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**FINAL MINUTES  
TOWN OF CAMP VERDE – PLANNING & ZONING COMMISSION  
SPECIAL SESSION – WORK SESSION  
473 S. MAIN STREET, SUITE 106  
THURSDAY, JUNE 8, 2023 at 5:30 P.M.**

**ZOOM MEETING LINK:**

<https://us06web.zoom.us/j/84620757891?pwd=ZXhseWVXUWYxc3pXRnZEWjA3dDZHZz09>

**One Tap Mobile: 1-669-900-9128 or 1-253-215-8782**

**Meeting ID: 846 2075 7891**

**Passcode: 766870**

1. **Call to Order** Chairman Faiella called the meeting to order at 5:35.
2. **Roll Call.** Commissioner Greg Blue, Commissioner Robert Foreman, Commissioner Ingrid Osses, Commissioner William Tippet, Member \_\_\_\_\_ (vacant), Chairman Andrew Faiella, Vice Chairman Todd Scantlebury.

Vice Chairman Scantlebury and recently appointed Commissioner Mark Lomeland were not present at roll call.

Commissioner Lomeland entered the meeting at 5:40.

**Also Present.** Planning and Zoning Director John Knight, Town Attorney Trish Stuhan, Planner BJ Ratlief, Planner Cory Mulcaire

3. **Pledge of Allegiance** Commissioner Tippet led the Pledge of Allegiance.
4. **Consent Agenda** - All items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of the Commission so requests.
  - a. **Approval of Minutes:**

April 13, 2023, Site Visit  
April 13, 2023, Regular Session
  - b. **Set Next Meeting, Date and Time:**

June 22, 2023 @ 6:00 pm, Regular Session - Cancel

July 13, 2023 @ 6:00 pm, Regular Session  
July 27, 2023 @ 6:00 pm, Regular Session  
August 10, 2023 @ 6:00 pm, Regular Session

Commissioner Blue **moved** to approve the Consent Agenda as presented.  
**Second** by Commissioner Osses.

**Roll Call Vote:**

Commissioner Blue: Aye  
Commissioner Foreman: Aye  
Commissioner Osses: Aye  
Commissioner Tippet: Aye  
Vice Chairman Scantlebury: Absent  
Chairman Faiella: Aye

**Motion** Passed 5-0.

*Break: 5:39pm*

*Resume: 5:42pm*

Commissioner Lomeland introduced himself to the Commission.  
Staff and the Commission introduced themselves to Commissioner Lomeland.

**5. Presentation from Town Attorney Trish Stuhan.** Role of the Planning and Zoning Commission.

Town Attorney Trish Stuhan presented to the Camp Verde Planning and Zoning Commission and Planning and Zoning Staff the roles, responsibilities, and best practices of Commissioners.

Ms. Stuhan broke up the training into 4 parts-

-Part One: Overview of Roles and Responsibilities

-Part Two: P&Z Fundamentals

- General Plans
- Zoning Code Text Amendments
- Rezoning
- Conditional Use Permits
- Subdivisions Plat Review and Approval

-Part Three: Commissioners Role: Serving on a Public Body

- Introduction to Open Meeting Law
- Conflicts of Interest

-Part Four: Best Practices- Rules of Procedures, Decorum & Final Takeaways

Ms. Stuhan used a detailed slideshow to explain each part.

As Ms. Stuhan presented, Commissioners and staff engaged and asked her questions of clarification to better understand these roles, responsibilities and best practices.

Break: 7:30pm  
Resume: 7:40pm

Commissioner Foreman left the meeting at 7:30pm.

6. **Planning and Zoning Commission Work Session.** No action will be taken during the Work Session. Discussion and possible directions to staff may occur.

- A) Follow up from joint meeting
- B) Code Enforcement presentation
- C) Updating Zoning Codes and Definitions
- D) RVs and RV Parks

Commissioner Osses **moved** to table this item to a future meeting.  
**Second** by Commissioner Blue.

Commissioner Osses made an amended **motion** to table this item to a future meeting date.  
**Second** by Commissioner Blue.

**Roll Call Vote:**

Commissioner Blue: Aye  
Commissioner Foreman: Aye  
Commissioner Osses: Aye  
Commissioner Tippet: Aye  
Commissioner Lomeland: Aye  
Vice Chairman Scantlebury: Absent  
Chairman Faiella: Aye  
**Motion Passed 6-0.**

7. **Adjournment** Chairman Faiella adjourned the meeting at 8:33.



