



NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION
PINAL COUNTY PLANNING AND ZONING COMMISSION
SUMMARY FOR AGENDA FOR MEETING
Thursday, November 14, 2024

9:00 AM - CALL TO ORDER

PINAL COUNTY ADMINISTRATIVE COMPLEX
EMERGENCY OPERATIONS CENTER
85 N. FLORENCE ST
FLORENCE, AZ 85132

Action means discussion/recommendation for approval or denial to the Board of Supervisors on the following Planning Cases. (Numbers are shown for administrative convenience only. All interested persons should be aware that the cases may be heard in an order different than that shown on the agenda.)

A work session is not a public hearing. For matters that are not listed as "public hearings" the public may attend and listen to the proceedings, but may only address the Commission with its permission.

(1) REGULAR ITEMS

A. **CALL TO ORDER AND ROLL CALL OF COMMISSION MEMBERS:**

- () **MENNENGA, Chairman**
- () **KLOB, Vice-Chairman**
- () **DEL COTTO, Member**
- () **HARTMAN, Member**
- () **KELLER, Member**
- () **LIZARRAGA, Member**
- () **SCHNEPF, Member**
- () **DAVILA, Member**
- () **MOONEY, Member**
- () **PRANZO, Member**

B. **PLANNING MANAGER REPORT (INFORMATIONAL ITEM)**

C. **PARKING LOT ITEM FOLLOW-UP**

(2) PINAL COUNTY PLANNING AND ZONING COMMISSION DISCUSSION ITEM

- A. PINAL COUNTY PLANNING AND ZONING COMMISSION OPERATING RULES AND REGULATIONS AS OF JUNE 18, 2015
- B. PINAL COUNTY REASONABLE ACCOMMODATION GUIDE

(3) DISCUSSION OF COMMISSION MEMBERS' REQUEST FOR FUTURE AGENDA ITEM(S) AND/OR REPORTS TO BE PRESENTED AT UPCOMING MEETINGS.

A. DISCUSSION OF COMMISSION MEMBERS' REQUEST FOR FUTURE AGENDA ITEM(S) AND/OR REPORTS TO BE PRESENTED AT UPCOMING MEETINGS.

ADJOURNMENT

Support documents for the above-listed matters are available at the Pinal County Community Development Office for the public inspection at least 48 hours prior to the meeting at the Pinal County Community Development Department, Pinal County Complex, 85 N. Florence Street, Florence, Arizona, Monday through Thursday between the hours of 7:00 a.m. and 5:30 p.m.

NOTE: One or more members of the Board may participate in this meeting by telephonic conference call.

The Board may go into Executive Session for the purpose of obtaining legal advice from the County's Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3).

In accordance with the requirement of Title II of the Americans with Disabilities Act (ADA), the Pinal County Board of Adjustment and Appeals does not discriminate against qualified individuals with disabilities admission to public meetings. If you need accommodation for a meeting, please contact the Community Development Department at (520) 866-6442, at least (5) five business days prior to the meeting (not including weekends or holidays) so that your request may be accommodated.

Pursuant to A.R.S. 38-431.02, NOTICE IS HEREBY GIVEN, that the public will have physical access to the meeting room at 8:45 AM.

Posted this 12th day of November around 5:00pm Gilbert Olgin. Reposted Posted this 13th day of November around 8:00 a.m. Gilbert Olgin



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

November 14, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

PARKING LOT ITEM FOLLOW-UP

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

-

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History

Time

Who

Approval

ATTACHMENTS:

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[Commission Worksession](#)

[Micro Schools Doc 2.150](#)

DEVELOPMENT SERVICES CODE UPDATE STATUS REVIEW

November 14, 2024



PINAL COUNTY
WIDE OPEN OPPORTUNITY

Development Services Code Update

Status Review



□ Parking Lot Overview:

- Update of Parking Lot Items from October 3rd Work Session discussion topics
 - Recreational Vehicles Parked at Event Centers
 - Cargo Containers

Development Services Code Update

Status Review



- Recreational Vehicles Parked at Event Centers
 - Adjusted Temporary Use Permit timeframe to 180 days, or 6 months, with no time extensions.
 - Other sections involving temporary occupation of recreational vehicles (for construction purposes, living, etc.) were also updated to align with the 180-day timeframe.

