



MOHAVE COUNTY DEVELOPMENT SERVICES

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MEMORANDUM

TO: Mike Hendrix, Deputy County Manager

FROM: Nick Hont, Director

DATE: June 13, 2012

RE: Considerations and Recommendations for the Transition of Planning and Zoning Commission and Board of Adjustments

Planning and Zoning Commission

Beginning January 1, 2013, Mohave County will have a five-member Board of Supervisors. Under Arizona Statutes, the Planning and Zoning Commission will need to change in three fundamental ways:

- There will be ten Commission members, two from each district, instead of nine.
- Each Board member will appoint two commissioners from their district.
- For five member Boards, there is no statutory requirement for how many of the commissioners can be from incorporated cities.

The Statutes

A.R.S. 11-802 gives counties guidance for the Planning and Zoning Commission. A.R.S. 11-802.D specifically covers commissions in counties with five member Boards:

"... in the counties having five supervisorial districts, each county planning and zoning commission shall consist of ten members who shall be qualified electors of the county. Two members shall be appointed from each supervisorial district by the supervisor from that district. Members shall be residents of the district from which they are appointed. Members of the Commission shall serve without compensation except for reasonable travel expenses."

State Statute also gives guidance for transitioning the commission from nine members to ten members. A.R.S. 11-802.H states:

"On a conversion from three to five supervisorial districts pursuant to section 11-212, the board of supervisors, on expiration of the terms of members of the commission serving on the date of the conversion, shall make those appointments to fill the vacancies to conform to subsection D of this section as soon as is practicable."

Changes to the Commission

According to state statutes, it appears that current commissioners would continue in their positions until their term expires and then a new commissioner, complying with A.R.S. 11-802.D, would be appointed. A tenth commissioner would also need to be appointed by one of the Board members. I see several practical issues with this scheme:

- Historically, it has been the practice of new Board members to meet with each sitting commissioner and discuss their future on the commission. In some cases, the Board member has asked the commissioner to resign. I expect this practice to continue.
- It is questionable whether a member of the Board will be willing to tolerate a commissioner who does not reside in their district, particularly if that commissioner supported an opponent or voiced a philosophy contrary to the supervisor's during the election.
- According to A.R.S. 11-802, the Board may remove members of the Commission for cause.

Recommended Plan of Action:

- In early to mid-November, inform each member of the Board in writing of which seated commissioners reside in their district and the length of their term remaining. Inform them of state statute and historic practices.
- Arrange to meet with the elected board members in December and discuss their plans for their commission seats with them. Discuss which commissioners they plan to ask to remain and which they plan to ask to resign.
- At the Board's meeting in January, there should be sufficient appointment items on the agenda to insure that a quorum of seated commissioners is available for the Commission's January meeting. The January Commission meeting should consist of training and orientation.
- Since the Commission will consist of ten members, there is a significantly greater chance of a tie vote. We should review the Commission's bylaws to insure that the bylaws are clearly understood and applied.
- For consideration, the list of current commissioners and their current and future districts are attached as Exhibit A.

Board of Adjustment

The Boards of Adjustments are quasi-judicial boards that hear requests for relief from the zoning ordinance, hear appeals of department decisions regarding the zoning ordinance, and decide on interpretations of that ordinance. According to State Statute, the Board of Supervisors may create one Board of Adjustment that has jurisdiction countywide or one Board of Adjustment for *each* supervisorial district. At present, Mohave County has three Boards of Adjustment – one for each district.

State Statute

A.R.S. 11-816 provides guidance for the Boards of Adjustment. That statute reads:

“There shall be one or more boards of adjustment in each county. The board of supervisors may establish one board of adjustment that has jurisdiction countywide and that is composed of one member who is a resident of each supervisorial district or one board of adjustment in each supervisorial district that has jurisdiction in that supervisorial district and that is composed of not less than three nor more than five members, each of whom is a resident of that supervisorial district. The members of each board shall be appointed for staggered terms of four years each.”

Changes to the Boards of Adjustment

Mohave County presently has three boards of adjustment. By January, or as soon as practical after the first of the year, Mohave County should decide whether to create one board of adjustment having jurisdiction countywide, or create five boards of adjustments for each supervisorial district. Either scenario will create the need to amend Section 30 of the Zoning Ordinance.

Due to the logistics in staffing five boards of adjustments during a hiring freeze, the Planning and Zoning Division recommends amending the ordinance such that one board of adjustment has jurisdiction countywide.

Recommended Action Plan

There are two options available to the Department. Which option should be pursued depends on whether we believe the current Board is willing to make such a substantial change prior to January.

- Prepare an amendment to Section 30 of the Zoning Ordinance creating one board of adjustment and place it before the current Board of Supervisors in October.
- Prepare that amendment and place it before the Board of Supervisors in January so that it is considered by the new Board.
- Regardless of the scenario, bylaws will need to be adopted by each Board(s) of Adjustment.
- Schedule training session for the Board members once they are appointed.

EXHIBIT "A"

PLANNING & ZONING COMMISSION

NAME	CURRENT DISTRICT	NEW DISTRICT
Jack Pozenel	District 1	District 4
H. Peter Kaleta	District 1	District 1
Vacant	District 1	
Mehdi Azarmi	District 2	District 5
Joseph Morabito	District 2	District 5
Krystal Symonds	District 2	District 4
Carl Flusche	District 3	District 3
Robert Keller	District 3	District 5
Vacant	District 3	

BOARDS OF ADJUSTMENT

NAME	CURRENT DISTRICT	NEW DISTRICT
Margaret Foote	District 1	District 1
Dustin Lewis	District 1	District 4
Daniel Del Monaco	District 1	District 1
Mel Sorensen	District 2	District 5
Mel Price	District 2	District 5
Roger Wolford	District 2	District 5
James Mabery	District 3	District 5
Micheal Daley	District 3	District 3
Don Donahue	District 3	District 5