

ORDINANCE NO. 99-A149

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, MAKING PROCEDURAL CHANGES TO THE ZONING ORDINANCE OF THE TOWN (87-A23)

WHEREAS, the Town adopted its zoning ordinance on July 9, 1987, as Ordinance 87-A23, and has made periodic amendments, and

WHEREAS, the Growing Smarter Act (GSA) adopted by the State Legislature in 1998 (HB 2361) has made certain procedural changes to the zoning amendment process and general plan, and

WHEREAS, it would be in the best interests of the Town to clarify which procedural requirements of GSA are to be applied until the Town re-adopts the General Plan to comply with GSA, and

WHEREAS, there has been some confusion over what constitutes a written recommendation to the Town Council from the Planning & Zoning Commission after a public hearing as required under ARS 9-462.04.B,

NOW, THEREFORE, be it ordained by the Common Council of the Town of Camp Verde:

- 1. Adoption of GSA Procedures.** The Town hereby adopts the newly enacted procedures for zoning and general plan amendments required by the Growing Smarter Act (GSA), including the super-majority (2/3) vote requirement for all major general plan amendments, as well as the notice, advertising, agency contact, and public participation provisions, applicable to all zoning, rezoning, special and conditional use permits, and general plan changes, additions, deletions, or amendments, applied for on or after the effective date of this ordinance. Detailed procedures herein have been adopted as Exhibit A to Resolution 99-430. Pursuant to the resolution, changes to the new GSA procedures shall be done only by super-majority (2/3) vote of the Council.
- 2. Commission Written Recommendations.** If a zoning matter has been properly brought before the Planning & Zoning Commission, so that there are no procedural errors, including compliance with GSA as set forth above, and the application is complete, a failure of the application to receive a majority favorable vote shall be deemed to be a recommendation for disapproval to the Council. The staff recommendations, along with the actions taken and discussion of the Commission, shall be forwarded to the Council without tabling or continuation of the item, unless requested in writing in advance of the meeting by the applicant.

Passed and adopted this 10th day of November, 1999.

Barbara Miller, Mayor:

Barbara Miller

Attest:

Dillard

Town Clerk

Approved as to form:

Paul A. Lawrence

Town Attorney

Publish: 11/24 and 12/1

RESOLUTION 99-430

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ESTABLISHING GENERAL PLAN AMENDMENT PROCEDURES

WHEREAS, the Town adopted its general plan on September 23, 1998, as set forth in Resolution 98-406, and

WHEREAS, it would be in the best interest of the public, staff, and council members to establish application and hearing procedures to be followed under the amendments to the zoning and general plan statutes adopted by the State Legislature in the "Growing Smarter Act" (HB 2361)(1998), and

WHEREAS, it will require amendment of Ordinance 86-A23, the Town zoning ordinance, to enact these new procedures, which will not become effective by law for 30 days after notice and publication,

**NOW THEREFORE THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CAMP VERDE RESOLVE AS FOLLOWS:**

1. That the Town hereby adopts the newly enacted procedures for zoning and general plan amendments required by the Growing Smarter Act (GSA), including the super-majority (2/3 vote) requirement for major amendments, as well as the notice, advertising, agency contact and public participation requirements, by ordinance, applicable to all zoning, rezoning, special and conditional use permits, and general plan changes, additions, deletions, or amendments, applied for on or after the effective date of the ordinance amending Ordinance 86-A23. The specific procedures are attached hereto and incorporated herein as Exhibit A.
2. That the Town not accept any new applications for the above zoning and general plan actions until the effective date of the amending ordinance, to avoid duplication of administrative procedures.
3. That changes to the new GSA procedures adopted in this resolution shall be done only by super-majority (2/3) vote of the Council.