Development Services Code Update

Status Review



□ Cargo Containers:

- Added a general provision to maintain the cargo container in good repair.
- Maintained the general provision to remove the chassis, axels, and wheels from the cargo container to keep within the definition of Cargo Container.
- Added provision in both the residential, rural, and commercial zoning districts that would allow cargo containers to also allow a shed of durable material that does not exceed 200 sq. ft. as measured at its base.

Development Services Code Update

Status Review



- PCDSC Title II Topic Areas for Review:
 - Microschools
 - Reasonable Accommodation
 - Advertising and Notification
 - MLD – future meeting
 - LMPC/MCCMP – future meeting
 - Landscape and Plant List – future meeting

Development Services Code Update

Status Review



□ Microschools:

- New definitions for Home-Based Microschool and Commercially-Based Microschool
- New provisions added to existing 2.150.280. Schools section (D) regarding the requirements for the two types of microschools.
 - New microschool provisions related to permitted Zoning Districts, site development, and operations.

Development Services Code Update

Status Review



□ Reasonable Accommodation:

- Rather than detailing reasonable accommodation within specific topics and requirements in Title II, a general overall Reasonable Accommodation Policy has been drafted.
- Reasonable accommodation provisions will be removed from the Group Homes section in Title II due to the reasonable accommodation process now being handled by the overall Reasonable Accommodation Policy.

Development Services Code Update

Status Review



□ Advertising and Notifications:

- Will publish twice prior to Public Hearing with P&Z
- Casa Grande Valley Newspapers – Newspaper of Record
- Pinal Central Dispatch
- One pager – link to County Webpage, QR link
- Clean and Redlined version on County Website
- After Public Hearing – looking for P&Z blessing to go to 90 day public comment period
- Copies available for review at County facilities

Pinal County Development Services Code:

Microschools

2.10.010. Definitions.

School, Micro, Home-Based means a Structure(s) or Building(s) located in a rural Zoning District, located on a Parcel of not less than one Acre, operated between the hours of 7:00 a.m. and 6:00 p.m. (Arizona Time), Monday through Friday, that educates not more than fifteen (15) K-8 students at any given time, and specifically excludes grades 9-12. See general and specific provisions for Home-Based Microschools.

School, Micro, Commercially-Based means a Structure(s) or Building(s) located in a commercial or industrial Zoning District, located on a Parcel of not less than one Acre, operated between the hours of 7:00 a.m. and 6:00 p.m. (Arizona Time), Monday through Friday, that educates not more than forty-nine (49) K-8 students at any given time, and specifically excludes grades 9-12. See general and specific provisions for Commercially-Based Microschools.

2.150.280. Schools.

- A. Public schools are permitted in all zoning districts.
- B. Private schools for K—12 are subject to the following requirements:
 - 1. The minimum site area shall be five acres in all zones.
 - 2. The minimum setback for playgrounds or athletic fields shall be 100 feet from all property lines.
 - 3. A ten-foot-wide landscaped area shall be provided as screening and buffering along all property lines.
 - 4. All driveways and parking lots shall be paved.
 - 5. All outdoor lighting used in conjunction with the school use shall meet the requirements of chapter 2.195 PCDC.
 - 6. All lighting for outdoor recreational areas shall cease no later than 11:00 p.m.
- C. Charter schools are prohibited from operating in an existing single-family residence that is located on property of less than an acre.
- D. Microschools
 - 1. General Provisions
 - a. Any Home-Based or Commercially-Based Microschool in Pinal County is considered a Commercial Use; any Structure(s) or Building(s) used as a Home-Based or Commercially-Based Microschool must comply with the most currently adopted versions of the International Building Code, International Fire Code and International Residential Code for the greatest number of students and staff reasonably expected to be present at the Home-Based or Commercially-Based Microschool at any given time.
 - b. All requirements for private schools as outlined in § 2.150.280(B) of the Pinal County Development Services Code shall apply to Home-Based and Commercially-Based Microschools, with the exception that the property is only required to be one (1) Acre in size instead of five (5) Acres in size, pursuant to Arizona Revised Statute § 11-820.01.

