APPROVED

# MINUTES OF THE ZONING, INFRASTRUCTURE, POLICY, PROCEDURE AND ORDINANCE REVIEW (ZIPPOR) COMMITTEE OF THE PLANNING AND ZONING COMMISSION

April 25, 2013
9:30 a.m.

Planning and Development Department
501 N. 44th Street, Platinum Conference Room
Phoenix, Arizona

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**MEMBERS PRESENT:**

Mr. Michael Deutsch, Chairman
Mr. Jerry Aster
Mr. Bruce Burrows
Mr. B.J. Copeland
Mr. Broc Hiatt
Mr. Dick Smith

**MEMBERS ABSENT:**

Mr. Jason Barney
Mr. Murray Johnson
Mr. Jimmie Munoz
Mr. Mark Pugmire

**STAFF PRESENT:**

Ms. Debra Stark, Director
Mr. Darren Gerard, Deputy Director
Ms. Lynn Favour, Deputy Director
Ms. Terri Hogan, Current Planning Supervisor
Michael Norris, Drainage Engineer Manager
Ms. Rachel Applegate, Planner
Ms. Patty Zaricor, Planner
Mr. Robert Kuhfuss, Solar Program Manager
Ms. Marsha Spencer, Commission Secretary

**COUNTY AGENCIES:**

Mr. Wayne Peck, County Counsel
Mr. Marc Allen, Environmental Services
Mr. Gerald Toscano, MCDOT
Ms. Suzanne Gray, Office of Deputy County Manager Joy Rich

**UNFISNISHED BUSINESS:** **None**

**NEW BUSINESS:** **Z2013029, TA2012011, TA2012012, TA2012015, TA2012016, TA2012033, TA2013001, TA2013002, TA2013003**

Chairman Deutsch called the meeting to order at 9:31 a.m. He asked those wishing to speak to fill out a speaker card. He welcomed Mr. Copeland, the newest Commissioner from District 4, and put on the record condolences for former Planning & Zoning Commissioner Bob Jones, who passed away.

**Zoning: Z2013029** **District 2**

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| Applicant: | Staff |
| Location: | West side of 144th St. between Dixileta Dr. and Lone Mountain Rd. (in the Rio Verde Foothills area) |
| Request: | Zone Change from Rural-43 to Rural-43 RUPD (addition of a Residential Unit Plan of Development Overlay Zoning District) – Granite Mountain Ranch Units 1 & 2. |

Darren Gerard, Deputy Planning Director, presented the above item. This is a Residential Unit Plan of Development (RUPD) Overlay Zoning District to be applied to Granite Mountain Ranch Units 1 and 2. These are subdivision plats on the west side of 144th Street between Dixileta Drive and Lone Mountain Road in the Rio Verde Foothills area and cover approximately 320 acres, a half section of land. There is no known opposition. Staff has 18 letters and emails of support, including items that are attached to the staff report and handouts given at the meeting. The issue is a plat note on the recorded subdivision final plats that is somewhat cumbersome and staff believes this issue can be addressed through engineered Grading and Drainage Plans specific to each individual lot; therefore, staff is applying this RUPD to override and supersede the plat note. Mr. Gerard read into the record the following proposed condition that staff was recommending the Commission initiate and recommend for approval:

> Granite Mountain Ranch Units 1 and 2 shall be zoned Rural-43 RUPD. All use regulations and development standards shall be the same as the Rural-43 zoning district, except as follows:
>
> 1. All buildings, walls and other structures, and uses shall be located within the principal building setback lines (defined as 40' front, 40' rear, 20' street side and 30' interior side), with the following exceptions if they do not impede drainage as per the approved grading and drainage plan:
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>  i. Driveways;
>  ii. Open rail (or similar) perimeter fencing; and
>  iii. Ornamental driveway entry structures and dumpster enclosures to be located within the required front yard adjacent to the driveway and not encroaching into any easement.

2. All grading and construction shall be subject to an engineered grading and drainage plan approved by the Maricopa County Planning & Development Department, Drainage Engineering Division. On lot storm water retention shall be required if site conditions make it necessary, as per the approved grading and drainage plan.

Mr. Gerard stated staff recommends that the Commission initiates this and staff will carry this forward to the Board of Supervisors at their May 8th hearing. Staff believes this solves a significant neighborhood concern and maintains drainage to ensure public health, safety and welfare.

