes with lowest responsible bid as the charge, even if county does the work;
- G establishes that the actual cost of abatement becomes the amount of the assessment against the subject property;
- H provides for notice of assessment and a chance to appeal;
- I establishes the appeal right;
- J provides for a report of assessment as a basis for imposition of assessment. This must be approved by the Board before being established as an assessment;
- K establishes a right to hearing on the assessment;
- L establishes that in the end, upon recordation, the assessment takes effect;
- M establishes that the assessment also constitutes a lien against the property;
- N notes that the county may foreclose on the lien by forcing a sale;
- O establishes that more than one assessment may be imposed on the same property over time, for multiple violations;
- P gives the Board of Supervisors the option of appointing a hearing examiner to hear all or some appeals; and
- Q establishes the schedule for collection of assessments established by the legislature, incorporation of which in this ordinance was the motivating force behind this revision.

Chapter 3 of the 1987 Ordinance is now ENFORCEMENT instead of DEFINITIONS.

Part 3 of the proposed Ordinance reiterates that wildcat dumping is a misdemeanor, independent of any other enforcement provisions of this ordinance.

Part 4 notes that any remedies in the ordinance are in addition to any other enforcement measures that may be imposed under law.

### III. Recommendation

Staff seeks guidance from the Commission at the study session as to what features of the Hazard Abatement Ordinance and program they would like to bring back to the Commission in June 2010 for their consideration as an ordinance to forward to the Board of Supervisors for their consideration with a recommendation of approval.

Attachment A: ARS 11-268 State Statute

Attachment B: March 23 2010 proposed Hazard Abatement Ordinance—an amendment to the whole

Attachment C: 1987 Resolution 87-91, current adopted Hazard Abatement Ordinance

### IV. Amendments

"The following six amendments have been made to the proposed Hazard Abatement Ordinance that was posted for the April 14, 2010 session:

1. A definition of days has been added in the definition section in Part I, to establish that where the word "days" appears, it means "calendar days" unless otherwise noted.
2. The definition of "Dilapidated building" has been changed, but the County Attorney will be recommending at the May 12 session of the Planning and Zoning Commission that the definition previously appearing in the version posted for the April 14 session be retained because that is required by law.
3. Part II.A's reference to what constitutes a violation of the ordinance has been more narrowly tailored to establish that a violation only occurs if the act at issue was performed "in a manner that constitutes a hazard to public health and safety."
4. Part II.D.4 has been amended to establish that only rubbish, etc., "constituting a public nuisance" must be disposed of.
5. Part II.D.8 has been amended that placing rubbish on public property or private property of another is a violation only if done "without authorized permission".
6. Part II.L has been amended to eliminate the reference to "calendar" days, since, as noted, above, the ordinance has been amended to establish that "days" means calendar days."



# COCHISE COUNTY HAZARD ABATEMENT ORDINANCE

Cochise County Planning Department  
1415 Melody Lane  
Bisbee, AZ 85602

3/24/10 Draft Proposal for the April 14, 2010 Planning and Zoning Commission  
Study Session

Please note that the following draft ordinance is simplified and may be characterized as intentionally "bare-bones", with the expectation that specific policies to implement the adopted Ordinance may be added as needed.

**Brief summary of differences between our current adopted Ordinance and the following proposal:**

- 15 days to appeal
- Hearing at regularly scheduled Board of Supervisors (BoS) session
- Doesn't address search warrants, right to enter – no need.
- 2 estimates before abating, if county abates it charges what lowest bidder would have charged
- Notice of costs is also notice of assessment, automatic
- Limited costs to actual costs and incidentals, instead presumptive 5 or 10 percent surcharge
- No time line for setting hearing date.
- No time line for decision by hearing examiner or board
- Criminal penalties in addition to instead of alternative to civil penalties for wildcat dumping
- Gives the BoS final say in whether to go ahead with abatement, whether to go ahead with assessment and also serves as appeals board for all those prior decisions
- Subpoena power exists with BoS and they can delegate it to the Hearing Officer-- No "verified" appeal and directory info
- Recordation occurs at all BoS proceedings; if for any reason something is not recorded, then it is "de novo" review, even if starts before hearing officer
- No oaths.
- Implicit authority to: inspect, take judicial notice, cross-examine, stay pending appeal, continuances, hearsay, documentary and testimonial evidence, impeachment, rebuttal

ORDINANCE 10 –

REQUIRING AN OWNER, LESSEE, OR OCCUPANT OF REAL PROPERTY WITHIN THE UNINCORPORATED AREA OF COCHISE COUNTY TO REMOVE RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND DILAPIDATED BUILDINGS CONSTITUTING A PUBLIC NUISANCE; PRESCRIBING THE PROCEDURE FOR NOTICE AND APPEAL; PROVIDING FOR THE REMOVAL THEREOF BY THE COUNTY AND THE ASSESSMENT OF THE COST THEREOF AS A LIEN AGAINST THE PROPERTY IN THE EVENT OF NON-COMPLIANCE; AND PRESCRIBING A PENALTY FOR THE PLACEMENT OF SUCH MATERIALS ON THE PROPERTY OF ANOTHER, ALL PURSUANT TO AUTHORITY OF A.R.S. § 11-268.