Chairman Andrew Faiella



Community Development Director John Knight

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde, Arizona during the Work Session held on the 8th day of June 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of June 2023.

Mary Frewin

Mary Frewin, Recording Secretary

**Planning & Zoning 101:  
Presentation on the Roles,  
Responsibilities & Best Practices  
of Commissioners**

**June 8, 2023**

**Trish Stuhan  
Pierce Coleman PLLC  
[trish@piercecoleman.com](mailto:trish@piercecoleman.com)**



**Planning & Zoning 101:  
Presentation on the Roles,  
Responsibilities & Best Practices  
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# Planning & Zoning Commission Training

## AGENDA

- Part One: Overview of Roles & Responsibilities
- Part Two: P&Z Fundamentals
  - ❑ General Plans
  - ❑ Zoning Code Text Amendments
  - ❑ Rezoning
  - ❑ Conditional Use Permits
  - ❑ Subdivisions Plat Review & Approval
- Part Three: Commissioners Role: Serving on a Public Body
  - ❑ Introduction to Open Meeting Law
  - ❑ Conflicts of Interest
- Part Four: Best Practices-Rules of Procedure, Decorum & Final Takeaways



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**PART I:  
OVERVIEW OF ROLES  
& RESPONSIBILITIES**



## State Law

### Creation of Commission

9-461.02. Planning commission; creation; limitations

If a municipal planning commission is created, the organization, number of members, the terms of office and the method of appointment and removal shall be as provided by local ordinance, except that each municipal planning commission shall have at least five members.



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## Local Codes

### MUNICIPAL REGULATIONS

- **Key from State Law:** Cities and towns have the **discretion** to form planning and zoning commissions. If they do form these commissions, they serve in an **advisory role**.
- The scope of the advisory role is set by state law and Town Code. However, the planning commission should not have “quasi-judicial” duties (for example, board of adjustment duties—authority to interpret the zoning ordinance or grant variances).



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# Camp Verde's Local Code: Part 6

## Administration & Procedures

### D. Planning and Zoning Commission

1. The Planning and Zoning Commission, established by Ordinance 87-A12 of the Town of Camp Verde, serves as the advisory body to Town Council on planning, zoning and zoning ordinance matters. The Commission, in particular, provides recommendations to Council on Zoning Ordinance amendments, Use Permits, General Plan Amendments, Preliminary Subdivision Plats and related considerations pertaining to Council's exercise of legislative authority.
2. Before any Zoning Ordinance text or rezoning amendments or Use Permits shall be considered by the Town Council, the request or amendment shall first be referred to the Planning and Zoning Commission for public hearing, report and written recommendation. The Commission's report shall include the reasons for its recommendation, based on its vote following the public hearing, and be transmitted to the Town Council in such form and manner as may be specified by the Town Council.
3. Upon receipt of Commission's report, the Council shall consider the recommendation on a Council Hears Planning & Zoning matters agenda as a:
  - a. public hearing item; or
  - b. consent agenda item to adopt the recommendation of the Planning and Zoning Commission without holding a second public hearing provided there is no request for public hearing or other protest from any member of the public or Town Council, in which event a public hearing will be held.

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4. The Planning and Zoning Commission reviews Preliminary Subdivision Plats at their regular public meetings. The Commission's recommendations are forwarded to the Council for action.
5. In the event an item voted on fails to receive the required number of votes for approval, the item will be forwarded to the Council with a recommendation for denial. Nothing in this paragraph will prevent the Commission from continuing or tabling an item, unless specifically directed by the Town Council to vote on an item pursuant to 6. below.
6. The Town Council, by majority vote, may compel the Planning and Zoning Commission to place an item on a specific agenda for a vote.



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## **Scope of Power & Authority**

- **Camp Verde's Local Code aligns with State law which provide municipalities the authority to adopt a general plan, specific plans as may be necessary to implement the general plan, zone property, adopt subdivision regulations, and approve special use permits.**
- **Local zoning ordinances must NOT conflict with state or federal law.**



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**PART II:  
P&Z FUNDAMENTALS**

# Planning & Zoning Commission Training: General Plans

## Adoption of General Plan

9-461.06. Adoption and amendment of general plan; expiration and readoption

D. At least sixty days before the general plan or an element or major amendment of a general plan is noticed pursuant to subsection E of this section, the planning agency shall transmit the proposal to the planning commission, if any, and the governing body and shall submit a copy for review and further comment to [various other agencies].