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- c. It is recommended that applicants make an appointment with the Pinal County Building Safety Department to discuss questions they have regarding building safety requirements to operate of a Home-Based or Commercially-Based Microschool.
2. Home-Based Microschools (Rural Zoning District)
- a. A Home-Based Microschool may only be located in the following Zoning Districts:
 - i. Commercial Agricultural Ranch (CAR) Zoning District
 - ii. Suburban Ranch (SR) Zoning District
 - iii. Suburban Homestead (SH) Zoning District;
 - iv. General Rural (GR) Zoning District;
 - v. Rural Zoning Districts (RU-1.25, RU-2, RU-3.3, RU-5, RU-10); and
 - vi. Rural Commercial Zoning District (RU-C).
 - b. A Home-Based Microschool shall be considered a permitted Use and requires the approval of a Special Use Permit (SUP).
 - c. Approval of an SUP to operate a Home-Based Microschool is considered a change in land Use which requires the property to be in compliance with the Building Code and the Pinal County Development Services Code (PCDSC).
 - d. Approval of an application for an SUP to operate a Home-Based Microschool will require the applicant to provide a traffic memo. In some circumstances, a traffic impact analysis may be required at the direction of the county engineer.
 - e. Refer to PCDSC § 2.150.260(K) for requirements regarding signage used for a Home-Based Microschool.
 - f. Use of a Manufactured Home as a Home-Based Microschool is prohibited.
 - g. No Home-Based Microschool shall be located on a lot with a property line within one thousand two hundred (1200) feet, measured in a straight line in any direction, of the lot of another Home-Based or Commercially-Based Microschool.
 - h. A Home-Based Microschool is subject to additional occupancy requirements beyond that of a private dwelling pursuant to the Building Code, and all Structure(s), Building(s) or areas used by students shall provide not less than thirty (30) square feet per student for educational purposes.
 - i. The Use of any Structure or portion thereof, by six or more persons at any one time for educational purposes are considered an E occupancy pursuant to the Building Code and must comply with all E occupancy requirements including ADA, accessibility and egress.
 - . If a floor below grade in a Home-Based Microschool is used for educational purposes, such floor below grade shall provide at least one (1) emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as set forth in the Building Code.
 - k. The total area, including all accessory Structures, for Use as a Home-Based Microschool shall be not more than thirty percent (30%) of the total square footage of all Structures present on the property.
 - l. Nothing in this section prevents or restricts Pinal County from requiring a Home-Based Microschool to comply with the Building Code and other provisions of the Pinal County Development Services Code that do not conflict with this section, including but not limited to:

-
- i. Parking;
 - ii. Traffic;
 - iii. Hours of Operation; and
 - iv. Imposing regulations on the location of a Home-Based Microschool that are reasonably necessary in order to preserve the health, safety, and character of the surrounding community.
3. Commercially-Based Microschools (Commercial or Light Industrial Zoning District)
- a. A Commercially-Based Microschool is allowed as a matter of right in the following Zoning Districts:
 - i. Local Business (CB-1) Zoning District;
 - ii. General Business (CB-2) Zoning District;
 - iii. Neighborhood Commercial (C-1) Zoning District;
 - iv. Community Commercial (C-2) Zoning District;
 - v. General Commercial (C-3) Zoning District;
 - vi. Light Industry and Warehouse (CI-1, I-2) Zoning District; and
 - vii. Industrial Buffer (CI-B, I-1) Zoning District.
 - b. Each Commercially-Based Microschool must be accompanied with a site plan pursuant to PCDSC §§ 2.200.010, 2.200.020, 2.200.030, 2.200.040 and 2.200.070.
 - c. Approval of a site plan application for a Commercially-Based Microschool located within a commercial Zoning District will require the applicant to submit a traffic impact analysis.
 - d. A Commercially-Based Microschool located within a commercial or industrial Zoning District must meet all Building safety standards, parking requirements, and any other standard required of a commercial Building in that commercial Zoning District in accordance with all other provisions of the Building Code.
 - e. Nothing in this section prevents or restricts Pinal County from requiring a Commercially-Based Microschool to comply with the Building Code and other provisions of the Pinal County Development Services Code that do not conflict with this section, including but not limited to:
 - i. Parking;
 - ii. Traffic;
 - iii. Hours of Operation; and
 - iv. Imposing regulations on the location of a Home-Based Microschool that are reasonably necessary in order to preserve the health, safety, and character of the surrounding community.