[Note: Where a provision is required or authorized by statute, the relevant statute section number is indicated in brackets.]

**PART 1: DEFINITIONS**

As used herein, bold-faced terms shall have the following meaning:

1. **“Board”** means the Cochise County Board of Supervisors.
2. **“Building”** means any real property structure, movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human lodging or business purposes, or where livestock, produce, or personal or business property is located, stored or used.
3. **“Contiguous Sidewalks, Streets and Alleys”** means any sidewalk, street, or alley, public or private, adjacent to the edge or boundary, or touching on the edge or boundary, of any real property.
4. **“County”** means the unincorporated areas of Cochise County.
5. **“Days”** means calendar days unless otherwise noted.
6. **“Dilapidated Building”** means any building in such disrepair, or damaged to such an extent, that its strength or stability is such that it is likely to burn or collapse, and the condition of which endangers the life, health, safety, or property of the public as determined by the Hazard Abatement Officer.
7. **“Grounds”** means any private or public land, vacant or improved.
8. **“Hazard Abatement Officer”** means the County employee(s) or other person(s) designated to discharge the duties of the County pursuant to this ordinance unless otherwise expressly provided herein.

9. **“Lessee”** means a person who has the right to possess real property pursuant to a lease, rental agreement, or similar instrument.
10. **“Lots”** means any plot or quantity of land, vacant or improved, private or public, as surveyed, platted or apportioned for sale or any other purpose.
11. **“Occupant”** means a person who has the actual use, possession or control of real property. The term does not include any corporation or association operating or maintaining right-of-way for and on behalf of the United States government, either under contract or federal law. [A.R.S. § 11-268.I]
12. **“Owner”** means a person who is a record owner of real property as shown in the public records in the office of the Cochise County Recorder, and includes a person holding equitable title under a recorded installment sales contract, contract for deed or similar instrument.
13. **“Person”** means an individual, partnership, corporation, association, trust, state, municipality, political subdivision, or any other entity that is legally capable of owning, leasing, or otherwise possessing real property.
14. **“Public nuisance”** means a dilapidated building or an accumulation of rubbish, trash, weeds, filth or debris that constitutes a hazard to the public health and safety as determined by the Hazard Abatement Officer.
15. **“Real Property”** means buildings, grounds, or lots, as well as contiguous sidewalks, streets, and alleys, located in the County.

**PART II: VIOLATION OF ORDINANCE; REMOVAL OF PUBLIC NUISANCE BY OWNER, LESSEE OR OCCUPANT; SERVICE OF NOTICE TO ABATE; REMOVAL BY COUNTY; ASSESSMENT OF COSTS; RECORDATION AND PRIORITY OF LIEN.**

- A. **Violation.** A person, firm or corporation shall have created a public nuisance and committed a violation of this ordinance if such person, firm or corporation without lawful authority, and in a manner that constitutes a hazard to public health and safety:
  1. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon property located in the County of which they are owner, lessee, or occupant. [A.R.S. § 11-268.A]
  2. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon contiguous sidewalks, streets and alleys in the County which are dedicated and open to the public. [A.R.S. § 11-268.A]

3. Places, permits, or provides for rubbish, trash, weeds, filth, debris or dilapidated buildings to remain upon any other private or public property in the County not owned or under the control of the person, firm or corporation. [A.R.S. § 11-268.A.3]

**B. Duty to remove.** A person, firm or corporation shall remove or otherwise abate a public nuisance as defined herein within 30 days after mailing or personal service of a Notice and Order to Abate as provided herein. [A.R.S. § 11-268.A.1]

**C. Notice and Order to Abate.** Upon reasonable belief that a violation of this ordinance has occurred, the Hazard Abatement Officer shall issue a notice in writing which shall be served in person or by certified mail upon the owner, occupant or lessee at their last known address or at the address on file in the County Treasurer's Office to which the most recent tax bill was mailed. If the owner does not reside on the property, a copy of the notice shall be served upon the owner in person or by certified mail to the owner's last known address. Failure by any party to receive the notice shall not be a bar to abatement, assessment of costs or lien of assessment pursuant to this Ordinance. [A.R.S. § 11-268.A.1]

**D. Notice and Order.** The Notice and Order to Abate shall include the following:

1. The street address, parcel number and a legal description sufficient for identification of the premises on which the alleged violation occurred.
2. A statement that the Hazard Abatement Officer has determined that there is a reasonable belief that a violation of this ordinance has occurred on the premises identified in the notice.
3. An order that the owner, occupant or lessee shall have thirty (30) days from the date of mailing or personal service of the order to remove any rubbish, trash, weeds, filth, debris or dilapidated buildings upon the property or upon contiguous sidewalks, streets or alleys.
4. A statement that rubbish, trash, weeds, filth debris or dilapidated building materials constituting a public nuisance must be disposed of at an appropriate waste collection facility or by other legal means and that a tipping fee receipt or other evidence of legal disposal is to be submitted to the Hazard Abatement Officer prior to a determination of compliance with the Notice and Order to Abate.
5. A statement that the County may cause the violation to be abated if the owner, occupant or lessee fails to comply with the order within the specified compliance period.
6. An estimate of the cost of removal or abatement by the County, including incidental costs, to be based on an estimate provided by a qualified contractor or by the Hazard Abatement Officer. [A.R.S. § 11-268.A.1]

