

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
WORK SESSION HELD ON
Tuesday, December 2, 2014**

A Work Session of the Cochise County Board of Supervisors was held on Tuesday, December 2, 2014 at 2:00 p.m. in the Board of Supervisors Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, AZ 85603.

Present: Ann English, Vice-Chairman; Richard R. Searle, Supervisor

Absent: Patrick G. Call, Chairman

Staff Jim Vlahovich, Deputy County Administrator; Michael Ortega, County Administrator;

Present: Gussie Motter, Deputy Clerk of the Board; Beverly Wilson, Planning Director; Michael Izzo, Building Official

Vice-Chairman English called the meeting to order at 2:00 p.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS

ITEMS FOR DISCUSSION

Board of Supervisors

1. Discussion and possible direction on the proposed update to the Community Development Department - Planning Division's proposed Fee Schedule.

Vice-Chairman English introduced the Work Session for the Planning Division's proposed fee schedule.

Ms. Beverly Wilson, Planning Director, gave some background information, reminding the Supervisors that in April of 2013, it was decided that the County needed a combined fee schedule and directed staff to create one with Planning, Zoning, and Building Code fees. Ms. Wilson explained the new layout of the fee schedule, adding that a sample had been included to help people figure their own fees. Proposed fees increases reflect the department's true costs and include travel time.

She invited the Supervisors to look at some of the sections, explaining that Section 1, Administration, addressed the capabilities with the department's new plotter which can produce oversized color documents just as commercial printing companies in the County can. Staff assigned the same cost as a commercial printing company would.

In Section 5, Miscellaneous, Ms. Wilson pointed out that all permits require staffing time and fees were added to reflect that cost. She pointed to the residential fireplace fee which has been raised from \$50 to \$100, noting that the plans had to be reviewed, then an inspection at the site is required and finally the information still needed to be added to the New World System which is quite time consuming. Language was added to cover the cost of the outside consultant review and some flat fees changed to a "linear feet" fee to more accurately reflect the real cost. She also noted that "per construction value" means using the Building Code fee structure.

Moving onto Section 6, Department of Fire, Building, and Life Safety, Ms. Wilson explained that this is a State agency that the County works with under an intergovernmental agreement (IGA). In this section the County fees have been changed to meet the State fees.

In Section 7, Planning, Ms. Wilson noted that staff is proposing a fee for Home Occupations that would help cover staff review time. Staff also suggests passing advertising costs for legal ads to the applicant. A fee has been added to cover staff's time to take dockets to the Board such as Temporary Use Requests and Special Use Authorization Modifications.

Ms. Wilson summarized changes for Section 8, Rural Residential Owner/Built Dwellings and Accessory Structures and Section 10, Zoning, noting that increases were based on "real" costs. In Section 10, a fee has been added for digital signs.

Section 11 and 12, Residential and Non-Residential Building Code Fees, proposed increases were based on "real" costs and on surrounding jurisdictions. Ms. Wilson referred to a chart showing Cochise County's current and proposed fees for single family residential, accessory structures, and plan review percent of permit fee. The chart showed the same information for Gila, Graham, Greenlee, Pima, and Santa Cruz Counties as well as the cities of Avondale, Benson, Bisbee, Maricopa city, Nogales, Sierra Vista, and Yuma. Ms. Wilson noted that at the County's current fee structure, it is significantly lower in plan review fees than every other municipality except for Santa Cruz County. Mr. Izzo, Building Official, noted that the County's square footage prices are also lower than most other Counties.

Ms. Wilson ended the presentation by telling the Supervisors that the proposed changes were being brought to them for their advice and direction.

Mr. Ortega asked that staff use the wind turbines in the northern part of the County as an example to explain how the proposed fee increases would work.

Mr. Izzo stated that the project is a commercial application, referring the Supervisors to Section 12. The contractor for the project would supply a construction cost that would be looked up on the chart which comes out of the International Code Council (ICC) book. Mr. Izzo stressed the fact that we use the figures given to us by the contractor.

Mr. Ortega asked why the County should charge the fee. Mr. Izzo referred to an Arizona State law regarding solar projects that says the County may only charge their costs to the project. All of the costs for such a project would be charted and charged to the contractor. Because this project is both wind and solar, two methods for charging fees are used. The fee for the wind project is large but does cover the costs, mostly due to the location of the project. If the project were closer, fees would most likely be higher than the costs.

Mr. Ortega noted that the Board has the same authority as the State to set fees, expressing the need to bring in revenue to cover the County's cost for service.

Supervisor Searle questioned the value that the County added to the project. There was a discussion about using a County inspector rather than one the contractor hired, and the value

versus liability to the contractor and the County.

Vice-Chairman English asked if Mr. Ortega was suggesting that the County limit fees to cover costs in energy projects. Mr. Ortega responded that the important issue in any project is to have the County's costs be covered. In the beginning of the specific project being discussed, it was estimated that the County would make a lot of money from this project but that has not been the case. He also suggested that if the fees charged by the County were not expended, a refund could be given, noting that the issue was really a policy discussion.

Vice-Chairman English stated that she was against having liability always pushed back onto the County but Mr. Ortega reminded her that everyone including architects, contractors, and utilities wants a County to sign off on their work. He ventured that if the County started refusing to do so, there would be lobbying for a statute requiring it.

As for next steps in the process, Mr. Ortega suggested that the County Attorney's Office (CAO) look over the proposed changes.

Supervisor Searle volunteered that he does have an issue with some of the recommendations as they seem excessive to him. He admitted that he understood that the department is simply trying to cover its own costs but in the end, the cost was either going to go to the consumer or the tax payer.

Vice-Chairman English stated that the current fees were not covering costs so, in reality, the County is subsidizing everything. There was discussion regarding some of the increases and the need for them as opposed to taking a more graduated approach. Supervisor Searle's sticking point was that the County requires people to use most of these services and they have no other choice.

Mr. Ortega urged the Supervisors to give the department their feedback. The issue will come back before the Board after the CAOs input and after the department has time to assimilate the Supervisors' comments.

Vice-Chairman English adjourned the meeting at 2:35 p.m.

APPROVED:

Ann English, Vice-Chairman

ATTEST:

Gussie Motter, Deputy Clerk of the Board

"PUBLIC PROGRAMS, PERSONAL SERVICE"