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

November 14, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

PINAL COUNTY PLANNING AND ZONING COMMISSION OPERATING RULES AND REGULATIONS AS OF JUNE 18, 2015

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History	Who	Approval
Time		

ATTACHMENTS:
<p>Click to download</p> <p><input type="checkbox"/> PINAL COUNTY PLANNING AND ZONING COMMISSION OPERATING RULES AND REGULATIONS AS OF JUNE 18, 2015</p>



PINAL COUNTY PLANNING & ZONING COMMISSION OPERATING RULES AND REGULATIONS AS OF JUNE 18, 2015

Section 1: Officers/Vacancy. The officers of the Commission shall consist of a Chairperson and a Vice-Chairperson who shall be elected at the regular monthly meeting in June or July, to hold office for one (1) year. Any officer not elected at such time may be elected at any subsequent regular meeting or special meeting called for that purpose. A vacancy occurring in such office shall be filled by an election held at any regular meeting or a special meeting called for that purpose.

Section 2: Chairperson's Duties: The Chairperson shall preside at the meeting of the Commission and his/her duties are generally as follows: To open the meeting at the time at which the Commission is to meet by taking the Chair and calling the members to order; to announce the business before the Commission; to recognize members entitled to the floor; to state and to put to vote all questions which are regularly moved or necessarily arise in the course of the proceedings; to announce the result of the vote; to assist in the expediting of business in every way compatible with the rights of the members and persons appearing before the Commission; to restrain the members when engaged in debate within the rules of order; to enforce on all occasions the observance of order and decorum among the members of the Commission and the public; to inform the Commission and the public, when necessary, or when referred to for the purpose, on point of order or practice pertinent to pending business; to authenticate, by his/her signature, when necessary, all acts/recommendations, orders, and proceedings of the Commission; and in case of fire, riot, or very serious disorder, or other great emergency, the Chair has the right and duty to declare the meeting adjourned to some other time (and place if necessary) if it is impracticable to take a vote, or in his/her opinion, dangerous to delay for a vote.

The Chairperson may appoint such standing subcommittees to perform such duties as may be deemed necessary and expedient by the Chairperson. He/She shall coordinate the work of the Commission and shall perform such other duties as required.

Section 3: Vice-Chairperson. The Vice-Chairperson in the absence of the Chairperson shall perform the aforementioned duties.

Section 4: Executive Secretary/Duties. The Director of Community Development, hereinafter referred to as Director, or his/her designee shall, serve as Executive Secretary to the Planning & Zoning Commission and attend to all official correspondence of the Commission; prepare (or have prepared) the minutes of all meetings of the Commission; and cause to be filed or recorded all copies of such minutes, rules and regulations, findings and decisions, the same to constitute a public record open for public inspection.

The Director shall approve all expense and purchase vouchers prior to their submittal to the County Finance Director.

Section 5: Meeting Dates. The regular meeting date of the Commission shall be the third Thursday of each calendar month. Meetings are to be held in the Emergency Operations Center, Building F, of the Pinal County Complex, at 31 N. Pinal Street, Florence, Arizona, or such other location determined by the Chairperson and Director or his/her designee in the event of unavailability or inadequacy. Meetings shall commence at 9:00 a.m.