7. A statement that the owner, occupant or lessee shall have fifteen (15) days from the post mark date of mailing or personal service of the Notice and Order to Abate to appeal the issuance of the notice to the Board of Supervisors and that failure to appeal will constitute waiver of all rights to an administrative hearing and determination of the matter.
8. A statement that a party who places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated area of the county that is not owned or controlled by that party without authorized permission is guilty of a Class 1 misdemeanor and may be subject to criminal penalties in addition to the cost of abatement. [A.R.S. § 11-268.A.3]

**E. Appeal of Notice and Order to Abate.** Any person receiving a Notice and Order to Abate may appeal to the Board of Supervisors as follows[A.R.S. § 11-268.A.2]:

1. **Notice of Appeal.** A written Notice of Appeal shall be filed with the Clerk of the Board within fifteen (15) days after the Notice and Order to Abate was mailed or personally served. The date of receipt by the Board shall be the date of filing.
2. **Contents of Notice of Appeal.** The Notice of Appeal shall state in reasonable detail why the appellants should not be required to comply with the Notice and Order to Abate.
3. **Hearing on Appeal.** Upon receipt of the Notice of Appeal, the Board shall, within a reasonable time, place the matter on the agenda at a regular meeting or, if the Board has appointed a hearing officer pursuant to Paragraph II.P, refer the appeal to the hearing officer. The Hazard Abatement Officer shall appear and present evidence of the existence of the Public Nuisance. The appellant may present evidence controverting the existence of the Public Nuisance. The hearing shall be informal and without regard to the rules of procedure or evidence governing court proceedings. The Board shall decide the appeal, and its decision shall be final.
4. **Extension of Time for Compliance.** If the Board's decision is adverse to the appellant, the date of compliance set forth in the Notice and Order to Abate shall be extended by the number of days elapsed between the filing of the notice of Appeal and the rendering of the Board's decision.

**F. Removal by Board.** If the owner, lessee or occupant fails to remove or otherwise abate the Public Nuisance within thirty (30) days of mailing or personal service of the Notice and Order to Abate (or such extension thereof as may be granted in writing by the Board), the Board or its designee may, at the expense of the owner, lessee or occupant, order removal or abatement of the Public Nuisance or cause it to be removed or abated; provided, however, that if such removal or abatement is not undertaken within one

hundred and eighty (180) days after the right to do so first accrues, a new Notice and Order to Abate shall be served as provided in Paragraph II.C. [A.R.S. § 11-268.B]

1. **Cost of Removal.** The costs assessed for removal or abatement shall not exceed the actual costs and incidental expenses thereof. Before undertaking the actual removal or abatement, the Hazard Abatement Officer shall attempt to obtain at least two written estimates from qualified contractors (if available locally) and shall accept the lowest such estimate that is otherwise satisfactory to the County. In the alternative, the removal may be performed by Cochise County personnel, and the actual cost shall be deemed to be the same as the lowest estimate obtained from a qualified contractor as determined herein. [A.R.S. § 11-268.C]
2. **Historical Review.** Before the removal of a dilapidated building, the Board shall consult with the state historic preservation officer to determine if the building may be of historical value. [A.R.S. § 11-268.G]
3. **Removal from Tax Rolls.** Upon the removal of a dilapidated building, the County Assessor shall adjust the valuation of the Real Property on the property assessment tax roll from the date of removal. [A.R.S. § 11-268.H]

**G. Assessment.** Upon the removal or abatement of Public Nuisance as provided in Paragraph II.F, the actual cost of removal or abatement, together with the actual cost of any additional inspections and other incidental costs, shall be an Assessment against the Real Property on which the Public Nuisance was located. [A.R.S. § 11-268.C]

**H. Notice of Assessment.** A written Notice of Assessment shall be served in the same manner as the Notice and Order to Abate. The Notice of Assessment shall list the common address, legal description and tax parcel number of the property. The Notice of Assessment shall set forth the facts supporting it as well as an itemized listing of the actual cost of removal or abatement, the actual costs of any additional inspections and other incidental costs. The Notice shall state that the entire cost is due and payable in full not later than thirty (30) days from the date of issuance of the Notice and that the assessment will become delinquent as of that date. The Notice shall be signed by the Hazard Abatement Officer. The Notice shall also contain the following statement in bold face print:

**NOTICE: THIS NOTICE OF ASSESSMENT PURSUANT TO A.R.S. § 11-268 SHALL CONSTITUTE A LIEN UPON THE PROPERTY DESCRIBED IN THE NOTICE IN FAVOR OF COCHISE COUNTY. THE COUNTY MAY TAKE LEGAL ACTION TO FORCECLOSE THE LIEN AND SELL THE PROPERTY DESCRIBED TO RECOVER THE COSTS STATED IN THE NOTICE OF ASSESSMENT.**

The Notice of Assessment shall indicate that the owner, lessee or occupant shall have fifteen (15) days from the post marked date of the mailing or personal service of the Notice of Assessment to appeal the amount of the assessment imposed by the County.