PASSED AND APPROVED by majority vote of the Common Council at
a special meeting of November 10, 1999:

Barbara Miller Barbara Miller, Mayor

Attest:

D Bullard
Dane Bullard, Town Clerk

Approved as to form:
Ronald C. Ramsey
Ronald C. Ramsey, Town Attorney

Town Council and Staff
11-8-99

PROCEDURE FOR AMENDING THE CAMP VERDE GENERAL PLAN

GENERAL PLAN: The current document was adopted September 23, 1998. It provides a vision for the community that provides for future development, including infrastructure, both public and private, as well as land use development guidelines. It is designed to strongly guide public policy through a series of goals, objectives, and strategies. It also provides a land use map to be used as a reference for long range planning. It must be reviewed every 5 years. Because of the importance of this document, amendments can only be made after thorough public review and in compliance with these procedures.

PUBLIC PARTICIPATION PROCESS

Prior to the adoption of any amendment to the General Plan, the following procedure for notification will be followed to solicit as much public participation as possible:

1. Legal notices will be posted at Basha's, the post office, and at Town Hall.
2. Sites directly affected by the amendment will be posted with signs.
3. Legal notices will be placed in the Journal, and the Bugle.
4. Public service announcements will be given to local radio, and television stations.
5. All announcements will ask the public for written comments to be delivered to the Community Development Department.
6. All review material will be available to the public at the Community Development Department.
7. All Public comments will be included in the review material for consideration by the Planning and Zoning Commission, and the Town Council.
8. The Planning & Zoning Commission will hold at least one public hearing before approving a general plan amendment. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen and not more than thirty calendar days before the hearing. Action by the P & Z Commission shall be transmitted to the Town Council for their consideration.
9. Before adopting any amendment to the general plan, the Town Council shall hold at least one public hearing. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning and Zoning Commission as specified above in #8 above.

AGENCY REVIEW

All information regarding ANY amendments to the Camp Verde General Plan shall be sent to the following agencies at least sixty days prior to the adoption of any amendment to the General Plan:

1. Town of Camp Verde Town Council.
2. Yavapai County Planning and Zoning
3. Northern Arizona Council of Governments
4. Arizona Department of Commerce

5. City of Cottonwood
6. Any other agency that requests the information
7. Any other person that requests the information. Requests must be made in writing to the Community Development Department, and must include address and phone number. These people shall be contacted by the Community Development Department when amendments are available. Applicable copy fees will apply.

The following agencies will also be notified of any major amendments impacting the whole community such as annexation, or the creation of new elements to the General Plan.

1. Arizona Public Service
2. Camp Verde School District
3. Camp Verde Chamber of Commerce
4. Camp Verde Water
5. Verde Lakes Water
6. Citizens Utilities
7. U.S. West
8. Camp Verde Historical Society
9. Yavapai Apache Nation
10. Arizona State Land Department
11. US Forest Service Coconino, and Prescott
12. All local ditch companies
13. Camp Verde Fire
14. Yavapai County Flood Control
15. Yavapai County Environmental Services
16. Yavapai County Public Works
17. Yavapai County Health Department
18. Verde Watershed Association
19. U.S. Fish and Wildlife Service
20. Verde Valley Transportation Planning Organization
21. Arizona Game and Fish Department
22. Arizona Department of Transportation

WHEN TO AMEND

All zoning and rezoning ordinances and regulations shall be consistent with and conform to the adopted Camp Verde General Plan. In the case of uncertainty in determining the conformity of any part of a proposed rezoning ordinance, any interpretation shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the general plan. A rezoning ordinance conforms with the land use element of the general plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the general plan. Any proposal that does not meet the above standards shall require a general plan amendment.

In addition, Council, P & Z, and staff may elect to amend the general plan to meet the changing needs of the community as well as to comply with applicable state and/or federal regulations.