Special meetings may be held if called at any time by the Chairperson or by a majority of the Commission members as an action item at any regular meeting or special meeting. When a special meeting is called by the Chairperson, notice of such meeting shall be given to all members in writing and sent to them at least five (5) days prior to the special meeting date. When a special meeting is established as an action item at a regular meeting or a special meeting, absent members shall be notified of such meeting by United States mail.

All regular and special meetings may be continued to another date, hour and place by a majority vote.

Section 6: Quorum/Majority. Pursuant to A.R.S. §11-802, a majority of the Commission shall constitute a quorum for the transaction of business and a majority vote of the quorum shall be required for any official action.

Section 7: Order of Business: The Commission's agenda may be organized as follows, the Chair may, at his or her discretion, change the order for administrative convenience.

1. Call to order by Chairperson
2. Roll Call & Determination of a quorum
3. Discussion on Action Item Report
4. Planning Manager or Director's discussion items
5. New business including Public hearings, if any
6. Subdivision reviews, if any
7. Work-session items, if any
8. Call to the Commission: Oral comments or suggestions from individual Commission Members reading items or staff action will be allowed. This is not intended to allow discussion or action on any item, but merely to provide the Commission a chance to express its opinions regarding the need for future action by Commission or staff.
9. Adjournment

Section 8: Public Hearing Procedure. All Commission meetings and hearings shall be subject to Arizona's Open Meeting Law. The Commission's *public hearing procedures* shall be as follows:

1. The Chairperson shall call the case to be heard by case number and name of the applicant.

2. STAFF REPORT

The Community Development staff and other appropriate County departments shall serve in an advisory capacity to the Commission and present written or oral reports and comments to the Commission. Commissioners may ask questions of any staff member or other County department employee at the conclusion of the staff report.

3. THE APPLICANT'S PRESENTATION

The Chairperson shall call the Applicant or that individual representing the applicant forward to address the Commission (make a presentation) which shall include:

- A. Presentation of the application (i.e. detailed plans of proposed land use).
- B. Comments on the Community Development, and other County Departments reports.
- C. Answering any questions posed by the Commission members.

4. PUBLIC COMMENTS

At the conclusion of the Applicant's presentation the Chairperson shall open this segment of the meeting to the public for public comments on the particular issue.

The Chairperson may request that those who wish to address the Commission come forward in an orderly fashion, sign their names and addresses on the sign in sheet, state whether they favor or oppose the proposal before the Commission and state their concerns and opinions of the proposal.

The Chairperson may impose a time limit on each person who wishes to address the Commission on a particular issue.

After all the individuals who wish to address the Commission have had an opportunity to do so, the Chairperson shall close the public comment segment of the meeting.

5. DELIBERATION BY THE COMMISSION

At the conclusion of the public comment segment of the hearing, the Chairperson shall give the Applicant an opportunity to respond to any issues or questions raised.

Before the issue is open to debate it is necessary, first, that a motion be made by a Commission member who has obtained the floor (members are entitled to the floor only if the Chairperson recognizes him/her, or assigns

him/her the floor, by announcing his/her name), second, that it be seconded, and third, that it be stated by the Chair. The Chair must either rule the motion out of order, or state the question on the motion so that the Commission may know what is before it for consideration and action. The fact that a motion has been made and seconded does not put it before the Commission, the Chair must do that.

While no debate or other motion is in order after a motion is made, until it is stated or ruled out of order by the Chair, Commission members may at this time suggest modifications of the motion, and the mover, without the consent of the one who seconded the motion, has the right to make such modifications as he/she pleases, or even withdraw his/her motion entirely before the Chair states the question/motion. When the mover modifies his/her motion the one who seconded it has a right to withdraw his/her second. After it is stated by the Chair the mover can do neither without the consent of the members.

