



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Board of Supervisors
FROM: Beverly J. Wilson, Planning Director
SUBJECT: Docket CP-15-01 (Readoption of Comprehensive Plan)
DATE: March 9, 2015 for the March 24, 2015 Meeting

I. BACK GROUND:

Beginning in September of 2012 and continuing throughout 2013 and 2014, staff worked to update the Comprehensive Plan for Cochise County. The existing Comprehensive Plan was last updated and readopted in 2003. Amendments have been added to the Plan since 2003, however State statutes require that Counties re-adopt their Comp Plans every 10 years. In 2009, due to the depressed economy, the Legislature extended this deadline to July 1, 2015.

In 2007 and 2008, planning staff hosted a proactive and collaborative outreach to the citizens of the County through a series of 13-meetings, held across Cochise County. Entitled *Envisioning 2020*, this outreach effort was intended to establish citizen direction and priorities in shaping the future. Looking at a 10-year span into the future, 448 citizens were led by an outside consultant through a workshop environment to discuss conservation and growth on a macro scale. Workshop participants were divided into smaller groups to encourage diversity and free discussion and to promote brainstorming of ideas. A consensus of opinion was requested from each group, which forced honest discussion. Four questions were crafted in a fashion to elicit clear, direct, and impassioned responses from the groups. They were based on land use issues, and incorporated the terms *changes, hope, fear, and grow*. The combined results of this effort was formalized in the September of 2008 report entitled "*Envisioning 2020 – Land Use Planning in Cochise County, Arizona*"

Every effort was made by staff to include the commonalities expressed from the participants of the *Envisioning 2020* process. What we heard from the Public follows:

Changes Expected: Loss of Ag Land, Water availability, population growth.

What we do not want to change: Rural Character, Water availability and rights, Protections to the San Pedro, and Dark Night Skies Preserved.

What we hope for: Improved infrastructure and services, protection of rural character, managed growth, economic development.

What we fear: Unmanaged Growth, Habitat Loss

Staff has added four new elements to the proposed Plan which include: Rural Character, Renewable Energy, (required by Arizona Revised Statute), Agriculture/Ranching, and Economic Development. Staff has been directed to review and update the County's regulatory and policy documents to make them easier for the public and staff to read, interpret, and understand. Staff

has re-written this document by incorporating the ideas presently included in the current plan using today's language. The outline formatting of the currently adopted plan was simplified and the "Comments" from the currently adopted plan were consolidated within the goals and policies or within the introduction to each section. Many of the 'comments' in the current plan are in fact policies. While 'comments' were a standard practice in the early 1980's, now, 35-years later, that term confuses the language and intent. Specific changes follow:

- Article 1 combined Sections 101 and 102 of current plan into Section 101 – Title Purpose and Background.
 - Expanded background information.
- Existing plan Section 102 contained the following development policies:
 - Land Use Activity Policies
 - Transportation Policies
 - Facilities and Services Policies
 - Affordable Housing Policies
 - Water Conservation Goal and Policies
 - Intergovernmental Coordination
 - Federal Government Coordination
- Each of these 'policies' contained some "goals," many "comments," and more "policies." This is confusing and hard to interpret.
- The proposed plan Section 102 turns these 'policies' into 'Elements', which include:
 - Land Use
 - Affordable Housing
 - Agriculture and Ranching (new)
 - Economic Development (new)
 - Renewable Energy (new)
 - Federal Government Coordination
 - Intergovernmental Coordination
 - Adequate Facilities and Service
 - Rural Character (new)
 - Transportation
 - Water Conservation
- The former "Policies," "Goals" "Comments" and "Policies hierarchy are now organized into an "Elements," "Goals" and "Policies" format throughout. This changed the overall flow of the document, and clearly spells out 'what is what'.
- Growth Area Categories (Policy 1 under A: Land Use Activities) was moved to Article 2, 201 of the proposed plan.
- Some reorganization of policies and goals in the Land Use Element
- Certain policies were removed from the currently adopted plan because they are more regulatory than policy. Zoning Regulations cover most of these specific wordings. (E.g. #11

from old Plan “Compliance with all applicable rezoning and special use criteria shall create a rebuttal presumption in favor of a rezoning or a special use.

- Light Pollution Code #19 was eliminated as it has been created and is mentioned in the intro and in the Rural Character element as the regulatory tool used to implement policy.
- Replaced the word “shall” with the word “should” to ensure that other regulatory documents will not conflict.
- Tried to maintain a positive set of policies as opposed to using a lot of negative language such as “can’t” and “don’t.”
- Page 12, #20 “Building Codes” – was taken out because it is now regulatory, not policy.
- Transportation section was rewritten into Goals and policies. Certain wordings were taken out because a lot of language in the current plan is not reality in the county (e.g. – section or mid-section lines).
- Plan Amendments were all relocated to Article 3 – Administration.
- Strategic Plan language was incorporated in Water Conservation and Land Use elements.
- Photos were added to make the document more appealing.
- Sidebars were added to aid in understanding the document in a graphic way.

