

Planning: Roles & Responsibilities

A DISCUSSION
REGARDING KEY
PLANNING
CONCEPTS & THE
RELATIONSHIP
BETWEEN COUNCIL
AND
COMMISSIONERS.

Presentation by
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Camp Verde Town Council
&
Planning & Zoning Commission
Joint Workshop

THE PLANNING PROCESS

The first part of the presentation will provide an overview of the planning process.

PLANNING & ZONING COMMISSION ROLE

The second part will focus on the roles of Planning and Zoning Commissioners exploring key items P&Z handles and recommendations to the Town Council.

TOWN COUNCIL ROLE

The third part will focus on Council's role in the planning process and tools Council can use to ensure quality development, including use of Development Agreements.

NEXT STEPS

General Plan Update.

Zoning Code Update.

Goals for the new Fiscal Year, Priorities, and Opportunities.

Keep in Mind Best Practices for Conducting Your Meetings!



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PLANNING ELEMENTS

PART ONE: ZONING REFRESHER.

What can the Town regulate?

Regulation of the use of buildings/land for different classifications of property through the creation of different zoning districts with different regulations.

Regulate height, setbacks, lots size, coverage, signs, and parking, etc.

Promote compatibility of adjacent uses.

See A.R.S. Section 9462 to -462.03.





HOW DOES A PROJECT GET STARTED IN THE TOWN?

Needs Assessment The Town has identified areas of need, for example, need to increase housing supply. The Town Council may consider how to encourage developers to meet these needs and developers may propose projects they think make sense for the Town.

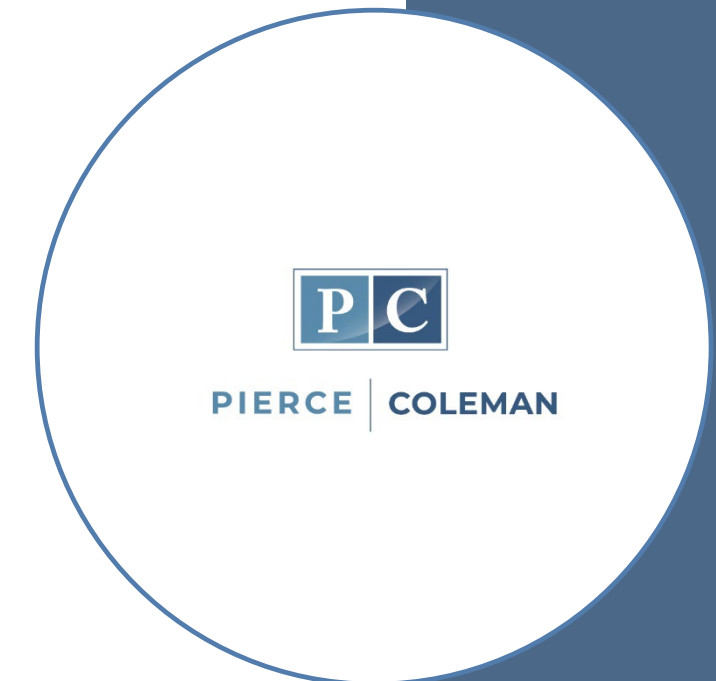
Developer Assessment. A developer may submit different types of applications to the Town, including general plan amendments, rezoning applications, text amendments to the Zoning Code, conditional use permits, and subdivision plats.

Application Submittal . Applications will be accepted by Community Development and processed to the Commission and Council (as appropriate). Staff review for completeness, handle fees, coordinate public notice, and may provide recommendations on the project/identify issues through the planning process.



PART TWO: PLANNING & ZONING COMMISSION ROLE.

- State Law: Planning and Zoning Commissions serve in an **advisory role**. See A.R.S. Section 9-462.02.
- 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).
- Sometimes Commissioners worry: *what does Council want?* Encourage Commission to move beyond those concerns. Council will review recommendation and choose how to proceed. Need independent review for good decision-making process. Also consider OML restrictions for both public bodies! Limitations on collaboration/polling members for feedback.



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.

Planning & Zoning Commission Role: General Plans

Review General Plan: Both when Adopting the General Plan and Considering Major or Minor Amendments to the 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 Role: General Plans

Hold Public Hearings for General Plan: Gather Feedback for Council to Consider in Adopting or Amending General Plan.

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 Role: General Plans

Make a Recommendation to Council: Provide Reasons for Recommendation to Help Council Make an Informed Decision.

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 Role: Zoning Code Text Amendments

ZONING CODE TEXT AMENDMENTS – Staff Duty

- Application submitted.
- Review for Completeness & Provide Substantive Comments.
- When complete, submit application to Planning & Zoning Commission for Public Hearing.
- Coordinate Public Notice.
 - Citizen Review.
 - Planning Commission.
 - Town Council Meeting.



