

**MINUTES  
TOWN OF QUARTZSITE  
WORK SESSION OF THE COMMON COUNCIL  
AND PLANNING AND ZONING COMMISSION  
TUESDAY, MARCH 19, 2013 3:45 PM**

**CALL TO ORDER:**

3:46 PM by Mayor Foster

**INVOCATION:**

None

**PLEDGE OF ALLEGIANCE:**

Vice Mayor Jewitt led the pledge of allegiance

**ROLL CALL:**

Present: Mayor Foster, Vice Mayor Jewitt, Council Member Anderson, Council Member Kelley, Council Member Crooks, Council Member Workman, Council Member Orgeron.

**APPROVAL/AMENDMENT OF AGENDA:**

Motion: Motion to approve agenda as written. Action: Approve, Moved by Vice Mayor Jewitt, Seconded by Council Member Anderson. Motion passed unanimously.

**RECESS**

3:47 PM Council took short recess to wait for Planning & Zoning Commission to come to order.

**RECONVENE**

3:56 PM Council reconvened.

**CALL TO ORDER of the Planning and Zoning Commission:**

3:59 PM by Commissioner Murphy

**P&Z ROLL CALL:**

Present: Commissioner Jim Murphy, Commissioner Dennis Kuehl, Commissioner Jesse Hearne, Commissioner Norm Simpson.

Norm Simpson moved to adjourn to a work session and Dennis Kuehl seconded the motion. Call for the vote. All ayes.

Mark Goldberg reviewed his qualifications to conduct the work session.

Review of the last session: zoning is there to protect the public health, safety and welfare of the community. It is enabled by state and federal law that basically says that you have the right to regulate on behalf of your citizens and adopt legislation that does regulate land use and protect the public health, safety and welfare.

All the provisions in the code are basically based on something that happened in some point in time. There is a reason for setbacks; there is a reason for height limitations, etc. Basically everything in the code has a purpose.

There are two pieces to zoning. There is a zoning map that puts it on the ground and says where everything is and there is a book that has all the standards for zoning, such as the height regulations and development standards within it.

FOCUS OF TODAY'S PRESENTATION: What do planning and zoning boards and commissions do; what are the tools; what are the boards' and commissions' charges?

Topics for today are Zone Changes and Amendments; Special Use Permits: Conditional Use Permits and Variances are the two key ones. Also, there will be some discussion of conditions of approval because both of the conditional use permits and the variances involve conditions of approval.

Mark asked for questions, the Mayor asked about Prop. 207 enacted in 2006.

One of the key things that will hold up decisions are findings. We are doing this based on these facts..... The more you make findings in fact, the less you are going to be challenged in court.

Development Procedure Ordinance – Review of the function of local boards. Basically the city council adopts the ordinances and laws for the city through the public hearing process where there are public hearings, both at the planning commission level and at the city council, in order to get those laws in place. Once the laws are in place, it really becomes an administrative issue.

The applicant has the right of appeal on a denial. The denial must be based on code.

Codes can be amended. There are two different kinds of changes. One is in the boundaries on the zoning map where you change the zone on a particular property or an area. The second is changing the standards within the written book. The procedure is the same for both, entailing a public hearing and public notice and so forth.

Mark suggested that a findings requirement for an amendment to the code or a zone change on a particular parcel, be added to the ordinance.

Special use permits: conditional use permits and variances. THESE RUN WITH THE LAND and are not personal to an applicant. As a land use issue, it must operate in conjunction with the conditions. It is granted in perpetuity as long as they comply with the conditions. Make sure your conditions are enforced and periodically go back and check to be sure conforming.

Land uses permitted within a zoning district are listed in zoning code.

A variance does not change the zoning; so it cannot permit uses other than those already allowed under the existing zoning. Variances are based on the physical constraints of the land. They are used when there is something physical about the property, not the owner's fault, causing hardship or preventing the owner from having the same privileges as others in the same zone.

The findings whether the application is granted or denied, list substantiated reasons for the decision. Variances do not set precedents.

A request for a variance cannot be granted based on self-imposed conditions- don't use variances to grant special privileges.

At some point in time the Town may wish to examine the neighborhoods and have them come into compliance within a reasonable length of time in which to do it.

Assess what you have in the whole neighborhood and make a plan to bring it into compliance. The Town may wish to permit en masse as long as it does not adversely affect the health, safety and welfare.

An essential key is to have procedures that you can follow, in place before anyone walks in the door.

The process would normally go as follows: Applicant files an application with staff, pays fee and staff prepares a staff report considering what the general plan says and whether or not it meets the conditions of the zoning. Staff will be sure it also development standards such as setbacks and parking. All applicable departments should look at it and decide if it meets their codes. Then the staff makes its findings and lists them. They will look at the site and analyze it, scrutinize every point of the ordinance. This is done for every single condition.

Once staff has done its job, the matter goes to public hearing. Staff can recommend list of conditions to make it compatible with the neighborhood. The public hearing will let the applicant speak.

Everyone expresses their views, including the public.

After the public hearing it goes before the planning & zoning commission.

The commission must weigh what the public has said, what staff has said and reviewed the findings one by one. The commission will make its decision and this goes before the council as a recommendation.

Administrators and commissioners are here to worry about the health, safety and welfare of the public.

**ADJOURNMENT:**

The Mayor adjourned the council work session at 5:27 PM.

Commissioner Jim Murphy adjourned the Planning and Zoning work session at 5:28 PM.

**CERTIFICATION:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of March 19, 2013, of the Town Council and Planning and Zoning Commission of Quartzsite, Arizona.

I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 26<sup>th</sup> day of March, 2013

  
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Terry Frausto, Town Clerk

On behalf of the Common Council

Approved:

  
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Ed Foster, Mayor