After the question/motion has been stated by the Chair, it will then be before the Commission members for consideration and action. All questions/motions may be debated before final action is taken on them. In the debate each member has a right to speak. The debate must be limited to the merits of the immediately pending question (that is the last question/motion stated by the Chair that is still pending). During the debate commission members shall address their remarks to the Chair.

When the debate appears to have closed, the Chair will state the question/motion again and proceed to put the question/motion to a vote, (that is take the vote on the question/motion) first calling for the affirmative and then for the negative vote. A roll call vote may be allowed. The vote will be announced, (it is a necessary part of putting the question/motion to a vote). The Commission members are assumed not to know the result of the vote until it is announced by the Chair, and the vote does not go into effect until announced. As soon as the result of the vote is announced the Chair should state the next item of business before the Commission.

Section 9: Failure of Motion. When the question/motion is put to a vote and the affirmative fails to be carried (lacks a majority vote of the quorum) the motion fails. Another question/motion on the same issue may be put to a vote.

Section 10: Motion to Reconsider. A motion to reconsider a vote of a specific question/motion can be made only on the date the vote to be reconsidered was taken and if the applicant is present. It must be made by one who voted with the PREVAILING side. Any member may second it. No question can be twice reconsidered unless it was materially amended after its first reconsideration. The effect of the adoption of a motion to reconsider a vote is to place before the Commission the original question/motion in the exact position it occupied before taking the vote.

Section 11: Motion to adjourn can be made by a member who has been recognized by the Chair. Before putting the motion to adjourn to vote, the Chair should be sure that there is no business to be attended to before adjournment. Announcement may be made before taking the vote. If there is something requiring action before adjournment, the mover should be requested to withdraw his motion to adjourn. Members should not leave their seats until the Chair has declared the meeting adjourned.

Section 12: Compliance with Arizona Open Meeting Law. Compliance with the requirements of the Open Meeting law (and for public hearings) specifically with regard to posting proper notice and legal advertisements as required by State law or County ordinance, shall be arranged by the Director of Planning & Development Services or his designee.

Section 13: Continuances. A request for a continuance of a case received after the legal advertisement for a public hearing has been given shall require the Commission to put the request to a vote. Continuances are limited to a maximum of two; and after two continuances, the Commission shall vote to approve or deny the case, unless there is a public health, safety and general welfare concern requiring additional continuances or the case is withdrawn by the applicant.

Section 14: Attendance. If a Commission member misses two (2) consecutive regular meetings and any special meeting that may be called in-between the two regular meetings without contacting the Chairperson or staff, the Chairperson shall contact the member and inquire as to the reason.

Section 15: Ex parte Contact. There should be no ex parte contact outside a Commission meeting initiated by any Commission member with any applicant on any matter filed with the Planning and Zoning Department that is being presented or intended to be presented to the Commission for its consideration. There should be no ex parte contact outside a Commission meeting initiated by any applicant or member of the public with any Commission member on any matter filed with the Planning and Zoning Department that is being presented or intended to be presented to the Commission for its consideration. The applicant and members of the public should be directed to appear before the Commission either in person or in writing to present their concerns and opinions to the entire Commission. If any individual does speak to a Commission member outside a Commission meeting on any matter filed with the Planning and Zoning Department that is being presented or intended to be presented to the Commission, the Commission member is obligated to inform the Commission of such contact and any information conveyed in such contact.

Section 16: Amendments. These rules and regulations shall be amended only by the affirmative vote of a majority of the Commission.

Section 17: Severability. These operating rules and regulations shall be deemed severable and the invalidity or unenforceability of any section, subsection, sentence,

clause, phrase, or word shall not affect the validity of the remaining portions hereof.

