



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Board of Supervisors
FROM: Michael Izzo, Building Official
For: Michael Ortega, County Administrator
SUBJECT: Docket R-14-07 (Amendments to the Building Safety Code for Owner-Built Residential Dwellings and Accessory Structures)
DATE: October 1, 2014, for the October 14, 2014, Board of Supervisor's Meeting

I. BACKGROUND

In June of 2006, the Cochise County Board of Supervisors adopted the *Amendment to the Cochise County Building Safety Code for Rural Residential Owner-Built Dwellings* (hereafter, "the Amendment"). The original purpose of the Amendment was to allow an eligible Owner-Builder to "opt out" of plan review, inspections, (or both) required under the Cochise County Building Safety Code. The original Amendment's intent was to allow "ingenuity and personal preferences of the Owner-Builder in allowing and facilitating the use of alternative building materials and methods", but was not intended to allow structures to be built that would not meet the minimum prescriptions of the Building Safety Code. In the years following the adoption of the Amendment, the use of alternative methods and materials has become more commonplace and there is common knowledge about how these structures perform with regard to building codes. Cochise County adopted the International Code Council's Performance Code when it adopted the Building Safety Code in 2006; this code allows materials and methods not detailed in the prescriptive code to be reviewed and inspected as usual providing documentation of their performance (through accepted engineering calculations, testing or computer modeling) is submitted to the Building Division.

A secondary, if not explicit, reason for the adoption of the Amendment was to provide relief from government oversight for Owner Builders in the rural areas of the County. In March of 2010, the Board amended the Rural Residential Owner-Built criteria by expanding the type of properties qualifying for the program. In this 2010 revision, the following statement was added: "Any construction work eligible for exemption for applicants applying under Option 2: *No Plan Review and No Inspections* shall not be subject to this permit expiration period." This statement is in direct conflict with the adopted Cochise County Zoning Regulations, and staff is proposing to remove it, to clarify for both the staff and the public.

On September 9, 2014, the Cochise County Building Code Advisory and Appeals Board met to review and discuss these proposed changes. They unanimously agreed to forward this request to the Board of Supervisors, with a recommendation for approval.

II: CHANGES PROPOSED

1. Amend the Title of this document by adding “Accessory Structures” in addition to dwellings in heading to read: *Amendment to the Cochise County Building Safety Code for Rural Residential Owner-Built Dwellings and Accessory Structures.*
2. Added the words: “*Rural Residential*” in front of “Owner-Builder Amendment” throughout the document.
3. In the second paragraph of Section 1, edited the word “statewide codes” to read “*state and county building codes*” and deleted “*such as the plumbing, and state, county,*”
4. In Section 5, the first sentences of Option 1 and of Option 2 were both edited to clarify the intent and allow the sentence to be understood more easily. There were no new words added, the existing words were simply switched.
5. In Section 8, the language referring to setbacks was eliminated, as the set-backs are set by the Zoning Regulations. This language is proposed to be deleted: “*Setback information from the proposed structure to the property line in all directions shall be mandatory for consideration of eligibility for the Owner Builder Option.*”
6. In Section 12, the words “*...provided substantial progress has been made*” are being added.
7. Also in Section 12, the following language in direct conflict with the adopted Zoning Regulations is being deleted: “*Any construction work eligible for exemption for applicants applying under Option 2: No plan Review and No Inspections shall not be subject to this permit expiration period.*”
8. In Section 15, this sentence is being deleted to conform to actual practice of the Department: “*It shall be the duty of the Planning Department to notify or inform the applicant of the day during which the inspection is to be conducted.*” We have an ‘Inspection Call-in’ phone line dedicated to this purpose only. The recorded message clearly states that we will be out to do the inspection the following business day after the inspection is called in.
9. Section 20, 21, and 22, the following language is redundant and is being deleted: “*Full Construction Plan Review with Limited Building Code Inspection Option Only)*”.
10. In Section 20, the words “*IRC Mechanical Code*” are inserted to clarify.
11. In Section 21, the words “*Electrical Codes*” are inserted to clarify.
12. In Section 22, the words “*IRC Plumbing Code*” are inserted to clarify.
13. In Section 23, the words “and Fire” are inserted to clarify.
14. In Section 24, the “*County Director of Environmental Health*” is deleted and “*Planning Department and the Cochise County Environmental Health Department*”

Regulations” is inserted, to reflect the changes in responsibility for environmental health regulations pertaining to residential sites.

IV: RECOMMENDATION

Staff recommends that the Board of Supervisors consider approving these changes.

Sample Motion: Mr. Chairman, I recommend approval of Docket R-14-07 as proposed.

V: ATTACHMENTS

A. *Amendment to the Cochise County Building Safety Code for Rural Residential Owner-Built Dwellings and Accessory Structures* (with proposed changes.)