Chairman Deutsch asked if there were any questions for staff.

Commissioner Aster asked for clarification regarding the sentence on Page 2 near the bottom that said, "The RUPD will make the maximum lot disturbance . . .. That can be the subject of variances." Mr. Gerard stated that if there was a physical reason to have a structure within the required yards and if they demonstrated a topographical hardship or some peculiar condition, staff could review that and consider that grounds for recommending a variance.

Chairman Deutsch asked if the applicant was present. Mr. Gerard clarified this was staff initiated on behalf of the community.

Chairman Deutsch asked if there was any other discussion amongst the Commissioners.

Mr. Gerard thought there were people who wished to speak.

Ken Player, president of his local home owners association within the community, spoke in favor of the item. He stated they did put this similar item to a vote before their community because there was a restriction in their CC&Rs as well, preceding their discussion with the County on it. Mr. Player stated members of their community approved removing these restrictions by 71 votes out of 100 lots with only six lots that specifically did not want to approve it.

**COMMISSION ACTION: Commissioner Hiatt moved to initiate and recommend approval of Z2013029; Commissioner Aster seconded the motion which passed with a unanimous vote of 6-0.**

**<u>Text Amendment: TA2012011</u>** **All Districts**

Applicant: Staff
Location: Countywide

Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in all zoning districts – Community Gardens.

Darren Gerard, Deputy Planning Director, presented the above item, stating staff's recommendation was that the Commission initiate. He anticipated bringing this back at the June 6th Planning and Zoning Commission hearing. The specific language proposed was not anticipated to change and it was included in the Commissioners' packet. He stated they were defining garden and community garden and introducing gardens and community gardens as permitted principal uses in every zoning district in the County.

Chairman Deutsch asked if there were any questions for staff.

Vice-Chairman Smith asked if this would come back before the Commission and Mr. Gerard responded it was anticipated that it would come back on June 6th.

Vice-Chairman Smith asked if there would be some specifics on size, etc. Mr. Gerard indicated there would not be and the proposed language was not anticipated to change. He explained the Enhanced Regulatory Outreach Program (EROP) required a public meeting to initiate and a separate public meeting for public input at a hearing, unless Staff chose to expedite it, and in this instance, they were not expediting. Mr. Gerard stated comments received through the EROP process had not been negative. He stated today, you could have a garden accessory to your residence, and what staff was stating was a community was permitted to have a community garden on a vacant lot as the principal use and they could have fences and stands and other structures associated with that.

Chairman Deutsch asked about size limits, and Mr. Gerard responded there was no size limit. Mr. Gerard stated five acres used for commercial production could qualify for an agricultural exemption, but did not believe that would happen. He thought they were talking about an apartment complex or a neighborhood having some type of a garden or a community co-op growing food for themselves, having educational classes and selling surplus produce.

Commissioner Aster asked if it mattered if the vacant lot was publicly or privately owned. Mr. Gerard responded it did not matter as long as they had the right to use that lot.

Chairman Deutsch asked if anyone here from the public wished to speak and if there was other discussion amongst the Commissioners.

Commissioner Hiatt asked about the motivation for these items. Mr. Gerard stated these were an effort towards more sustainable development patterns in an effort to provide fresh and healthy food to citizens without their office being

an obstacle to that access. Commissioner Hiatt asked if there were recent circumstances where they had been an obstacle. Mr. Gerard had no specific examples, but stated, historically, a large scale community garden on a lot would not have been permitted as a principal use and the sale of produce from that site would not have been allowed.

Commissioner Aster asked if there would be any restrictions in terms of how it would be enclosed. Mr. Gerard stated there were no restrictions in the zoning ordinance. Commissioner Aster clarified it could be completely open or fenced. Mr. Gerard responded, "Yes," and stated a fence is a principal structure, requiring a permit.

Chairman Deutsch asked if someone took out the permit, was it their job to close it if it was not working and was there an ending. Mr. Gerard responded there was not, stating staff viewed this as a very simple matter and just wanted to promote community gardening.

Chairman Deutsch asked if there was any other discussion.