III. PUBLIC COMMENT:

As stated above, Staff was directed to incorporate the comments garnered through the 2007 – 2008 *Envisioning 2020* process to re-write the Comprehensive Plan. To further clarify, the Renewable Energy element was mandated by Statute as the County’s population has exceeded the 125,000 population threshold.

As we neared the end of the process of producing a document that could be presented to the County Residents, staff was directed to hold a series of five open houses in Douglas, Willcox, Benson, Sierra Vista, and Bisbee. The open houses did provide new input from the public, and an on-line survey was opened by staff for the public which has generated hundreds of comments. These new comments were presented to both the Public Lands Advisory Committee (PLAC) and to the Planning and Zoning Commission.

IV. PLAC: The PLAC reviewed proposed changes from the Public on Element F: Federal Government Coordination Element and Element G: Intergovernmental Coordination Element. They agreed to leave the language as written by staff, with the exception of recommendations made by Mary Darling, Consultant to the County. She recommended the addition of the words “coordination and cooperation”, “multiple use and conservation,” as well as the new policy iv. of Goal 3 under “Other Designations.” She also added “provide written details of,” and the new language found in item iii under Policy G “Wildlife” of Goal 3. Those changes were also approved by the Commission.

V. PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission held four work sessions to discuss, analyze, and recommend changes to the revised Comprehensive Plan. On January 14, 2015, they voted to send the final version of the Comprehensive Plan to the Board of Supervisors for their consideration and Final Approval.

Staff agrees with the majority of the language added or amended by the Commission. However, there is concern with the additional language added to the new Element I. *Rural Character*. Staff attempted to avoid regulatory language such as the word 'shall', language that is vague and unclear, and any language that could be perceived as unfriendly to development or new business ventures in the County. The new language is in the form of policies, added to Goal 1, and is shown below:

- b. Industrial uses are discouraged along scenic corridors or at community gateways. Site design of commercial uses shall enhance and protect the aesthetic quality of community gateways and scenic corridors.
- c. Future commercial uses shall be located in existing communities and population centers.
- d. Wireless Communication Towers shall be sited in a manner that is in harmony with neighborhood character, scenic resources, wildlife and their habitat, and the surrounding environment. Page 21
- e. Encourage installation of utilities in a manner compatible with the community character, scenic resources, and ecological conditions.
- g. The County will work with landowners and agencies to protect open lands for the purposes of preserving scenic viewsheds, preventing the fragmentation of open lands, preserving important wildlife habitat, protecting watersheds, providing buffers between developed areas, and protecting environmentally sensitive lands.

In addition, the Arizona Corporation Commission and the Federal Communication Commission have established rules and regulations for utilities and wireless communication towers that supersede the County's authority to regulate. The current Zoning Regulations address the issues the County can regulate with regard to these two items that are spelled out in the new language.

VI. ARIZONA REVISED STATUTES

The following Arizona Revised Statutes regulate the re-adoption of this Plan.

11-805H. After the commission recommends the comprehensive plan or any section of the plan, the plan shall be submitted to the board of supervisors for its consideration and official action.

I. Before the adoption, amendment or extension of the plan, the board shall hold at least one public hearing on the plan. After the board considers the commission's recommendation and any recommendations from the review required under subsection F of this section, the board shall hold at least one public hearing at which residents of the county shall be heard concerning the matters contained in the plan. At least fifteen days' notice of the hearing shall be given by one publication in a newspaper of general circulation in the county seat. The board shall consider protests and objections to the plan and may change or alter any portion of the comprehensive plan. However, before any change is made, that portion of the plan proposed to be changed shall be re-referred to the commission for its recommendation, which may be accepted or rejected by the board.

J. The board of supervisors may adopt the county comprehensive plan as a whole or by successive actions adopt separate parts of the plan. The adoption or readoption of the

comprehensive plan or any amendment to the plan shall be by resolution of the board. The adoption or readoption of, or a major amendment to, the county comprehensive plan shall be approved by the affirmative vote of at least two-thirds of the members of the board. All major amendments proposed for adoption to the comprehensive plan by the board shall be presented at a single public hearing during the calendar year the proposal is made. The adoption or readoption of the comprehensive plan, and any major amendment to the comprehensive plan, shall not be enacted as an emergency measure and is subject to referendum as provided by article IV, part 1, section 1, subsection (8), Constitution of Arizona, and title 19, chapter 1, article 4. For the purposes of this section, "major amendment" means a substantial alteration of the county's land use mixture or balance as established in the county's existing comprehensive plan land use element for that area of the county. The county's comprehensive plan shall define the criteria to determine if a proposed amendment to the comprehensive plan effects a substantial alteration of the county's land use mixture or balance as established in the county's existing comprehensive plan land use element for that area of the county.

VII. SUMMARY AND CONCLUSION

Staff is submitting the revised Cochise County Comprehensive Plan to the Board of Supervisors for your consideration and official action per ARS 11-805. The Planning Commission has sent forward their recommendation for approval, and staff concurs with the exceptions noted above.