[Passed by resolution No. 062107-PZCORR, resolution No. 031711PZCORR-AMD, and resolution No.061815-PZCORR]



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

November 14, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

PINAL COUNTY REASONABLE ACCOMMODATION GUIDE

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MOTION:

History	Who	Approval
Time		

ATTACHMENTS:

Click to download
<input type="checkbox"/> Reasonable Accommodation Guide

**PINAL COUNTY, ARIZONA
REASONABLE ACCOMMODATION GUIDE**

Pursuant to federal law and Pinal County Resolution No. ____, a request for a reasonable accommodation may be made by or on behalf of any person with a disability in order to provide a disabled individual with an equal opportunity to use and enjoy a dwelling. The term “reasonable accommodation” is used here as the term is used in the Federal Fair Housing Amendments Act (“FHAA”), the Americans with Disabilities Act (“ADA”), and case law implementing and interpreting those statutes (“Fair Housing Law”).

Whether an accommodation can be granted is determined by the County’s Community Development Director on a case-by-case basis. To request a reasonable accommodation, complete the County’s Reasonable Accommodation Request Form and return it to: Pinal County, Attn: Community Development Director, 85 N Florence Street, P.O. Box 749 Florence, AZ 85132. If you have any questions about the Reasonable Accommodation Request Form or the requirements or procedures applicable to reasonable accommodation requests, please call the Community Development Department at (520) 509-3555.

You may be required to provide additional information in order for the Community Development Director to properly evaluate your accommodation request. If needed, the Community Development Director may ask that medical and other health information be submitted; however, the name or extent of the disability will not be required. Unless the Community Development Director has previously requested additional information, the accommodation request shall be deemed complete ten days after it is received. To ensure an actual, vested interest in the property where a reasonable accommodation is being sought, you must submit a current title report or other proof of ownership, with written authorization from the property owner if you are not the owner.

After receipt of a complete application, the Community Development Director may seek comments from staff, area property owners, and neighborhood organizations before issuing a decision. If the application concerns a group home, the applicant shall **comply with the Community Development Department public notice requirements** and notify property owners within 600 feet of the property lines of the subject property of the requested accommodation; for other types of applications, public notice may be required at the discretion of the Community Development Director. The purpose of public notice is to give area property owners and neighborhood organizations an opportunity for written relevant public input relating to the reasonable accommodation application if the requested accommodation may affect other properties. If the Community Development Director seeks comments, they will be requested within five days after receipt of the complete application and due within ten days after the request is made; copies of any comments received will be provided to you. Depending on the type of accommodation requested and comments received, if any, the Community Development Director may issue a decision or seek additional information.

Within 30 days after receipt of a complete application, the Community Development Director shall issue a written decision granting the request, conditionally granting the request, offering an alternative accommodation, or denying the request with the reason for the denial stated. If the Community Development Director requests additional information from you during this 30-day period, the time for making a decision shall be tolled until the additional information is received. The accommodation request and accompanying information will be kept with a record of the decision, will be a matter of public record, and will be made available to the public upon request. The Community Development Director’s decision may be appealed to the Board of Adjustment within 15 business days from the date of the Community Development Director’s decision.

After a reasonable accommodation has been approved by the Community Development Director or the Board of Adjustment, the accommodation may be rescinded by the Community Development Director if the accommodation is no longer necessary or reasonable. Before rescinding the approval of an accommodation, the Community Development Director will give written notice to you at least 30 days in advance so that you have an opportunity to respond. After this 30-day period, the Community Development Director shall issue a written decision continuing the accommodation, offering an alternative accommodation, or rescinding the accommodation with the reason stated. If the Community Development Director decides to rescind an accommodation, the Community Development Director's decision may be appealed to the Board of Adjustment within 15 business days from the date of the Community Development Director's decision.

REASONABLE ACCOMMODATION REQUIREMENTS

Before the Community Development Director may grant a reasonable accommodation, the applicant must submit the Reasonable Accommodation Request Form with sufficient information for the Community Development Director to evaluate whether the applicant has met the following requirements:

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under Fair Housing Law.
2. There is a disability-related need for the accommodation in order to provide a disabled individual with an equal opportunity to use and enjoy a dwelling and the requested accommodation is reasonable.
3. The requested accommodation will not impose an undue financial or administrative burden on the County as "undue financial or administrative burden" is defined in Fair Housing Law.
4. The requested accommodation will not result in a fundamental alteration in the nature of the County's land use and zoning scheme, as "fundamental alteration" is defined in Fair Housing Law, or alter the residential character of the surrounding neighborhood.
5. The requested accommodation complies with all other applicable State laws and County Code provisions, zoning regulations, and development standards.
6. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
7. The applicant owns the property for which a reasonable accommodation is requested or has written consent from the property owner to apply for the requested accommodation.

