



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
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Harold Aldrich
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MEMORANDUM

TO: John White, Chief Civil Deputy County Attorney

FROM: Monty M. Stansbury, Planning Director *[Signature]*

RE: The NEW A.R.S. 11-829 and its impact on actions by the Board

DATE: September 10, 1998

Attached for your review is an important portion of the new statutory language that became effective as of August 21, 1998.

The question has been posed on several fronts about the affect this new statute has on local regulations and plans that are only slightly or totally incompatible. The belief and hope that I've been working under was that the **GROWING SMARTER INITIATIVE** would inherently provide a means for **ALL** jurisdictions; smaller, sophisticated, behind, in-front, slow and fast, to be ready for the new millennium based upon the law's requirement within the legislation to have a compliant comprehensive plan (inclusive of regulations) adopted by December 31, 2001. But every source, including the "author" and legal-beagles from the national office of the American Planning Association, says **NO**. It takes effect **NOW**.

So my question is this, unless you were to provide a contradictory opinion, that or any opinion by the way has not been rendered from within the bowels of our own AG's office, we could be in for some tussles. Based upon the notion that the new language requires compliance with the plan and there are upcoming actions that may be taken by the Board on rezonings that are not compliant with the plan.....what do we do? Secondly, we have no process to "automatically" amend the Plan based upon a change in zoning that differs substantively with its guidance, policy and/or goals. Do you have a recommendation for this issue?

Both of these will come to play at the September 21st, 1998 Board hearings that are scheduled for the afternoon session.

I hope I'm just being overly pessimistic. I look forward to hearing from you.

cc: W. Hill, H. Aldrich, W. Israel, Planning Division
M091098jw

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