- I. Appeal of Notice of Assessment.** All appeals of assessments shall be in writing and shall specify the grounds for appeal of the assessment. The date of receipt of the Notice of Appeal by the Board shall be the date of filing. No appeals of violations shall be heard upon appeal of an assessment. [A.R.S. § 11-268.A.2]
- J. Report of Assessment.** If an appeal of the Notice of Assessment is not timely filed, the Hazard Abatement Officer shall prepare a Report of Assessment for consideration by the Board of Supervisors. The Report shall list the common address, legal description and tax parcel of the property. The Report of Assessment shall set forth the facts supporting it as well as an itemized listing of the actual cost of removal or abatement, the actual cost of any additional inspections and other incidental costs. Upon acceptance of the Report by the Board, it shall be signed by the Chairman and thereafter, upon recordation pursuant to Paragraph II.L, become a lien of assessment against the property.
- K. Hearing on Appeal.** Upon receipt of the Notice of Appeal of Assessment, the Board shall, within a reasonable time, place the matter on the agenda at a regular meeting or, if the Board has appointed a hearing officer pursuant to Paragraph II.P of this ordinance, refer the appeal to the hearing officer. Written notice of the hearing shall be provided to the Hazard Abatement Officer, to other appropriate County departments and to the Appellant. The Hazard Abatement Officer shall appear and present the facts supporting the assessment as well as an itemized listing of the actual cost of removal or abatement, the costs of any additional inspections and other incidental costs. The Appellant may present evidence controverting the imposition of the assessment. The Board shall determine whether the assessment was made in accordance with the provisions of this ordinance and applicable state statutes, and whether the amount of the assessment is sufficient to cover the actual costs of abatement and related activities. After hearing all of the evidence presented, or after reviewing recommendations made by its hearing officer, the Board shall issue its findings in writing upholding or modifying the amount of the assessment. The decision of the Board of Supervisors shall be final.
- L. Recordation.** If the owner, lessee or occupant fails to pay the assessment within thirty (30) days after receipt of the Notice of Assessment (or any extension as may have been granted in writing by the County), and fails to timely appeal the assessment, that assessment shall be delinquent and may be recorded in the office of the Cochise County Recorder, upon preparation and approval of a Report of Assessment pursuant to Paragraph II.J. If a Notice of Assessment is appealed to the Board and the assessment is sustained in whole or in part in a written decision by the Board, and the owner, lessee or occupant fails to pay the amount of the assessment ordered by the Board within thirty (30) days after receipt of the Board's decision, the assessment shall be delinquent and may be recorded in the office of the Cochise County Recorder. [A.R.S. § 11-268.D]
- M. Lien of Assessment.** The assessment shall be a lien against the real property from and after the date of recordation and shall accrue interest at the statutory judgment rate until paid. The lien of assessment shall be subject to and inferior to all prior recorded

mortgages and encumbrances and to such other liens as specifically provided by law. [A.R.S. § 11-268.D]

- N. Foreclosure.** The Board may, but shall not be obligated to, bring an action to enforce the assessment lien in the Cochise County Superior Court at any time after the recordation of the assessment. The recorded assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.
- O. Subsequent Assessments.** A prior assessment shall not constitute a bar to a subsequent assessment or assessments for such purposes and any number of liens may be recorded and may be enforced in the same or separate actions by the County. [A.R.S. § 11-268.F]
- P. Hearing Officer; Appointment and Duties.** In fulfilling the responsibilities required of the Board of Supervisors pursuant to this ordinance, the Board may, by a majority vote of its members, appoint a hearing officer to review appeals of Notices to Abate and/or Notices of Assessment. The hearing officer shall hold hearings and take testimony, make findings and prepare recommendations to be reported for action by the Board of Supervisors.
- Q. Assessment schedule.** Assessments that are imposed pursuant to this ordinance run against the property until they are paid, and are due and payable in equal annual installments as follows [A.R.S. § 11-268.E]:
1. Assessments of less than five hundred dollars (\$500.00) shall be paid within one year after the assessment is recorded;
  2. Assessments of five hundred dollars (\$500.00) or more but less than one thousand dollars (\$1,000.00) shall be paid within two years after the assessment is recorded;
  3. Assessments of one thousand dollars (\$1,000.00) or more but less than five thousand dollars (\$5,000.00) shall be paid within three years after the assessment is recorded;
  4. Assessments of five thousand dollars (\$5,000.00) or more but less than ten thousand dollars (\$10,000.00) shall be paid within six years after the assessment is recorded;
  5. Assessments of ten thousand dollars (\$10,000.00) or more shall be paid within ten years after the assessment is recorded.