ADOPTION BY COUNCIL

The readoption of the general plan or any amendment to such plan shall be by resolution of the Camp Verde Town Council, after notice as provided for in these procedures. The readoption of the general plan, or a major amendment to the general plan, shall be approved by affirmative vote of at least two-thirds of the members of the Council. The general plan, or any amendment to the plan, shall be endorsed in the manner provided by the Council to show that it has been adopted by the Council. For purposes of this paragraph, "major amendment" means any of the following:

1. A change of land use designation on the plan that:
 - (a) Increases the intensity of use on the property.
 - (b) Decreases the intensity of use on the property at the initiative of the governing body or zoning body.
2. Deletion of a requirement for the reservation or dedication of land for public purposes, except for minor boundary adjustments or street alignments.
3. Establishment of a new, or deletion of a planned, freeway, expressway, parkway or limited access arterial street shown on the general plan.

WHO CAN ASK FOR AN AMENDMENT

1. Town staff initiated amendments, staff must notify property owners within the affected area upon initiation of the amendment process.
2. Amendments initiated by private parties, private parties and land owners must submit Written documentation of authorization of 75 percent of the landowners in the area to be amended.
3. Any Camp Verde Town Council member or member of the Camp Verde Planning and Zoning Commission.

HOW AMENDMENTS ARE FILED

Request for amendments shall be submitted to Community Development staff and be scheduled along with regular Planning and Zoning hearings. The following materials shall be submitted to staff.

1. A signed letter of intent containing a narrative describing the proposed amendment.
2. The property owners written authorization
3. Graphic depiction of the proposed land use amendment
4. Property ownership map, list of property owners, letters addressed to all property owners within 300 feet of the proposed amended area

5. Explanation of how the request fits proposed development patterns, timing of the land use, proposal, comparison to existing map and test, and benefits to the public
6. Written analysis for the request, including but not limited to:
 - A. Detailed description of proposed amendment.
 - B. Impact on public infrastructure.
 - C. Relationship to other adopted planning documents.
 - D. Anticipated impact on area transportation (impact analysis).
 - E. Unique characteristics of the proposal, such as impacts on the environment or water resources.

RELATION TO ZONING REQUEST

Amendments and zoning map changes may be filed simultaneously but the applications will be analyzed independently and may require distinct action, and consideration by the Commission and Council.

PUBLIC NOTIFICATION PROCESS

General Plan amendments will be subject to two public hearings, one by the Planning and Zoning Commission, and one by the Town Council. Staff will be responsible for posting legal notices in local papers, public places, and property. Staff will also notify neighboring jurisdictions, Department of Commerce, and will by mail notify neighboring property owners within 300 ft. of the affected area. The General Plan amendment process will take a minimum of 90 days.

BASIS FOR CONSIDERATION

While evaluating an amendment request the Council and Commission should consider the following.

1. Does the proposed amendment further the goals and policies of the general plan?
2. Does the proposed amendment meet the changing needs of the community?
3. Does the proposed amendment comply with existing state and federal law?
4. Is the amendment required because the land use map does not provide alternative areas for the uses proposed?
5. Is the proposed amendment an improvement to the General Plan?
6. Does the amendment benefit the entire community as opposed to a particular party in response to short term development opportunities?
7. Is the amendment justified by similar development in the area?
8. Will the community not be adversely affected by:
 - A. Altering accepted land use patterns.
 - B. Requiring unscheduled infrastructure improvements.
 - C. Creating increased traffic on adjacent roadways.
 - D. Incompatibility with existing and anticipated neighboring land uses
9. Is the proposal compatible with the intent of the General Plan?

It is the responsibility of the applicant to prove that the proposed amendment meets the above criteria, and it is not the burden of the Town to justify denial.

RECORD OF AMENDMENT

Approval will be by Council resolution after all required public hearings. All documentation will be maintained by the Community Development Department.

APPEAL PROCESS

Any applicant wishing to appeal any decision of the Community Development Director as to whether an amendment is required or regarding application requirements, may do so in writing to the Community Development Department. There is no fee for the appeal, which will be heard by the Camp Verde Town Council within sixty days. Should the applicant be successful upon appeal, then the complete procedures outlined in this document must still be followed.