



Community Development Department
7501 E. Skoog Blvd.
Prescott Valley, Arizona 86314
Phone (928)759-3050
Fax (928)759-5511
email: comdev@pvaz.net

GENERAL PLAN AMENDMENT APPLICATION SUBMITTAL CHECKLIST

Application #: _____ Site Address: _____

We do not accept any application via facsimile. Also, no incomplete applications will be accepted. All complete applications must contain the following:

- A mandatory pre-application meeting with the Community Development Department Planner on (date) _____.
- Persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section (See Attached Neighborhood Meeting Requirements).
- Request clearly outlined.
- List of property owners within radius of three hundred (300) feet of subject property attached.
- Application signed and dated.
- A legal description of the property identified on the application in **electronic word format**.
- Owner/Agent information provided.
- If agent, letter of authorization from property owner attached.
- A PDF electronic image of the site plan is also required for distribution purposes.**
- Permission to enter property statement signed and notarized.
- Proposition 207 Waiver Form signed.** *(On Page 19 of the attached Waiver document, the Owner, or Agent needs to just state their name, and title if applicable, and have the signature Notarized. Staff will complete the remainder of the Waiver.*
- A filing fee in the amount of:
 - \$321.00 for a **minor amendment** to the General Plan.
 - \$535.00 for a **major amendment** to the General Plan.



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**PLANNING DIVISION - HEARING APPLICATION
 GENERAL PLAN AMENDMENT**

COMMERCIAL
 RESIDENTIAL

MINOR **MAJOR**

Corresponding Development Agreement? Yes No

Project Name: _____ Assessor's Parcel #: _____

Site Address: _____ Unit: _____ Lot: _____

Applicant/Owner: _____ _____ Mailing Address: _____ _____ Phone: _____ Fax: _____ Email: _____	<i>For Staff Use Only</i>
	Meeting Date: / / Application No.: _____ Township _____ Section _____ Range _____ Date Received: _____ Zoning: _____ Fees & Charges: _____ Receipt #/Date: _____ Assigned To: _____ Taken By: _____
Agent (If different than property owner. Agent letter must accompany submittal): _____ _____ _____	Mailing Address: _____ Phone: _____ Fax: _____ Email: _____

Detailed Request (or attached detailed narrative):

I hereby certify that the information submitted for this application is complete and accurate to the best of my knowledge; and that I am the applicant or the bonafide agent of same as stated in the attached documentation.

Signature _____ Date _____
 Print Name _____



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What is a General Plan?

In simple terms, a General Plan can be best described as a community's blueprint for future development. It represents a community's vision for the future. It is a constitution comprised of goals and policies used by a community's Planning and Zoning Commission and Town Council to make land use and development related decisions.

The adoption or re-adoption of the General Plan shall be by resolution of the Town Council. Adoption or re-adoption of the General Plan must be approved by an affirmative of at least two-thirds of Town Council and be ratified by a majority of the community's citizens voting in the election of the plan.

The General Plan must be submitted for voter approval every ten (10) years. This requirement provides the opportunity for the Town to assess progress that has been made toward meeting the Town's goals and policies, and to respond to the changes in the community.

Prior to adoption or re-adoption of the General Plan, the Planning and Zoning Commission shall hold at least two (2) public hearings in two (2) different locations before forwarding a recommendation to the Town Council. Prior to adoption or re-adoption of the General Plan, the Town Council shall hold at least one (1) public hearing to consider the matter. Public and jurisdictional notice of the public hearings shall comply with all applicable State and Town regulations.

General Plan Amendments

To ensure adequate review of proposed amendments, the Arizona State Legislature has mandated that at least sixty (60) days before a plan amendment is adopted, the planning agency shall transmit the proposal to the Prescott Valley Town Council and submit a review copy to:

- The planning agency of the County in which the municipality is located.
- Each County or municipality that is contiguous to the corporate limits of the municipality or its areas of extraterritorial jurisdiction.
- The regional planning agency within which the municipality is located.
- The Department of Commerce or any other State agency that is subsequently designated as the General Plan agency for the state.
- Any person or entity that requests in writing to receive a copy of the proposal.
- Plan amendments shall be adopted in accordance with the procedures established in the Arizona Revised Statutes, which specifies the number of public hearings, acceptable notification prior to the public hearings, and the requirement that major amendments to the General Plan can only be approved by the affirmative vote of at least two-thirds (2/3) of the members of the Prescott Valley Town Council.

Minor Amendments:

Changes that are not considered major amendments to the General Plan shall be processed in accordance with State and Town of Prescott Valley regulations concerning timing, notice, public hearing and action. In

addition, any change mandated by initiatives for State law shall utilize the minor amendment process, regardless of the above guidelines.

✚ Major Amendments:

A major amendment to the General Plan is any proposal that would result in a change to the Land Use Plan that would substantially alter the Town’s planned mixture or balance of land uses. The following criteria are to be used to determine whether a proposed amendment to the General Plan substantially alters the mixture or balance of land uses. The term amendment shall apply to both text and map revisions. Major amendments are considered on an annual basis by the Town Council and require a two-thirds (2/3) majority approval. They cannot be enacted as emergency measures and are subject to public referendum and they require two (2) public hearings, one before the Planning and Zoning Commission and one before the Town Council.