**COMMISSION ACTION: Commissioner Burrows moved to initiate Z2012011; Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.**

**<u>Text Amendment: TA2012012</u>** **All Districts**

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| Applicant: | Staff |
| Location: | Countywide |
| Request: | Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chicken hens in residential zoning districts – Chickens. |

Darren Gerard, Deputy Planning Director, presented the above item. The impetus behind this is access to healthy and fresh foods. Over the years, there have been a number of zoning violations where people were keeping chickens in residential zones. Our ordinance does not call it out as a permitted accessory use. There are other jurisdictions in the County that do, in particular, the cities of Scottsdale, Tempe and Phoenix permit the keeping of five chicken hens in residential zoning. Staff was only talking about hens not roosters. Staff did know that there were many subdivisions in their jurisdictions that had deed restrictions and this would not affect that. As far as zoning, if the keeping of five chicken hens would pass and be permitted, the community HOAs could still enforce their deeds to not permit the keeping of chickens. In residential zoning, the keeping of horses was permitted, which was the only farm type animal that was specifically called out. Horses were allowed if they had at least 1200 square feet of open corral area per animal and the corrals were setback 40 feet. In that same section, staff was adding the keeping of up to five chicken hens.

Chairman Deutsch asked if there were questions.

Commissioner Hiatt asked if the number five was consistent with other jurisdictions. Mr. Gerard responded it was consistent with Scottsdale and Tempe and believed it was with Phoenix.

Commissioner Aster assumed there were no roosters because nobody wanted to hear them at 5 a.m., and Mr. Gerard believed that was the issue.

Chairman Deutsch asked if anyone from the public wished to speak.

Vice-Chairman Smith asked if this was all zoning districts. Mr. Gerard clarified this was single family residential zoning, as this was already permitted in rural zoning under the clause "accessory uses customarily incidental to."

Vice-Chairman Smith asked if the setbacks were the same as the horses. Mr. Gerard responded there would be no setback requirements for chickens, explaining the setbacks for horses were because of the animal's size and the impact associated with larger animals, which limited lots to at least a half or quarter acre for an animal and probably larger for multiple animals.

Chairman Deutsch confirmed if there was a structure, there would have to be setbacks for the chickens. Mr. Gerard stated a chicken coop would have to meet setbacks for an accessory structure, which could be three feet in the required rear or required side yards.

Commissioner Aster asked if this had been floated within the HOA community or other entities and clarified this was any zoning residential district. Mr. Gerard explained these were going through the Enhanced Regulatory Outreach Program, which provides notice to stakeholders and all registered community groups received the notice. Mr. Gerard stated staff had interacted with some HOAs with deed restrictions and the HOAs understood this was coming and the HOAs could enforce their deed restrictions separate from County zoning.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012012; Commissioner Aster seconded the motion which passed with a unanimous vote of 6-0.**

**<u>Text Amendment: TA2012015</u>** **All Districts**

Applicant: Staff
Location: Countywide

Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of RVs in both the rear and side yards, but no closer to the street than the front plane of the principal building – RV Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Mr. Gerard noted the ordinance currently permits the keeping of mobile homes, travel trailers, aircraft, boats, camping trailers, truck campers and motor homes within the rear yard and this would amend Article 1114.1.2 to say "or side yard of the lot, but no closer to the street than the front plane of the principal building." This is designed to accommodate some of the more moderate to higher density neighborhoods where there may not be alley access or access into the rear. It would allow people to pull an RV or boat along the driveway to the side of their house. The Sun Lakes Fire District had a concern, which was in the handout passed out at the meeting. They did appreciate that staff added language that said "such storage shall maintain a five foot clear path around structures." Sun Lakes Fire had remaining concerns that the mobile home or RV storage would permit materials being stored inside the unit, which could increase the unit's flammability, and if the unit was stored in the side yard, it was likely to be closer to an adjacent dwelling than it would be in the rear yard. Sun Lakes Fire also expressed concerns that side yard storage was more likely to be occupied. Mr. Gerard pointed out that an occupied RV would be a zoning violation today, and it would be even if this were to pass. He stated what was before the Commissioners was to simply initiate. Mr. Gerard stated this was the only negative comment staff received, and believed it was partially addressed with the language that was presented. Mr. Gerard stated any language revisions would be brought back to the Commission on June 6th, but at this time, he did not believe there would be any unless directed by this body.

Chairman Deutsch asked if there were any questions for staff.

Vice-Chairman Smith asked if it could be crafted to specify recreational vehicles only, whether it be motor homes, boats or whatever it was, and it could not be used as a storage facility. He had concerns along with Sun Lakes Fire.

Mr. Gerard asked if he meant flammable materials could not be stored inside.