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Planning & Zoning Commission Role: Zoning Code Text Amendments

ZONING CODE TEXT AMENDMENTS – Commission Duty

- Review Application.
- Provide Comments – Focus on Land Use Impacts.
- Conduct Public Hearing and Gather Feedback for Council to Consider.
- Remember: You know Camp Verde! Listen to Stakeholder Feedback. Provide Reasons for Your Recommendations for Council to Consider.



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DEVELOPER/ PLANNING DISCUSSIONS

Planning & Zoning Commission Role: REZONING APPLICATIONS

ZONING ORDINANCE MUST BE CONSISTENT WITH THE GENERAL PLAN. CONSIDER:

- Do we need a major or minor amendment to the general plan before approving the rezoning ordinance?
- Make a Recommendation to Council on approval, denial, and/ or approval of the rezoning request with conditions.
- Remember – Rezoning is a legislative act. There is more discretion to recommend approval or denial. But Commission should still be focused on land use impacts and items within the authority of the Commission to regulate. Staff and Council can further assess needs for Development Agreement, Building Code Issues, or other Needs if the project proceeds.

See A.R.S. Sections 9461.06 and 9-462.01.



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Planning & Zoning Commission Role: Conditional Use Permits

Local Code: Procedure for Conditional Use Permit

- Certain uses allowed in zoning districts with conditions.
- 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 Role: 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 Role: 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 Town's subdivision standards even if you dislike layout or design.



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PART THREE: COUNCIL ROLES IN THE PLANNING PROCESS.

Adopting Codes. The Town Council acts in a legislative capacity in adopting Camp Verde's Zoning Code (i.e., establishing the rules and regulations for land use development in the Town).

Reviewing Applications. The Town Council will review amendments to the Town's General Plan & Rezoning Ordinances. Council considers the Planning & Zoning Commission's Recommendations when Making Final Decisions on Applications.

Long-Range Planning. The Town Council will also be working with Staff, the Commission, and the Public on long-range planning goals and evaluation of opportunities in Updating the General Plan and Zoning Code. The Council has tools it can use for certain projects, including Development Agreements.





COUNCIL: AN INTRODUCTION TO DEVELOPMENT AGREEMENTS

Property. The property to be governed by the DA should be described with a legal description and a map. Prior to recordation, a title report should be obtained to confirm ownership of the property

Conditions. If the agreement will not be effective until other government agencies act or other conditions occur, those conditions should be set forth. Can also have “pre-annexation” development agreements.

Deal Points. Ensure key individuals are involved. This may involve Community Development, Engineering, Streets, Utilities, Legal, and other Stakeholders. Not a P&Z Commission duty – negotiation of a DA is led by Staff and Council, and can be used to address land use issues, as well as ensure needs of development are met.





PART ONE: AN INTRODUCTION TO DEVELOPMENT AGREEMENTS

Public Infrastructure. Depending on the project, may consider using a DA for dedication of a well, construction of a new lift station, or other improvements needed to service the development. Any financing arrangements for public infrastructure or repayment by the Town should be set forth.

Prohibited Uses. Even if the applicable zoning on the property would permit a use, a property owner may agree to limit uses on the property. This can be used to address neighborhood opposition to specific uses.

Dedications. If land will be dedicated to the Town that should be set forth in the DA to avoid dispute.

Design Standards. The DA may refer to construction or design standards and if specific design issues are crucial to the deal they may be included in the DA for more local control over how the project will proceed.



Best practices – serving on a public body

- Don't miss meetings
- Be on time
- Be polite, impartial, and attentive
- Take one speaker at a time
- Don't interrupt a presentation
- Speakers should address the commission/council
- Respect the chair/be recognized to speak
- Avoid privately discussing a case – public's business to occur in public
- Don't get involved in arguments, or take sides in neighborhood disputes
- Have a thick skin and don't hold grudges
- Ask for staff help when necessary
- Consider staff recommendations
- Don't answer technical questions – keep in mind your role and expertise
- Create a clear record for your voting
- Give a reason for your decision
- Delay the hearing if you need more information
- Don't react to the outcome of a case or be critical of staff doing their job
- Know Arizona laws that pertain to Public Bodies, including the OML, Conflicts or Interests Law, and Public Records – ask if you have questions!



NEXT STEPS

1. WORK THROUGH GENERAL PLAN AND ZONING CODE.
2. IDENTIFY GOALS AND PRIORITIES.
3. REMEMBER BEST PRACTICES FOR SERVING ON A PUBLIC BODY!

QUESTIONS?