Note that the applicant bears the burden of showing that there is a disability-related need for the specific accommodation being requested (i.e., the requested accommodation will affirmatively enhance a disabled individual's quality of life by ameliorating the effects of the disability) and that the requested accommodation is reasonable. The applicant's request may be denied by the County if the applicant fails to meet this burden, if the requested accommodation would impose an undue financial or administrative burden on the County or undermine the purpose of the County's zoning ordinance, or for other reasons allowed under Fair Housing Law.

REQUEST NO. _____

**PINAL COUNTY, ARIZONA
REASONABLE ACCOMMODATION REQUEST FORM**

SUBMITTAL DATE: _____

To aid the Community Development Director in determining whether the necessary requirements can be met for approving or conditionally approving this request, the applicant must answer the following questions and attach additional pages and information if necessary. Return this completed form to: Pinal County, Attn: Community Development Director, 85 N Florence Street, P.O. Box 749, Florence, AZ 85132. If you have any questions about this form or the requirements or procedures applicable to reasonable accommodation requests, please call the Community Development Department at (520) 509-3555.

Applicant Information:

Name: _____

INDIVIDUAL CORPORATION LLC OTHER (check one)

Address: _____

Phone: _____ Fax: _____ E-mail: _____

Property Information:

Address: _____

Assessor Parcel Number: _____

Is the Applicant the owner of the Property? _____
(Attach a current title report or other proof of ownership, with written authorization from the property owner if you are not the owner.)

1. Is this application being submitted by a person with a disability, that person's representative, or a developer or provider of housing for persons with a disability?

2. Does the applicant, or person with a disability on whose behalf the application is being made, have physical or mental impairments that substantially limit one or more of such person's major life activities? If so, you do not necessarily need to provide details about the nature and severity of the disability, but you do need to provide reliable information (from a licensed health care professional, if applicable) to verify that the individual has a disability protected by Fair Housing Law.

3. From which specific County ordinance, rule, policy, procedure, practice, or service is an accommodation being requested?

4. Describe the requested accommodation and explain why the specific accommodation requested is necessary because of the disability in order to provide an equal opportunity to use and enjoy the dwelling. Provide reliable information (from a licensed health care professional, if applicable) that explains how the requested accommodation will affirmatively enhance a disabled individual's quality of life by ameliorating the effects of the disability.

5. Describe alternative reasonable accommodations, if any, that may provide an equivalent level of benefit and explain how the alternatives are necessary to provide an equal opportunity to use and enjoy the dwelling. Provide documentation to support your explanation.

6. Explain why the requested accommodation will affirmatively enhance the quality of life of the person with a disability. Provide documentation to support your explanation.

7. Explain how the person with a disability will be denied an equal opportunity to use and enjoy the housing type of their choice absent the accommodation. Provide documentation to support your explanation.

8. Explain why the requested accommodation will not impose an undue financial or administrative burden on the County.

9. Describe the potential impact of the requested accommodation on the surrounding neighborhood. Explain why the requested accommodation will not result in a fundamental alteration in the nature of the County's land use and zoning scheme or change the residential character of the surrounding neighborhood.

10. Describe whether the accommodation could constitute a direct threat to the health or safety of other individuals or substantial physical damage to the property of others and, if so, the steps that will be taken to prevent the threat or damage.

11. If the applicant is a developer or provider of housing for individuals with a disability, list any licenses or certifications required by applicable federal, state, county, and local laws and regulations and provide documentation of any such licenses or certifications.

12. The applicant may add any other information that may be helpful for the Community Development Department to determine whether the requirements for approving the accommodation have been met.
