

OFFICE OF BOARD OF SUPERVISORS

YAVAPAI COUNTY, ARIZONA

Prescott, Arizona
17, 2001

July

The Board of Supervisors met in special session on July 17, 2001

Present: Gheral Brownlow, Chairman; Lorna Street, Vice Chairman; Chip Davis, Member; Carolyn Dicus, Administrative Aide.

Absent: Bev Staddon, Clerk

Also present: Ken Spedding, Development Services Director; County Civil Attorney Randy Schurr; Board of Adjustments & Appeals Commission Members Werner Mangold, Walter Burcham, Walter Matthew, Terry Nolan, Len Parmet, Smith Horton, Bob Helgeson, Bob Billings, Jan Littler, Doug Longfellow, Ed Jackson, Michael Emmett and John Emerson. Development Services staff: Enalo Lockard, Permitting & Compliance Cottonwood Division Director; Steve Mauk, Senior Land Use Specialists; Dave Maggard, Land Use Unit Manager; Bryn Stotler, Administrative Assistant.

ITEM NO. 1. Meet in study session with the Boards of Adjustment and Appeals for Districts 1, 2 and 3.

1. Welcome and Introductions. Ken Spedding, Development Services Director. Mr. Spedding introduced himself and asked all of those in attendance to introduce themselves and their positions. He then spoke about the reorganization of the departments now under Development Services and the responsibilities of each department.
2. Review purpose and goals of work session. Supervisor Street questioned the members of the Board of Adjustment and Appeals regarding the issues they confront and what information they would like to have. Mr. Matthew spoke about appeals that are late and the changing of appeal times. Mr. Schurr said there has been confusion by the staff on the ordinances. Supervisor Street said there would always be individuals trying to appeal late and that there needed to be a cut-off. Mr. Mauk said when there is a problem with an appeal, they notify individuals by certified mail. Mr. Schurr said with the new transition, there shouldn't be a problem with the appeal deadlines. Mr. Matthew questioned variances after the fact and Supervisor Street stated she wanted to see the same County policy all over the County. Mr. Mangold spoke about the violation of ordinances. Mr. Burcham said he would like to review the changes for the zoning amendments.
3. Comments by Chairman Brownlow and the chairmen of the three Boards of Adjustment and Appeals regarding on-going activities. Chairman Brownlow said he wanted to thank the Board of Adjustment and Appeal members for the time they donate doing the appeals. Supervisor Davis said he also wanted to thank the members for working to take the pressure off of the Board of Supervisors. Mr. Mangold spoke about changes happening with the District 1 Board and about the appeals that are going on to Superior Court which they had rendered a decision on. He said that he had a problem with the comments and questions from board members and that it was not their job to determine bias toward or against an appeal. Mr. Mangold stated that he liked the recommendations from staff and that the recommendations had recently stopped since the past two meetings and that he puts a lot of value into them. Mr. Spedding said there had been some mixed comments about staff giving recommendations. Mr. Mangold said he liked getting a whole picture with the staff recommendations. Mr. Nolan said that getting as much information as you can get gives you another valuable part of the pie. Mr. Schurr stated as far as the staff recommendations, the board needs to be impartial and not rubberstamping the staff recommendations but they should get them to show the good and the bad of the projects. Mr. Emmett said that the fact that the applications are before them is that the citizens have the right to have their appeals and that the board needed to envision the future. Mr. Mauk spoke about the staff specifically recommending approval or denial and said sometimes they get new information that can change the staff's position on a matter.
4. Roles and responsibilities of Boards of Adjustment and Appeals. Deputy County Attorney Randy Schurr. Mr. Schurr explained to the boards that the Board of Adjustment and Appeals act as a judicial process and not a

legislative process. He stated that the land use issues being heard by this board are in a unique position by making decisions on issues and not just recommendations as other boards do. He spoke of the respective responsibilities of the Board of Adjustment and Appeals saying they sit as a board of judges and that they are responsible at looking at the land uses and appeals and reading and interpreting the state statutes. Supervisor Davis said the Board of Adjustment and any board has to give the appearance of unbiased opinions and going upon facts and not recommendations.

5. Discussion regarding public hearings and work sessions. Mr. Schurr presented rules of procedure which were adopted in 1991 saying he would like to get some changes to this document and about the code of conduct for boards and staff. He went through the different rules of conduct for public meetings saying these rules are not engraved in stone but are good rules to follow.
6. Discussion regarding current legal issues, General Plan update and Ordinance Amendments. Mr. Schurr spoke about recommendations that the County Attorney's Office gives to the boards and what can happen with those recommendations. Mr. Burcham spoke about the changes to the ordinances whereas Mr. Spedding replied that they are moving forward with zoning ordinance changes and that they should get with staff if they had any concerns or comments. He said that his staff would be starting to put changes on the internet in August but that some ordinances won't be able to be changed. Mr. Schurr explained that there are quite a few ordinances that are state and federally regulated. He spoke about Arizona Revised State Statute §11-807 saying that he would like to get some changes made to this document. Chairman Brownlow asked about a commission to work on the ordinances. Mr. Spedding replied they are working on whether to actually form a committee and that they had some other ideas they were working on such as using individuals who have already worked with the whole spectrum of the ordinances or a commenting group. Mr. Schurr said there are a lot of issues that need to be looked at like schools. Supervisor Davis questioned on ordinance review if there was a way to bounce the old ordinances off of the new to combine the rules. Mr. Nolan spoke on the difficulties of enforcing the ordinances. Mr. Emmett said that is going to be one of the problems with the revision of the ordinances and that is a commitment for enforcement of them. Mr. Spedding then spoke about the General Plan saying that by December of this year, the legislature requires the plan to be completed and Dava & Associates were conducting public meetings at this time. He told the boards about the website where individuals can get interactive with the County and the phone line being set up for comments. Mr. Schurr said that the Board of Adjustments is the final decision unless it goes to Superior Court which will then involve the Board of Supervisors. Mr. Nolan said that they would like to be kept in the loop to know what is happening with these appeals. Supervisor Davis asked if there are any future meetings planned. Mr. Spedding said that the Planning and Zoning Commission meet quarterly with the Board of Supervisors and maybe twice a year would work with the Board of Adjustments and Appeals. Supervisor Street stated that she would like one set of procedures instead of three different sets of rules. Supervisor Davis said that he would like to see what each board exchanges in way of information. Mr. Mangold said an exchange of minutes would be helpful.

There being no further business to discuss, the meeting was adjourned.

ATTEST:

_____ Clerk _____ Chairman