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# Planning & Zoning Commission Training: General Plans

## Adoption of General Plans – Public Hearing

9-461.06. Adoption and amendment of general plan; expiration and readoption

E. If the municipality has a planning commission, after considering any recommendations from the review required under subsection D of this section the planning commission shall hold at least one public hearing before approving a general plan or any amendment to such plan. . . .



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## **Planning & Zoning Commission Training: General Plans**

**General Plans – Recommendation to Council.**

**9-461.06. Adoption and amendment of general plan; expiration and readoption**

**F. Action by the planning commission on the general plan or any amendment to the plan shall be transmitted to the governing body of the municipality.**

**I. If the municipality does not have a planning commission, the only procedural steps required for the adoption of the general plan, or any amendment to such plan, shall be those provided in this article for action by the governing body.**



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# Planning & Zoning Commission Training: Zoning Code Text Amendments

## ZONING CODE TEXT AMENDMENTS – Staff Duty

- Application submitted
- Citizen Participation Process – required only if it imposes/changes a land use regulation. Same process as for General Plan
- Notice of Public hearing - Commission must hold one public hearing
  - Per Camp Verde Code Section 601 – Public hearing must be held within 90 days of the date of the complete application submittal.



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# **Planning & Zoning Commission Training: Zoning Code Text Amendments**

## **ZONING CODE TEXT AMENDMENTS – Staff Duty**

- Notice of public hearing: Include time and place of hearing and a general description of the proposed amendment
- Publish at least 15 days before the hearing
- Publication at least once in a newspaper of general circulation published or circulated in the Town
- Post on Town website and all official posting locations



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# Planning & Zoning Commission Training: Zoning Code Text Amendments

## ZONING CODE TEXT AMENDMENT MEETING PROCEDURE

- At public hearing:
- Staff report (including Citizen Participation report)
  - Consideration of Citizen Participation report
  - Commission Questions for Staff
  - Applicant Presentation (if applicant)
  - Open public hearing
  - Public comment
  - Close public hearing
  - Commission discussion
  - Commission adopts written recommendation and forwards to Council. Must include reasons for the recommendation.



# Planning & Zoning Commission Training: Zoning Code Text Amendments

## ZONING CODE TEXT AMENDMENTS PROCEDURE

**Local Code:** Procedure for Text Amendments

See Section 601 of the Zoning Code:

4. **Zoning Ordinance text amendments:** If the Town adopts any zone change or any amendment that imposes any regulation not previously imposed or that removes or modifies any such regulation previously imposed, it must comply with the citizen review process as set forth in ARS §9-462.03, as may be amended, and the public hearing notice procedures set forth in ARS 9-462.04.A as may be amended.

**Zoning Code amendments are legislative**

**Wide discretion given to Municipalities to adopt text amendments**



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# Planning & Zoning Commission Training: Rezoning



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**REZONING & PUBLIC NOTICE**

- Rezoning may be initiated by Council, P&Z Commission or petition by owner
- Citizen Participation process applies - applicant submits Citizen Participation plan, conducts the Citizen Review meeting and prepares the report
- The Zoning Code details these steps:

3. Citizen review and participation process is required for all zone change applications or Use Permit applications:

a. Prior to any public hearing, the applicant or an appointed representative shall arrange a meeting with the planning staff which identifies development issues as well as arrangements and scheduling for the neighborhood meeting described in subsection b below.

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b. The applicant or an appointed representative shall conduct a neighborhood meeting designed to inform adjoining residents and property owners about the proposed zone change, specific plan application or Use Permit.

c. At least 15 days prior to the scheduled neighborhood meeting, the applicant shall notify all property owners within 300 feet of the subject site by first class mail and post the actual property with meeting date and time. The notification shall include the date, time and place for the neighborhood meeting, as well as a description of the proposed land uses. The applicant shall provide an affidavit attesting to this notification being accomplished.

d. It is the responsibility of the applicant or their representative to conduct the meeting, provide an opportunity for a question and answer period by the audience, and identify a point of contact to the public for follow-up questions and comments.

# **Planning & Zoning Commission Training: Rezoning**

**Important:**

**Rezoning is legislative**

**Wide discretion given to municipalities on rezoning**



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# Planning & Zoning Commission Training: Rezoning

## REZONING MEETING PROCEDURE – Same as text amendment

At public hearing:

- Staff report (including Citizen Participation report)
- Consideration of Citizen Participation report
- Commission Questions for Staff
- Applicant Presentation
- Open public hearing
- Public comment
- Close public hearing
- Commission discussion
- Commission adopts written recommendation and forwards to Council. Must include reasons for the recommendation.