Vice-Chairman Smith clarified that a motor home that was not running and not being used would be pulled in and used for a storage building.

Mr. Gerard stated you were permitted to have one unregistered or inoperable vehicle on the property, so today, there was the potential to have an inoperable RV on the property, and a storage requirement was it had to be screened from view of the street, which segued into the next item. Mr. Gerard asked if he could present these items as a whole now and have separate motions.

Chairman Deutsch agreed.

**Text Amendment: TA2012016** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three (3) unregistered and/or inoperable vehicles – Unregistered/Inoperable Vehicles Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Today, in Article 1102.9.5, one unregistered or inoperable motor vehicle may be stored on a parcel. What is proposed would be to change that number to three. The impetus behind this is there are a lot of hobby car enthusiasts in the valley, and usually, if you are restoring a vehicle, you will have a vehicle for parts and a vehicle being restored. An anecdotal observation over time is that code enforcement has a number of violators that have two and three vehicles and they are almost always car enthusiast that are restoring some type of muscle car or historic vehicle or some specialty vehicle. Other violations where people have 12, 20 and 30 cars are people who are running some type of business or have a junk yard. With TA2012016, staff is trying to separate out those people who are car enthusiasts and restorers from those people that are running junk yards and businesses. Staff believes the appropriate number to do that would be three unregistered or inoperable vehicles. What is proposed is raising the number from one to three and also adding language.

Mr. Gerard stated today's ordinance reads: "Not more than one unregistered or inoperable motor vehicle shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicle shall be stored such that it cannot be seen from any public or private street or right-of-way."

Mr. Gerard read the proposed language: "Not more than three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in other than the required front yard such that it is visually screened from any public or private street or right-of-way unless stored within an attached carport, such storage shall maintain a five foot clear path around any structures." He stated language was added in anticipation of a similar type of concern from the fire district.

Mr. Gerard also read alternative language: "Not more than three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in a rear yard or side yard, but no closer to the street than

the front plane of the principal building such that it is visually screened from any public or private street or right-of-way unless stored within an attached carport, such storage shall maintain a five foot clear path around any structures." The alternative language would bring this section closer in alignment with the language proposed for storage of boats and RVs. The idea being that they can be stored on the side but must be behind the front plane of the house and cannot be within the required front yard, which means in rural zoning 40 feet from the front and in residential zoning 20 feet from the front.

Addressing Commissioner Smith's concerns regarding junk vehicles, Mr. Gerard stated that today an RV or any automobile could be a junk vehicle in their jurisdiction, but it had to be parked in the rear. Using the term "junk" in a worst case scenario, because it could simply be an unregistered or inoperable vehicle, he stated they were proposing a person could have three junk vehicles that were visually screened from the street, unless they were parked in an attached carport.

Vice-Chairman Smith thought recreational vehicle storage was okay, but was not crazy about mobile home storage. Mr. Gerard stated that was a good point and as part of the amendment, they should strike that from the title of Section 1114, noting that the language spoke to travel trailers and campers. Vice-Chairman Smith indicated his agreement.

Chairman Deutsch asked if camper and motor home would be dropped in the paragraph. Mr. Gerard responded, "No," and clarified that Vice-Chairman Smith's concern was regarding mobile homes, which were more akin to a residence as opposed to a travel trailer. Vice-Chairman Smith stated recreational vehicle covered most of that - travel trailers and all. Mr. Gerard stated they would look at a clearer title, explaining vernacular language changes over time and some of the articles were written in 1969.

Chairman Deutsch asked if there were any other questions for staff.

Regarding TA2012016, Item No. 5, Commissioner Hiatt asked if "setback" should be added after the word "yard" where it said, "other than the required front yard." Mr. Gerard explained the "required front yard" was very specific and defined as the space between the street line and the front setback line.

Chairman Deutsch clarified that the Commissioners were looking at both TA2012015 and TA2012016. Mr. Gerard stated they were and if the Commissioners had a direction, staff would move forward with that direction to the June 6th Planning & Zoning Commission Meeting. Commissioner Hiatt clarified if the Commissioners did not have a direction, staff would look at both of them. Mr. Gerard confirmed they would and would have a recommendation for the Commissioners.

Chairman Deutsch asked if anyone from the public wished to speak on Items TA2012015 and TA2012016.

Ann Hutchinson, New River Desert Hills Community Association, stated they would like to see the changes so they could provide any comments for June 6th.