### **PART III: ADDITIONAL PENALTIES**

- A. Classification; Liability.** In addition to the penalties imposed pursuant to the abatement and assessment provisions of this ordinance, any person, firm or corporation placing any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation shall be guilty of a Class 1 misdemeanor and, in addition to any fine which may be imposed for a violation of any provision of this ordinance, shall be liable for all costs which may be assessed pursuant to this ordinance for the removal of the rubbish, trash, filth or debris. [A.R.S. § 11-268.A.3]

**PART IV: NON-EXCLUSIVE REMEDY**

The remedies provided for in this ordinance shall be in addition to any and all other remedies, civil or criminal, available to Cochise County pursuant to statute and common law, specifically including those set forth in A.R.S. §§ 13-2908, 36-602 and 49-143.

**PASSED AND ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2010.**

\_\_\_\_\_  
Ann English, Chairman  
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Katie A. Howard  
Clerk of the Board

\_\_\_\_\_  
Adam Ambrose  
Deputy County Attorney



## **COMMUNITY DEVELOPMENT DEPARTMENT**

### ***Planning, Zoning and Building Safety***

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

### **MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Keith Dennis, Planner II  
For: Benny J. Young, P.E., Planning Director  
**SUBJECT:** Planning Division Work Program for FY 2010-2011 (Draft)  
**DATE:** May 5, 2010, for the May 12, 2010 Meeting

### **PLANNING DIVISION WORK PROGRAM FOR FY 2010-2011 (DRAFT)**

Attached to this Memorandum is a draft work program for the Planning, Zoning and Building Safety Divisions of the Community Development Department. The Department is bringing this draft to the Commission for input prior to a presentation of the same before the Board of Supervisors.

The work program outlines a number of short and long term goals of the respective divisions of the Community Development Department. For example, due to Growing Smarter mandates and the anticipated release of 2010 Census data, the Department intends to request that the Board of Supervisors make updating the County's Comprehensive Plan a long-range priority. Such an update would incorporate, among other things, the findings of the Envisioning 2020 study, which staff completed in 2009.

However, the top priority of the Department is and will remain that of being a resource to the public. That is, the Department's primary goal is to respond to the needs of the public, and to provide that customer service in a timely and professional manner. Specific goals related to these are listed first on the draft as "Current Planning Work Program – Ongoing Tasks." Other items on the draft work program represent long-term goals proposed by staff that will be undertaken subject to staff/personnel resource constraints, Commission input and Board of Supervisors direction.

The Community Development Department invites the Commission to provide guidance as to the attached draft work plan. Suggestions such as changes to specific work plan elements, removal of any, or additions are welcome. Such suggestions will be presented to the Board of Supervisors as part of staff's presentation when the Board considers the plan at a work session tentatively scheduled for Thursday, May 13, 2010.

Attachments: Planning Division Work Program for FY 2010-2011 (Draft), Budget Summary Report

Proposed Planning Division Work Program for FY 2010-2011 [June 30, 2010 to June 30, 2011]  
May 3, 2010 Draft—see also the table of suggested new tasks beginning on page 6.

"Current Planning" Work Program—Ongoing tasks

- Manage current docket case load in a timely fashion including applications for Comprehensive Plan amendments, rezonings, Master development plans, special use permits, Board of Adjustment variances and Zoning Inspector interpretation appeals, Lot modifications, Nonconforming Use determinations, Ag Exemptions, Home Occupations, and Accessory Living Quarters and guest houses;
- Manage the County's Rural Addressing, Master Street Naming Protocols and Emergency 9-1-1 Protocols;
- Clean out and file all inactive dockets; reduce bulk and put old dockets in Archive shelves; input data in dotNET/New World permit tracking system;
- Manage subdivision dockets, new and old;
- Provide staff support to the Planning and Zoning Commission;
- Provide staff support to the three Boards of Adjustment;
- Coordinate application review with County agencies and other permitting agencies;
- Be available on a daily basis to answer questions and assist property owners, Agency officials and County staff and elected officials, developers, consultants, realtors, contractors, and the general public in various facets of applicable land use regulations; and
- Streamline legal nonconforming use and noncomplying structures procedures, regulations and determinations.

Long Range Planning Work Program—Suggested new tasks

Zoning Regulations Updates:

- Amend the Zoning Regulations to authorize the Board of Supervisors to grant site development standard waivers and/or modifications with their consideration of rezoning approvals.
- Establish administrative procedures and/or "templates" for expediting downzonings related to qualifying properties for Residential Owner-Builder Opt Out Program.
- Amend the Zoning Regulations to include replace the current generic GB, LI and HI Districts with GB-1, GB-2, LI-1, LI-2, HI-1 and HI-2 Districts.
- Amend the Zoning Regulations to include a new Agricultural Preservation District (Ag District) which is similar to the Rural (RU) District but allows a number of agricultural-related activities and processes as a principal use.
- Revise Wind and Solar Energy regulations to reflect current industry and customer needs.
- Amend the Zoning Regulations to include a number of small, incremental revisions ("tweaks") and to insure internal consistency with all the above-mentioned amendments.