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# Planning & Zoning Commission Training: Conditional Use Permits

## CONDITIONAL USE PERMITS

### Local Code: Procedure for Conditional Use Permit

- Certain uses allowed in zoning districts with conditions
  - *Planning and Zoning Commission consideration and findings.*
- Commission approves, conditionally approves, or denies CUP

### CUPs are administrative

Conditions must relate to development

Ask yourself what conditions are necessary to mitigate **land use** impacts?



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# Planning & Zoning Commission Training: Conditional Use Permits

## CONDITIONAL USE PERMITS

### Local Code - Conditional Use Permit Considerations:

- b. Use Permits may contain specific limitations on the scope, nature and duration of the use, as deemed proper in accordance with the following criteria:
  - 1) Any significant increase in vehicular or pedestrian traffic;
  - 2) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - 3) Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with goals, objectives or policies of the General Plan;
  - 4) Compatibility with existing surrounding structures and uses; and
  - 5) Adequate control of disruptive behavior both inside or outside the premises, which may create a nuisance to the surrounding area or general public.



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# Planning & Zoning Commission Training: Subdivisions

## Preliminary Subdivision Plat Review and Actions by Planning Commission

1. The Commission shall review, hear or consider all evidence relating to said Preliminary Subdivision Plat.
2. The Commission may review an Application for Exception simultaneously with the Preliminary Plat consideration, or, the Commission may hear the Application for Exception separately at the subdivider's request or as recommended by the Community Development Director. The Commission may recommend that the Town Council authorize exceptions to any of the requirements in these regulations, if the Commission finds the following facts with respect thereto:
  - a. There are special circumstances or conditions affecting said property, and
  - b. That the granting of the exception will not be detrimental to the public safety, health and welfare or injurious to other property in the area in which said property is situated; and
  - c. That it will not have the effect of nullifying the intent and purpose of the Town's General Plan or these regulations.
3. If satisfied that all objectives of these regulations have been met, the Commission may recommend approval or conditional approval of a Preliminary Plat, with or without exceptions, to the Town Council.
4. The Commission may move to continue the plat pending its revision or resubmittal process if the Commission finds that the proposed plat lots are determined to be not suitable due to such features or conditions as flooding or poor drainage, steep slopes, rock problems, sanitary deficiencies, improper access to public roadway, or other conditions likely to affect public health, safety, convenience and general welfare.
  - a. Such continuance shall be set to a specific date coordinated by the subdivider and Commission for a future Commission hearing of the revised plat.
  - b. If the plat revision remains unsatisfactory to the Commission for a recommendation of approval, the Commission may recommend denial and forward their recommendation to Council.
  - c. A Preliminary Plat may not be continued for more than sixty (60) days after the Commission's first hearing on the Plat.
5. The Commission may recommend denial if it finds that the plat does not comply with these regulations, the intent and purpose of the General Plan, zoning or other applicable codes.

## Planning & Zoning Commission Training: Subdivisions

Consider - Is plat:

- Detrimental to health, safety, or welfare of the community; or
- In harmony with the purposes and intent zoning code, area plan and general plan?

Consider - Will plat:

- Cause traffic unreasonable congestion?
- Seriously depreciate surrounding property values?



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# Planning & Zoning Commission Training: Subdivision

Subdivision plat review and approval are administrative  
and technical in nature

Ask yourself does the plat meet subdivision code requirements?

**Must recommend approval of plat that  
meets city's subdivision standards even if you  
dislike layout or design**



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**PART III:  
COMMISSIONER ROLES -  
SERVING ON A PUBLIC  
BODY**

# INTRODUCTION TO OPEN MEETING LAW



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## How Meetings Started



## How they have Changed



- A meeting occurs any time a *quorum* of the public body discusses, proposes, or takes legal action.

## OPEN MEETING LAW

A quorum refers to a *majority* of the members of the public body.

7 persons; quorum = 4

5 persons; quorum = 3

Vacant positions *do not* reduce the quorum requirement.