Regarding TA2012015, Commissioner Aster expressed concern that the 72 hour limit to unload sounded like a long time and might cause some potential problems. Mr. Gerard explained that was existing language in the ordinance and it had not presented a problem. He stated it allowed someone who was getting ready for or returning from a trip to pull their RV into the driveway and load or unload. He explained if there was a complaint, staff would check it out and then recheck in four days, and if it was still there, staff would bring them into a hearing.

Chairman Deutsch asked if there were any questions for staff, and discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Aster moved to initiate TA2012015; Commissioner Hiatt and Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.**

**COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012016; Commissioner Burrows seconded the motion which passed with a unanimous vote of 6-0.**

Debra Stark, Planning and Development Director, and Terri Hogan, Current Planning Supervisor, clarified the term mobile homes could not be struck from the section title because of other articles under that section. Mr. Gerard stated staff would clarify in the language of the article itself they were not speaking about units that could be occupied when staff brought this back to the Commission on June 6th.

**Text Amendment: TA2012033** **All Districts**

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| Applicant: | Staff |
| Location: | Countywide |
| Request: | Initiate a Text Amendment to the Maricopa County Zoning Ordinance to increase the permitted Maximum Lot Coverage in the Rural-43 zoning district from 15% to 25% – Rural-43 Lot Coverage. |

Darren Gerard, Deputy Planning Director, presented the above item. This went to a stakeholder meeting and had a tremendous amount of input and was well

received. The original proposal was to raise lot coverage from 15% to 20%; however, after the stakeholder meeting, staff conducted a survey of other jurisdictions and realized lot coverage was 25% to 40% in equivalent zoning. The 25% lot coverage would bring the County into line with the other jurisdictions. Lot coverage is the aggregate/cumulative area under roof, including mare motels, sheds, and the dwelling unit, subtracting out certain eave overhangs. Mr. Gerard explained there was discussion about changing the definition of lot coverage so staff looked at open structures differently than enclosed structures, but there was concern that was ripe for error and for misinterpretation. Staff believed area under roof and a larger figure of 25% were appropriate. This only applies to Rural-43 in Article 503.5.3.1. Because of a public safety issue, Staff was not looking at Rural-70 and Rural-190, which have a 5% lot coverage that worked to minimize intensity of structure, because these areas tended to be remote and isolated and did not have emergency fire protection. Again, staff was looking to raise Rural-43 lot coverage from 15% to 25%. There was no known opposition.

Chairman Deutsch asked if there were any questions for staff, if anyone from the public wished to speak and if there was any discussion.

**COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012033; Commissioner Aster seconded the motion which passed with a unanimous vote of 6-0.**

**Text Amendment: TA2013001** **All Districts**

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| Applicant: | Staff |
| Location: | Countywide |
| Request: | Initiate a Text Amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes) to adopt and amend the 2012 International Building Code, 2012 International Residential Code, 2012 International Plumbing Code, 2012 International Mechanical Code, 2012 International Fuel Gas Code, 2012 International Green Construction Code, 2012 International Energy Conservation Code, 2012 International Existing Building Code, and the 2011 National Electric Code – 2012 International Codes. |

Darren Gerard, Deputy Planning Director, presented the above item and read the list of the codes being adopted into the record:

2012 International Building Code
2012 International Residential Code
2012 International Plumbing Code
2012 International Mechanical Code
2012 International Fuel Gas Code

2012 International Green Construction Code
2012 International Energy Conservation Code
2012 International Existing Building Code
2011 National Electric Code

Mr. Gerard noted this item was going to the Building Code Advisory Board (BCAB) for technical review and what was before the Commission was the formatting of the ordinance itself. He stated the Green Codes would be written into the Local Additions and Addenda as voluntary. They were optional and would not be mandated on the general citizenry; however, someone might be able to take advantage of the Green Codes as a reason for progressive design to warrant a RUPD overlay zoning district or something along those lines, which would then be mandated for that development. The Energy Conservation Code was going to have an alternative so that if it was demonstrated that a residence had a 70 HERS rating or less that would be considered to comply with the energy code. Staff believed the existing Building Code was going to be of significant assistance to our community because it would allow existing structures that had additions or existing structures that perhaps were not permitted properly to be able to come in under the previous code at the time that it was constructed. This would ensure that life safety issues were addressed, but it would not place the burden of the building having to meet all current codes in place at this time. Staff had verbatim language before the Commissioners, but would have a clean leg-edit version for the meeting on June 6th and the Chief Building Official would be in attendance to address any technical questions the Commissioners might have at that time.