- Revise site development standards of Growth Categories to reflect current values and industry standards, including parking, screening, paving, outdoor storage and the like.

#### Subdivision Regulations Update

- Amend the Subdivision Regulations to clarify procedures and submittal requirements and to allow two new voluntary subdivision options (types); one which complements the County's Green Building program and one which facilitates compact development near cities.
- Process the abandonment of antiquated, undeveloped subdivisions.

#### Long Range Planning

- Update the Intergovernmental Coordination policies of the Comprehensive Plan (Comp Plan) to address relations with Federal Agencies regarding development and/or use of federal lands which may affect the culture, customs, economy or wildlife habitat of the County.
- Comp Plan Update—begin review of Comp Plan policies related to the Envisioning 2020 Findings with the Commission, Board and stakeholders

#### Long-Range Planning Work Program for FY 2011-2012

- Comp Plan Update—begin a 2 year Update responding to State Statute requirements based on Census population growth including
  - Compact development policies, land use map designations and other implementing strategies (update Growth Category policies and identify priority growth areas per compact development and cost of development principles and objectives)
  - Energy policies and measures to preservation of incident solar energy
  - Air Quality element
  - Transportation Circulation plan
  - Water Resources element
  - Open Space Plan—particularly along San Pedro River, Chiricahuas, Texas Canyon, ridgelines and such.
- Formulate policies and begin legislative process to adopt Plan.
- Update Growth Category designations throughout the County.
- Establish Templates/Guidelines/Criteria and Processes for developing and adopting Area Plans.
- Expand affordable housing policies and implementation strategies.
- Prepare Transfer of Development Rights (TDR) ordinance in anticipation of locating TDR "sending" and "receiving" sites per the Comp Plan effort.
- Review and revise SUP criteria and factors and Rezoning criteria and factors to match revised Comp Plan policies.

- Riggs Settlement Rural Area Plan coordination & legislative process.
- County trail system coordination.

### Transportation Planning Work Program for FY 2010-11—Ongoing tasks

- Provide transportation review, analysis and recommendations during the development review process for abandonment's, re-zonings, subdivisions, special use permits, commercial permits and other permits as requested;
- Liaison on transportation matters with external stakeholders including the State Lands Department, Arizona Department of Transportation, Southeastern Arizona Council of Governments, Cochise County jurisdictions and federal transportation agencies;
- Coordinate with consultants, developers and engineers on the development, submittal and approval of Traffic Reports, Studies and Traffic Impact Analysis reports;
- Identify and submit for available transportation funding, when appropriate, through annual programs, grants or development agreements; and
- Assist with county residents inquires and/or projects regarding individual, neighborhood, school or community transportation concerns.

### Transportation Planning FY 2010/2011 Work Program—Suggested new tasks

- Complete Northwest Area Plan.
- Complete county-wide transportation model.
- Finalize procedures regarding State Land Dept. Developer Agreements.
- Coordinate with ADOT on the St. David Pathway Enhancement Project.
- Coordinate with ADOT on HISP safety sign grant.
- Work with SEAGO and ADOT to bring the county's eligible roadway network completely into the FHWA functional class system.

### Zoning Division Work Program for FY 2010-11—Ongoing tasks

- Manage in a timely fashion the review, issuance, inspection and enforcement of all zoning/land use permits such as residential and commercial permits, special uses, accessory living quarters, sign permits, land clearing permits; demolition permits, Stop Work Orders (SWO's);
- Coordinate with the County Highway and Floodplain Department for Right-of-Way (ROW) and Floodplain Use Permits (FPUP) and with the County Environmental Health Department for septic permits and violations;
- Coordinate with ADEQ, Motor Vehicle Department and other agencies as needed for enforcement activities;
- Enforce Zoning Regulations, Light Pollution Control Ordinance, Hazard Abatement Ordinance, Solid Waste Disposal Ordinance (wildcat dumping), and Graffiti Abatement Ordinance;

- Provide staff support to the Enforcement Appeals Hearing Officer, conduct bi-monthly hearings and send violation cases that are not abated after the hearings to the County Attorney's Office for further prosecution;
- Review liquor license applications and inspect and post locations for compliance with State Statutes;
- Manage the weekly "one stop shop" for issuing various County permits such as garages, carports, small additions, sheds, decks, patios, all trade permits, and porches.
- Provide "first contact" with the public in the Division's "front counter" provision of information regarding regulations, application requirements, fees and agency coordination;
- Evaluate and present dockets before various Boards of Adjustment;
- Be available on a daily basis to answer questions and assist property owners, Agency officials and County staff and elected officials, developers, consultants, realtors, contractors, and the general public in various facets of applicable land use regulations;
- Assist in the transfer of Black Bear records into the New World/AIM system;
- Assist in the implementation of New World/Aim system and train P&Z staff on operating the new system;
- Continue Solid Waste inspection and administrating the UDA Grant; and
- Continue pro-active enforcement of all violations in the Fry, Sulger, Golden Acres and Pirtleville areas.

