

**COCHISE COUNTY**

**Amendment to the Cochise County Building  
Safety Code for Rural Residential Owner-  
Built Dwellings and Accessory Structures  
(Opt-Out)**

Board of Supervisors Work Session  
January 28, 2020

Cochise County  
Development Services



***Public Programs...Personal Service***

# COCHISE COUNTY

## What is a building permit?

Per state law, all construction must meet Building Code standards. A building permit is an official document, issued by a local government, that is intended to ensure construction and remodeling improvements comply with national, regional and local building and zoning regulations.

A building permit is required for all new structures or improvements valued at \$1,000 (labor and materials) or more.

It is **NOT** a *guarantee* of the quality of the contractor's work or adequacy of improvements.



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## What is the Opt-Out?

An amendment to Cochise County Building Safety Code, which limits plan review and associated inspections.

It does **NOT** exempt owners from compliance with State, regional and local building, zoning, health, or floodplain requirements.

## What does it apply to?

Property must be:

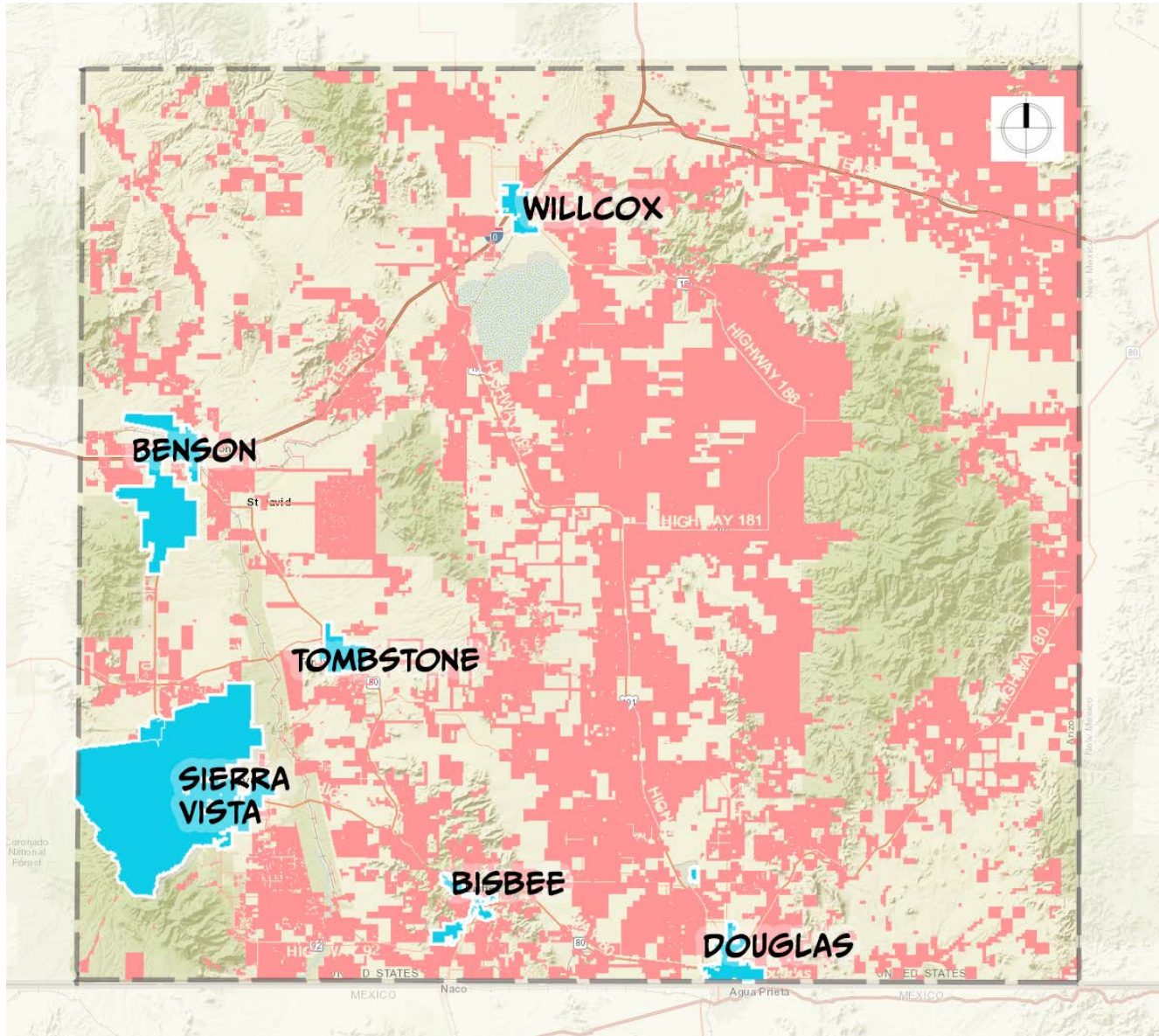
- Within unincorporated Cochise County within RU, SM or SR zoning districts
- Zoning district must have a minimum lot size of four acres
- Parcel itself must be four acres or larger in size