Chairman Deutsch asked if there were any questions for staff.

Commissioner Aster asked if most everything before them would come back for an approval or non-approval vote on June 6th, and Mr. Gerard responded, "Yes."

Chairman Deutsch asked if there were any questions for staff; if anyone from the public wished to speak; and if there was any discussion amongst the Commissioners.

**COMMISSION ACTION: Vice-Chairman Smith moved to initiate TA2013001; Commissioners Aster and Burrows seconded the motion which passed with a unanimous vote of 6-0.**

**<u>Text Amendment TA2013002</u>:** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 1111.5.2 to reference the fact that Article 1201.4 permits retaining walls subject to hillside slopes to have a maximum height of 30' – Hillside Retaining Walls.

Darren Gerard, Deputy Planning Director, presented the above item. This is a text amendment to the Zoning Ordinance, Article 1111.5.2, regarding retaining walls that are subject to hillside slopes of 15% or greater. Elsewhere in the ordinance under Chapter 12 for the hillside regulations, all structures, specifically including retaining walls, are limited to a maximum 30 foot height. Regarding 1111.5.2.4, Staff is adding language that points a reader of the ordinance to Chapter 12 so there is no confusion that retaining walls are limited to a 6 foot height throughout the County, except in areas of hillside slope, they can go up to 30 feet. This is a housekeeping item that clarifies and makes our ordinance more user friendly.

Chairman Deutsch asked if there were questions for staff and if anyone from the public wished to speak on this item.

Ann Hutchinson, New River Desert Hills Community Association, thought it seemed like a good change.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Burrows moved to initiate TA2013002; Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.**

**Text Amendment TA2013003** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Section 1205, and Drainage Regulations to allow drainage waivers to be granted administratively – Drainage Waivers.

Darren Gerard, Deputy Planning Director, presented the above item. This will allow drainage waivers to be granted administratively rather than automatically going before the Drainage Review Board. There was significant, verbatim

language attached that was in leg-edit. Staff was adding language to grant drainage waivers administratively under the discretionary powers of the Drainage Administrator, who is the Department Director and can delegate that power to staff, such as the Drainage Engineering Supervisor. Staff was striking language under the Drainage Review Board. This matter may still be appealed to the Drainage Review Board and the Superior Court. Instead of posting for the Drainage Review Board, there will be a posting period advising of the drainage waiver that could be reviewed administratively. The public is still noticed that a drainage waiver is being considered, and if that waiver is approved or denied, that decision can be appealed. Staff believed previous concerns that were stated had been addressed. Before the Commissioners were some concerns expressed by the New River Desert Hills Community Association, but Mr. Gerard believed those were alleviated at this point, but would let them speak to that.

Chairman Deutsch asked if there were questions for staff.

Commissioner Hiatt asked if the appeal was now to Superior Court instead of the Board of Supervisors. Mr. Gerard stated the appeal of the administrative decision would go to the Drainage Review Board, specific to drainage waivers, and that was appealable to Superior Court, so it would be the same process as other administrative decisions, which are appealable to the Board of Adjustment and that was appealable to Superior Court.

Chairman Deutsch asked if there were any other questions.

Mr. Gerard stated there was very significant support for this from the development community.

Chairman Deutsch asked if anyone from the public wished to speak.

Ann Hutchinson, New River Desert Hills Community Association, stated that in some ways this seemed good and helped end some of the bureaucracy, but expressed concerned that because it could be administratively determined, there would be no opportunity to appeal. She had concerns that sometimes drainage would be approved that maybe would not be such a good idea. She stated they just wanted a public input process. Ms. Hutchinson stated they would like to see the language, but it sounded like Mr. Gerard had addressed it.

Mr. Gerard stated the language was verbatim, leg-edit in the staff report and the staff report was online and he could give Ms. Hutchinson a copy now.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Aster moved to initiate TA2013003; Commissioner Hiatt seconded the motion which passed with a unanimous vote of 6-0.**

Chairman Deutsch asked if any other items needed to come before the Commission.

Chairman Deutsch adjourned the meeting at 10:13 a.m.

Prepared by Marsha Spencer,
Commission Secretary
April 27, 2013