

The Yuma County Planning and Zoning Subcommittee met in a regular session on November 29, 2018. The meeting was held in the Aldrich Hall at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 2:10 p.m. Maggie Castro, Planning Director convened the Planning and Zoning Subcommittee meeting. Members present were: Maggie Castro, Planning Director; Barry Olsen, Attorney, public representative; Danny Bryant, PZ Commission Member and Ron Rice, PZ Commission Member. Members absent were: Wayne Eide, PZ Commission Member. Others present were DDS Director Craig Sellers, Chief Building and Fire Code Official Pat Headington; Deputy County Attorney Amanda Mahon; and PZ Commission Admin Specialist Amber Jardine.

ITEM No. 2: Approval of the Planning and Zoning Subcommittee regular meeting minutes of September 27, 2018.

MOTION (BRYANT/OLSEN) Approve as presented.

ROLL CALL VOTE: Bryant - AYE; Olsen - AYE; Castro – AYE; Rice - AYE. The motion carried 4-0.

ITEM No. 3: Presentation of Draft Comprehensive Permitting and Enforcement Policy.

Craig Sellers, DDS Director, reviewed the draft Comprehensive Permitting and Enforcement Policy.

The subcommittee discussed anonymous zoning violation complaints.

Maggie Castro, AICP, Planning Director concluded that the wording in Section 1209.01 would be presented to the Planning and Zoning Commission as written.

Commissioner Bryant inquired about the Qualified Professional Certification section in the draft Comprehensive Permitting and Enforcement policy.

Craig Sellers, DDS Director, stated staff would need to review what is allowable within statute. He explained some improvements would need to be inspected by specific professionals.

Chief Building Code and Fire Code Official Pat Headington explained the language in the draft policy was not complete. Staff are discussing the ability to have an approved third party provide the Department of Development Services documentation or evidence that a structure is in compliance.

Subcommittee members reviewed Appendix D-denial letters in the Comprehensive Permitting and Enforcement Policy. They discussed the reasons that permits are denied and utilizing the permit resubmittal process staff would continue to work towards compliance.

Commissioner Rice inquired about the updates to the Building Codes.

Chief Building Code and Fire Code Official Pat Headington stated updates on the building codes have been approximately every six years. He explained that he is in the process of adopting the 2018 Building Code and would be presenting the new codes to the Board of Supervisors.

ITEM No. 4: Presentation of Draft Unsafe Conditions.

Chief Building Code and Fire Code Official Pat Headington reviewed the draft Unsafe Conditions Policy. He stated the conditions within the policy were abstracted from various code sections, particularly the International Property Maintenance Code. The policy would be a guideline for staff.

ITEM No. 5: Discussion concerning possible text amendments to the Yuma County Zoning Ordinance, Section 306.03—Certificate of Exemption, Section 309.00, Section 401.01—Application for Amendment or Change, Section 1201.00—Permits, Section 1201.01—Zoning Inspector, Arizona Revised Statutes, Title 11, Chapter 6, Article 2, Permits, Section 1208.00—Withholding of Permits, Section 1209.01—Commencement of Action and Notice of Hearing

Maggie Castro, AICP, Planning Director stated the memo containing the proposed changes has been updated based on the comments received at the prior PZ Subcommittee Meeting. She reviewed the proposed changes with the subcommittee members.

1201.00(D)

Maggie Castro, AICP, Planning Director, stated Mr. Headington suggested replacing the word “threatens” to “imminent danger”.

Chief Building Code and Fire Code Official Pat Headington inquired about how to define materially threatens. He suggested the proposed language to be consistent with the Comprehensive Permitting and Enforcement Policy.

Subcommittee Members agreed and replaced the words “threatens” and “threat” to “imminent danger” in section 1201.00(D).

1209.01

Maggie Castro, AICP, Planning Director, inquired if 1209.01(A) would need to be updated with the terminology that is in section 1201.00(D).

Subcommittee Members discussed the proposed language in 1209.01(A).

Subcommittee Members suggested changing section 1209.01(A) to the following:

- A. Every action brought before the Hearing Officer for any violation of the Yuma County Zoning Ordinance shall be initiated by a complaint with the Hearing Officer by the Zoning Inspector. **A complaint shall only be initiated upon: i) a signed written complaint submitted to the Zoning Inspector by a member of the public identifying the complete name of such person; or ii) the Zoning Inspector's own visual discovery of a Zoning Ordinance violation constituting an imminent danger. Alleged violations are to be independently verified by the Zoning Inspector.** Whenever the Zoning Inspector files a complaint with the Hearing Officer, a hearing shall be held after serving notice of the hearing on the alleged violator.

Amanda Mahon, Deputy County Attorney, stated the language in 1209.01(A) does not comply with State Statute.

Maggie Castro, AICP, Planning Director, stated the proposed language would be forwarded to the Planning and Zoning Commission and legal counsel would submit their advice separately.

1209.05(J)

Subcommittee Members discussed the proposed language in 1209.05(J) and agreed to proceed with moving the proposed language to the Planning and Zoning Commission.

1201.01(B)

Subcommittee Members discussed the proposed language in section 1201.01(B). Subcommittee Members agreed with the following proposed language:

- A. **No permit is required for repairs or improvements of a value not exceeding five hundred (500) dollars.**
- B. **The work does not involve an unpermitted detached structure that is not part of the proposed work.**
- C. **The work does not involve prior work on the same structure by a prior owner and such work is not an imminent danger to the public health and safety.**
- D. **For any work done prior to 1998 where the County is unable to locate a permit, the presumption will be such work was originally permitted by the County, unless the County can establish otherwise.**

Maggie Castro, AICP, Planning Director, stated she would send the updated proposed language to Subcommittee Members prior to the next meeting.

Subcommittee Members agreed to hold a meeting on January 17, 2019.

Maggie Castro, AICP, Planning Director, advised Subcommittee Members that she sent a survey to other counties in regards to extending their notification boundaries when necessary. Santa Cruz County and Maricopa County do not extend their notification range. Navajo County, Pima County, and Coconino County have extended their notification boundaries when necessary. She stated staff would stop sending notifications past the 300 foot radius until a formal decision has been made.

MOTION (BRYANT/RICE) Continue the discussion concerning possible text amendments to the Yuma County Zoning Ordinance.

ROLL CALL VOTE: Bryant - AYE; Olsen - AYE; Castro – AYE; Rice - AYE. The motion carried 4-0.

There being no further business to come before the Planning and Zoning Subcommittee the meeting was adjourned at 3:46 p.m.

Approved and accepted on this 17th day of January 2019.



Maggie Castro, AICP, Planning Director