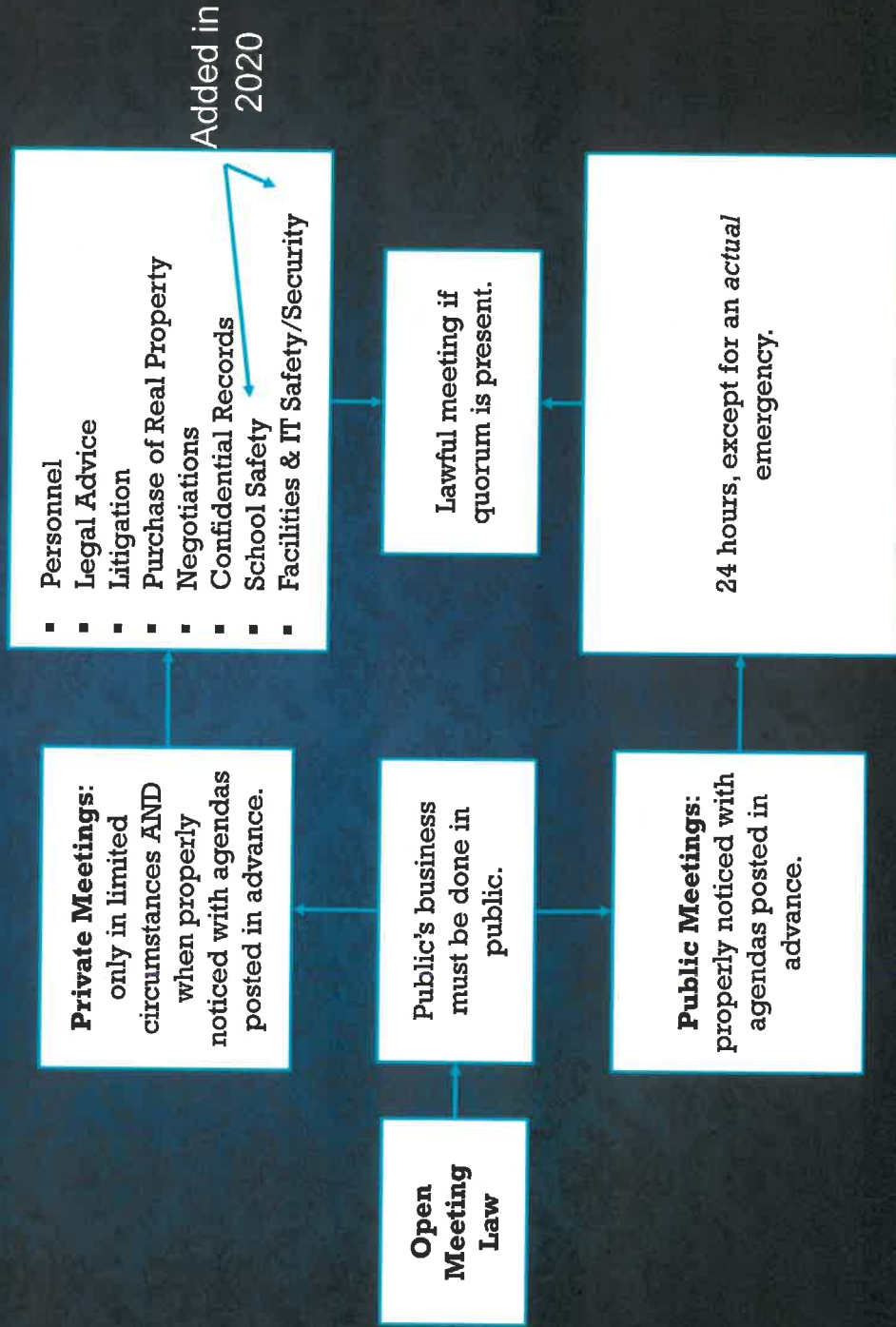
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## • **Core Concepts of the Open Meeting Law**

- Official deliberations & proceedings conducted openly.
- Maximize public access & participation.
- Any uncertainty resolved in favor of openness.