Applies to the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversions, occupancy and maintenance of rural dwelling and accessory structures.

The applicant must record (with the Cochise County Recorder's Office) a disclosure statement noting their participation in the Opt-out.



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What do these structures have in common?



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## Other Exemptions

### Agricultural Exemption

Under certain circumstances, property that is in commercial agricultural production may be exempt from the Cochise County Zoning Regulations and the Building Safety Code. In order to qualify for this exemption the land must be in existing commercial farming/ranching use and be a minimum of five acres in size.

### Professional Registrant Self-Certification of Construction Documents

Residential structures as well as commercial buildings and structures can be eligible for a *plan review* waiver. Participating professional registrants can elect to self-certify the building code plan review portion of their project and assume the liability (as it relates to plan review for Building Code compliance).



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## Building Permit Benefits

- **Health, Safety, Welfare** - Building codes are intended to protect the health, safety and welfare of our residents. The County is charged with enforcing them.
- **Supports the Construction of Structures to a Minimum Safety Standard** - The plan examiners and inspectors employed by the County are professionally-trained to read and interpret the Building Safety Code. Often, they can proactively find and correct problems, which can save time and money in the long run.
- **Property Value** – Building permits are part of the public record and can add to a home’s assessed value.
- **Financing** – Opt-out participants may find it difficult to obtain a mortgage and homeowners’ insurance, particularly if the property lacks a Certificate of Occupancy.
- **Factor into County-Wide Insurance Costs** - The Building Code Effectiveness Grading Schedule (BCEGS) program assigns each community a classification from 1 (exemplary commitment to fire and building code enforcement) to 10. Better BCEGS classifications are associated lower insurance rates.



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### Opt-Out Benefits

- Allow ingenuity and personal preferences of the Owner-Builder by facilitating the use of alternative building materials and methods; however, in 2006 Cochise County adopted performance measures within the building code which allows the use of alternative materials and methods;
- Expedite and reduce overall costs to Owner-Builders by reducing fees associated with renovation and development;
- Provide government oversight relief for Owner-Builders in the rural areas of the County.





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## The Bigger Issue

- Goals: Encourage *desirable* housing proposals – this includes affordable housing, infill housing, eco-friendly housing. With a lower return on investment, affordable housing projects suffer disproportionately from the costs associated with regulatory delay
- The opt-out option is too broad and does not allow us to specifically target promoting desirable housing
- Fee waivers/exemptions are a powerful tool and should be used sparingly
- Other options - density bonuses, expedited review, fee reductions, streamlined permitting, on-line permit tracking, more user-friendly process



## COCHISE COUNTY

### Building Code Appeals and Advisory Board

- December 12, 2019 meeting
- By a unanimous vote of 4-0 the board recommended the repeal of the Amendment to the Cochise County Building Safety Code for Rural Residential Owner-Built Dwellings and Accessory Structures to the Board of Supervisors
- The repeal is also supported by the Southeastern Arizona Contractors Association



# COCHISE COUNTY

## Direction Requested

Staff is requesting direction from the Board of Supervisors regarding the proposal to amend how Cochise County incentivizes residential development.