#### Zoning Division FY 2010/2011 Work Program—Suggested new tasks

- Complete update of the Hazard Abatement Ordinance.
- Update Solid Waste Dumping Ordinance.
- Place liens on past abated Hazards.

#### Building Safety Division Work Program for FY 2010/11—Ongoing tasks

- Coordinate all facets of building plan review inspection during construction for Building Safety Code conformance for public safety;
- Perform the State-required installation inspections for manufactured homes and factory-built structures, under contract with the State of Arizona Office of Manufactured Housing;
- Review permit applications for compliance with County Light Pollution Control Ordinance;
- Staff the weekly "one stop shop" permit center; and
- Assist in the transfer of Black Bear records into the New World/AIM system.

#### Building Safety Division FY 2010/2011 Work Program—Suggested new tasks

- Complete Building Code (IBC) Advisory Board - started in 2009, but not completed.

- Establish on-going liaison with city building officials to update codes & ensure amendment consistency - already contacted Sierra Vista, Douglas, Bisbee, Willcox and Benson (vacant Building Official, discussed with Community Development Director in 2009).
- Continue on-going liaison with builders - started Planning Department Liaison Committee in 08/09 and has since been placed on hold.
- Develop on going consistent public education program - in the works.
- Develop prescriptive code/designs for foundations for metal single-family residential accessory structures which meet Building Safety Code requirements.
- Develop prescriptive code/designs for foundations for solar array facilities which meet Building Safety Code requirements.

### Department Administration Division Work Program for FY 2010/11—Ongoing tasks

- Maintain records as required by State Statute and provide information to the public as requested;
- Manage legal notices in newspaper, bulletin board and websites as required by Statute and local ordinances;
- Coordinate personnel records, procedures and training with County Human Resources Department;
- Manage materials supply, equipment maintenance, repair and replacement, and fleet support;
- Coordinate utility and facilities operations and maintenance with County Facilities Department;
- Coordinate parcel information with County Information Technology Department, Assessor, Recorder and other Departments;
- Update the website with public information and provide bulletins and handouts for the public;
- Manage Department finances with the County Finance Department and the new dotNET software;
- Provide permit information to State and Federal agencies; and
- Coordinate the transfer of Black Bear records to the New World/AIM software system;

### Administration Division FY 2010/2011 Work Program—Suggested new tasks

- Coordinate the design and implementation of an electronic payment option for application fees.
- Applying for permits online with the New World/AIM software system.
- Revamp the Website (Combine or keep separate websites for Planning, Highway and Floodplain).
- Updating all forms and packets with name of the new Department.
- Update Record Retention (completed zoning and Wildcat Dumping violations).

Planning, Zoning and Building Safety Divisions Fiscal Year 2010/2011 Work Program  
 New Efforts to Prioritize

Work Program Task	
Planning Division—FY 2010/2011 "Current Planning" priority New tasks	
	Amend the Zoning Regulations to authorize the Board of Supervisors to grant site development standard waivers and/or modifications with their consideration of rezoning approvals.
	Establish administrative procedures and/or "templates" for expediting downzonings related to qualifying properties for Residential Owner-Builder Opt Out Program.
	Amend the Zoning Regulations to include replace the current generic GB, LI and HI Districts with GB-1, GB-2, LI-1, LI-2, HI-1 and HI-2 Districts.
	Amend the Zoning Regulations to include a new Agricultural Preservation District (Ag District) which is similar to the Rural (RU) District but allows a number of agricultural-related activities and processes as a principal use.
	Revise Wind and Solar Energy regulations to reflect current industry and customer needs.
	Revise site development standards of Growth Categories to reflect current values and industry standards, including parking, screening, paving, outdoor storage and the like. Amend the Zoning Regulations to include a number of small, incremental revisions ("tweaks") and to insure internal consistency with all the above-mentioned amendments.
	Amend the Subdivision Regulations to clarify procedures and submittal requirements and to allow two new voluntary subdivision options (types); one which complements the County's Green Building program and one which facilitates compact development near cities.
	Process the abandonment of a number of the 333 1959 to 1973 antiquated, "paper" subdivisions that have never been developed.
	Process the abandonment of a number of the 200 plus post-1973 antiquated, "paper" subdivisions that have never been developed.
Planning Division—FY 2010/2011 Long Range Planning Potential New Tasks	
	Update the Intergovernmental Coordination policies of the Comprehensive Plan (Comp Plan) to address relations with Federal Agencies regarding development and/or use of federal lands which may affect the culture, customs, economy or wildlife habitat of the County.
	Comp Plan Update—begin review of Comp Plan policies related to the Envisioning 2020 Findings with the