## OPEN MEETING LAW: PITFALLS

Discussion among members with less than a quorum present

Later, same discussion had with other members

Enough additional members to constitute a quorum

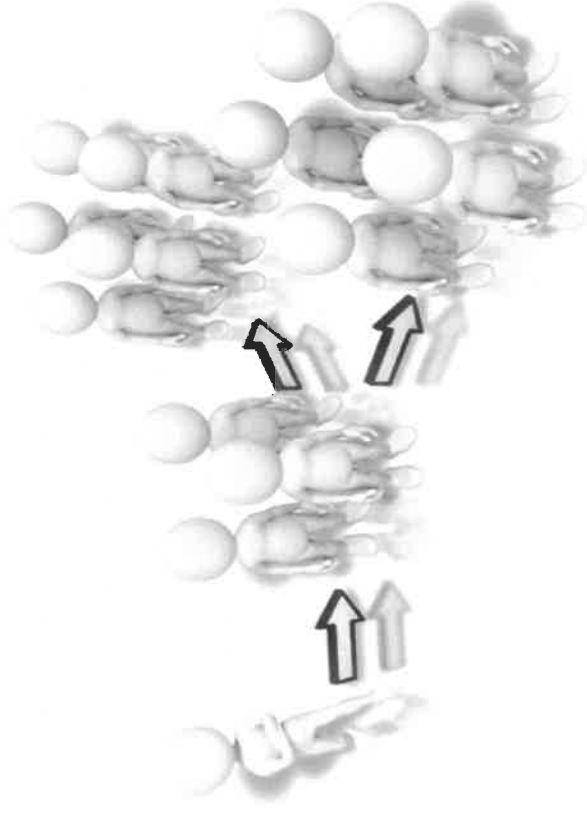
Possible Serial Meeting



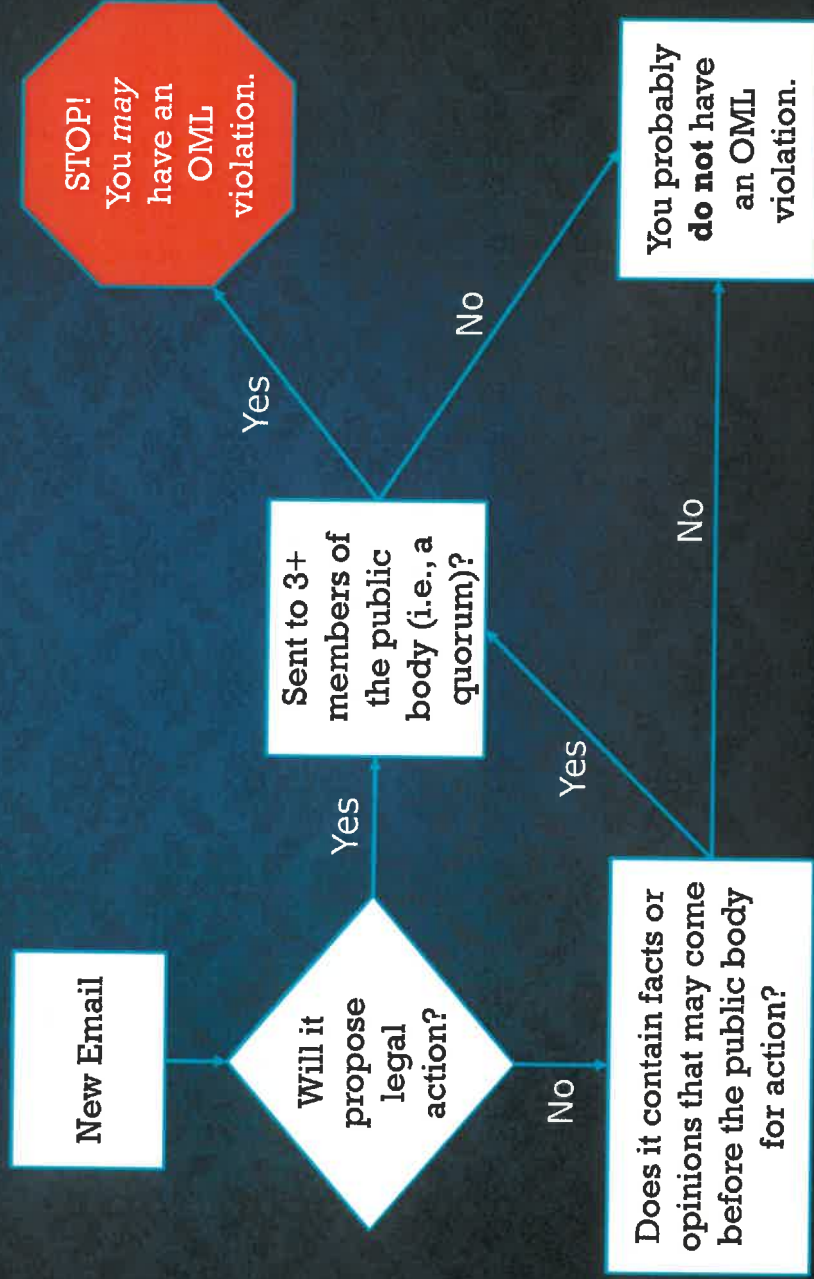
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## Open Meeting Law Pitfalls

Using "Reply All" and forwarding emails may lead to Open Meeting Law trouble.



# Open Meeting Law Pitfalls



You post comments about the public meeting on your private Facebook page—where you just happen to be “friends” with other members of your public body.

OML problems? Maybe.