	Commission, Board and stakeholders.
	<p>Comp Plan Update—begin a 2 year Update responding to State Statute requirements based on Census population growth including</p> <ul style="list-style-type: none"> <li>o Compact development policies, land use map designations and other implementing strategies (update Growth Category policies and identify priority growth areas per compact development and cost of development principles and objectives)</li> <li>o Energy policies and measures to preservation of incident solar energy</li> <li>o Air Quality element</li> <li>o Transportation Circulation plan</li> <li>o Water Resources element</li> <li>o Open Space Plan—particularly along San Pedro River, Chiricahuas, Texas Canyon, ridgelines and such</li> </ul> <p>1.1. Research and publish Existing Setting/Community Profiles</p> <p>1.2. Conduct Strength. Weaknesses, Opportunities &amp; Threats (SWOT) exercise in the various communities</p> <p>1.3. Conduct stakeholder group and general public outreach efforts to identify community values, goals and objectives</p>
	Review and amend as necessary Growth Category designations throughout the County.
	Based on outreach effort results, formulate Plan policies and review with stakeholders and the general public. Begin the legislative process with the Planning Commission for recommendation of a proposal for adoption. Complete the legislative process for Plan adoption. Distribute the adopted Plan as appropriate.
	Establish Templates/Guidelines/Criteria and Processes for developing and adopting Area Plans.
	Based on (anticipated) new affordable housing Comp Plan policies, amend the zoning regulations to facilitate rehabilitation and new construction of low- to moderate-income housing; support other countywide implementation strategies.
	Based on (anticipated) new Comp Plan policies for ag preservation and compact development, prepare a Transfer of Development Rights (TDR) ordinance; locate and designate on the Comp Plan Land Use Maps TDR "sending" and "receiving" areas and sites.
	Review and revise SUP criteria and factors and Rezoning criteria and factors to match revised Comp Plan policies.
	Complete the Riggs Settlement Rural Area Plan legislative process.
	Continue the County trail system coordination.
<b>Transportation Planning FY 2010/2011 Potential New Tasks</b>	
	Complete Northwest Area Plan
	Complete County-Wide Transportation Model
	Finalize State Lands Dept. Developer Agreements
	Begin development of a 10 year Road Improvement Program
	Develop traffic counting program to dovetail with HPMS reporting and model updates
	Begin work on the Comp. Plan transportation section
	Research Impact Fee and Alternative Funding Sources related to new development

<b>Zoning Division FY 2010/2011 Potential New Tasks</b>	
	Complete the update of the Hazard Abatement Ordinance.
	Update the County's Solid Waste Dumping Ordinance.
	Place liens on past abated Hazards.
<b>Building Safety FY 2010/2011 Potential New Tasks</b>	
	Complete Building Code (IBC) Advisory Board - started in 2009, but not completed.
	Establish on-going liaison with city building officials to update codes & ensure amendments.
	Re-establish on-going liaison with builders.
	Develop an on-going, consistent public education program on relevant building code topics.
	Develop prescriptive code/designs for foundations for metal single-family residential accessory structures which meet Building Safety Code requirements.
	Develop prescriptive code/designs for foundations for solar array facilities which meet Building Safety Code requirements.
<b>Administrative Division FY 2010/2011 Potential New Tasks</b>	
	Coordinate the design and implementation of an electronic payment option for application fees.
	Establish a system for Applicants to apply for permits online with the New World/AIM software system.
	Update and revamp the Planning, Zoning and Building Safety Website and web pages to combine with Highway and Floodplain.
	Update all forms, templates and packets with name of the new Department and per any amendments to the Zoning and Subdivision regulations.
	Update Record Retention processes and store or destroy old records as appropriate.

# FY 09/10 PLANNING & ZONING

## BUDGET FY09/10 AS APPROVED/AMENDED

1910 Revenue (Plans/User Fees)	62,300 x
1920 Revenue (Rural Add)	22,000 x
1930 Revenue ( Insp/Fines/Misc)	412,000

General Fund Support	1,789,058
Total Budget	1,789,058

Salary/Benefits(incldsTemp/Sal Adj)	1,417,753	no sal adj
Supplies/R&M	40,582	
Lgt Fleet Monthly Charges	94,587	
Travel/Training	17,181	
Overhead,Utilities	19,890	
Printing/Advertising	14,265	
Prof Svcs	184,800	
Total Budgeted Expenses	1,789,058	

Total Expensed todate: 990,851. ( 55%)

FY 10/11 3% Reduction = 53,672  
FY 10/11 Budget = 1,735,386

5/3/2010 Updated FY09/10 = 85% of fiscal year time period.

RECAP

	FY 09/10 ADJUSTED BUDGET	FY 09/10 EXPENDED Incl'd Encumb	% USED
<i>DIVISIONS</i>			
<i>Planning</i> 1910	622,947	331,225	53%
<i>Zoning</i> 1920	467,893	322,513	69%
<i>Building</i> 1930	548,218	306,792	56%
<i>Haz. Abat.</i> 1940	150,000	30,320	20%
GRAND TOTAL BUDGETS:	1,789,058	990,851	55%