## Open Meeting Law Pitfalls Social Media



## OPEN MEETING LAW: PITFALLS

You may express your opinion or discuss issues with the public personally, through the media, or through technological means, if:

- The opinion or discussion is not principally directed at or directly given to another member of the public body; *and*
- There is no concerted plan to engage in collective deliberation to take legal action.



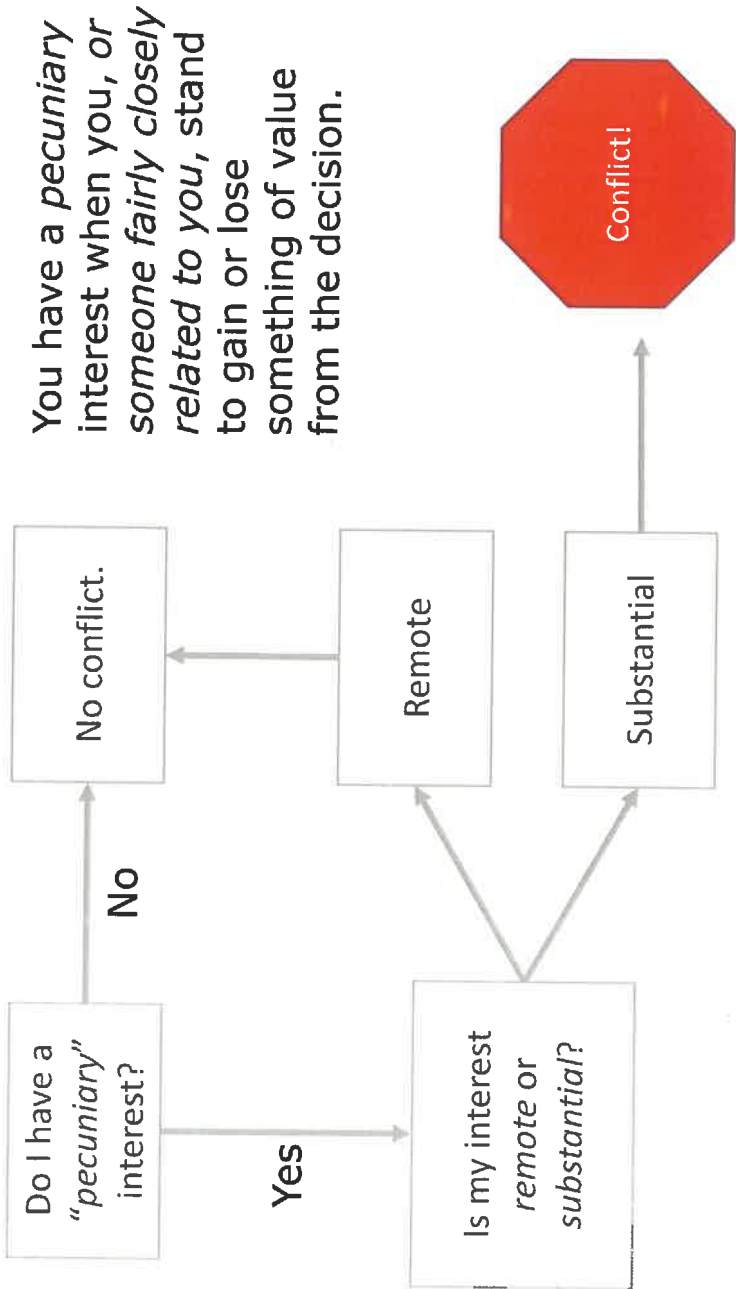
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# CONFLICTS OF INTEREST

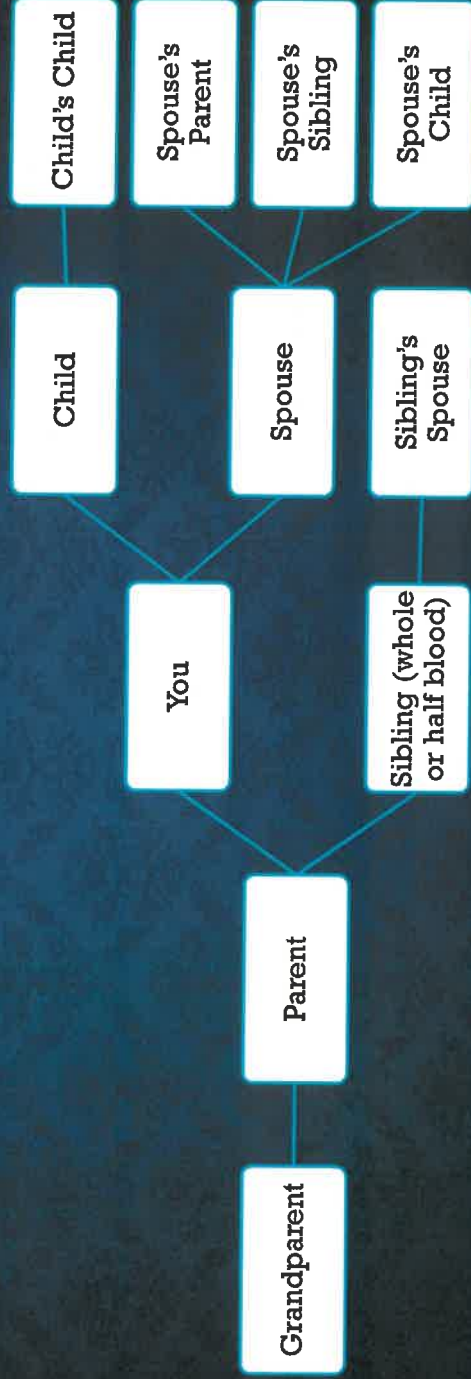




# Do I have a conflict of interest?



- **Conflicts of Interest**  
**Who are relatives?**



## CONFLICTS OF INTEREST

You have determined you have a substantial interest.

What should you do?

**Do:**

- ✓ Disclose your interest.
- ✓ Recuse yourself and refrain from participating in any manner in the decision or contract, including any discussion of the matter.
- ✓ If there is any question, get the opinion of the Town Attorney; it may help you avoid “reckless” or “negligent” conduct.

**Do not:** Ignore it and think it will go unnoticed!



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## CONFLICTS OF INTEREST

### Remember:

1. Analyze every matter coming before your public body to determine if you have a conflict of interest.
2. Make your determination prior to the meeting addressing the matter.
3. Follow the statutory mandates for disclosing your conflict of interest.
4. Refrain from any participation in any manner if you have a conflict.



**PART IV:  
BEST PRACTICES-  
RULES OF PROCEDURE,  
DECORUM & FINAL  
TAKEAWAYS**

## Best practices—role in legislative process

The planning commission is part of the city or town’s “legislative” process—gives recommendations on

- The general plan
  - Original adoption
  - Major amendments
  - Minor amendments
- Rezoning requests

## Best practices—role in subdivision process

The planning commission is also a part of the city or town's subdivision review process—gives recommendations on preliminary plats and/or final plats

- Remember: The commission **MUST** approve or recommend approval of any plat that meets the town's subdivision standards
- A conforming subdivision must be approved even if the commission dislikes the subdivision layout or design

# Best practices – serving on a public body

- Don't miss meetings
- Create a good public impression of your town
- Be on time
- Dress appropriately
- Don't mingle with the audience
- Avoid privately discussing a case
- Do your homework
- Don't signal how you'll vote
- Disqualify yourself for conflicts
- Be polite and impartial
- Be attentive
- Don't interrupt a presentation
- One speaker at a time
- Speakers should address the commission
- Respect the chair/be recognized to speak
- Don't be critical of staff doing their job
- Don't indulge in personalities
- Don't use your questions or comments to make anyone look like a fool



# Best practices – serving on a public body

- Don't get involved in arguments
- Be sure the public can see diagrams and maps
- Don't allow speaking from the audience
- Keep speakers at the podium
- Don't get involved in neighborhood quarrels
- Have a thick skin—don't hold grudges
- Be objective to weak & strong alike
- Don't try to fix a bad deal
- Give a reason for your decision
- Seriously consider staff recommendations
- Ask for staff help when necessary
- Don't answer technical questions
- Grant or deny the request—don't try to “split the baby”
- Vote by roll call
- Don't react to the outcome of a case
- Discourage postmortem remarks
- Delay the hearing if you need more information
- If you're always the odd person out, take a critical look at yourself
- Select a chair who can run the meeting well (not by seniority or rotation)

## Best practices—other considerations

- Deal with jurisdictional questions up front—if the required notice didn't happen, continue the case until it does
- Don't try to keep the Council from hearing a case by continuing it
- Know and follow Arizona laws that pertain to commissioners:
  - Open meeting law—properly noticed meetings; transparency; no private meetings of commission members
  - Conflicts of interest—if you have a financial or ownership interest, don't participate unless/until your city or town attorney determines it is a “remote” interest
- Public records—don't put anything about a case in an email or text that you'd be embarrassed to read on the front page of the paper

## Planning & Zoning Commission Training: Questions?



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