A major amendment is any proposal that meets any one (1) of the following criteria:

- A change from a residential land use classification to a non-residential land use classification on one hundred (100) or more acres, except for Open Space and Public/Quasi-Public classifications.
- A proposal on one hundred (100) or more acres that increases the maximum number of allowable residential units by more than two hundred fifty (250).
- Any proposal that in aggregate includes changes in land use designations exceeding three hundred twenty (320) acres.
- A proposal that results in a significant alteration, displacement or diversion of a road alignment from the Circulation Plan, including, but not limited to, a change in functional classification.

Amendments to the General Plan shall only occur after careful review of the request, findings of fact in support of the amendment, and public hearings by the Planning and Zoning Commission and Town Council.

The Findings of Fact required shall include, but are not limited to:

- That the amendment will result in acceptable means of mitigating impacts through subsequent zoning action of the development process, so as to not adversely impact the community as a whole, or a portion of the community.
- That the amendment is consistent with the Vision, Guiding Principles, Goals and Policies of the General Plan.

Amendments to the General Plan may be initiated by the Town or by formal application by the owner(s) or their agents of real property within the Town’s incorporated boundaries and sphere of influence. Such amendments shall be in conformance with the procedures set forth in the Arizona Revised Statutes. Prior to any approval of any land development authority that is in conflict with the General Plan, an amendment to the General Plan showing the proposal to be in conformance with the General Plan must be completed. Applicants requesting an amendment to the General Plan must prove that the proposed change is an improvement to the General Plan.



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SURROUNDING PROPERTY OWNERS LIST

Ownership of surrounding properties shall be determined from the latest equalized tax assessment roll.

To the best of my knowledge, the enclosed list contains the names and addresses of all property owners within 300 feet from the exterior boundaries of the project property perimeter.

Signature

Date

Sample: This list will be reproduced; therefore, please type or print legibly.

ASSESSOR'S PARCEL NUMBER:	103-03-089
NAME:	JOHN DOE
ADDRESS:	653 OUTSIDE LANE
CITY, STATE, ZIP CODE:	NOWHERE AZ 85764

Note: No punctuation should be placed on the last line of the address (City, State, and Zip Code)

Please provide two (2) sets of the property owners listing on self adhesive mailing labels.

Use the County Assessor's office, a Title Company or other service companies to garner this information.

***THIS FORM AND PROPERTY OWNERS LISTS MUST BE RETURNED WITH APPLICATION SUBMITTAL.**



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AUTHORIZATION TO ENTER PROPERTY

APPLICATION #: _____ Parcel #: _____ Unit/Lot #: _____

Legal Description (see attached): _____

APPLICANT(s): _____

Address: _____ Phone No.: _____

I, the undersigned, hereby give permission to the Prescott Valley Zoning Inspector (or any Deputy Inspector) in the discharge of his/her duties as stated herein, and for good and probable cause, to enter the above described property to inspect same in connection with the enumerated application made under the terms of the Prescott Valley Town Code, or for any investigation as to whether or not any portion of such property, building or other structure is being placed, erected, maintained, constructed or used in violation of the Prescott Valley Town Code; or for any investigations for conditions, compliance and stipulations under the terms of the Prescott Valley Town Code and public hearings concerning this parcel. Such entry shall be within 60 days of the date of my signature (below) or within 60 days of the scheduled date of a public hearing for review, transfer or renewal of the application. Such entry shall be limited between the hours of 7 A.M. and 6 P.M. MST. I understand that this permission to enter property is **OPTIONAL** and **VOLUNTARILY GIVEN** and may be withdrawn or revoked (either in writing or verbally) at any time.

Applicant's Signature: _____ Date: _____

(check one)

- Owner
- Agent for _____

STATE OF ARIZONA)
) ss
 COUNTY OF YAVAPAI)

On this _____ day of _____ 20___ before me, the undersigned Notary Public, personally appeared who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal,

Notary Public: _____

Date Commission Expires: _____

PRIMARY CONSIDERATIONS RELATED TO PROPOSED DEVELOPMENTS

There are two (2) general focuses of consideration regarding any development project and change of zoning. They pertain to the appropriateness of proposed **LAND USE** and the nature of **PHYSICAL DEVELOPMENT**. The following discussion provides a synopsis of the major sources of those concerns:

LAND USE:

- 1) The Town of Prescott Valley Zoning Ordinance (established by the Town Council, 1979), implemented Town-wide zoning for control of land uses and development and density standards within the various districts. Adopted physical improvement standards are described by the Uniform Building Code.
- 2) The Town Council approved a *General Plan 2020* in 2002. The Plan is a series of goals and policies developed by the community. The purpose of the General Plan is to delineate goals for long range planning and development over the next twenty (20) years with strategy for their accomplishment. Guidelines pertaining to land usage and physical site development described by a General Plan would be considered in the evaluation of a request.

PHYSICAL DEVELOPMENT:

- 1) Development projects are reviewed by staff with concerns regarding potential impacts associated with the proposed use as addressed by the Town Zoning Ordinance and other adopted Codes, and land use guidelines of the General Plan. These guidelines address potential health, safety and welfare impacts (safe and controlled access, buffering of the use where needed, visibility of the site, outside storage, volatility of materials on-site, etc.). Depending on the manner of development, the degree of concern regarding each of these elements may vary.
- 2) Adopted Town Codes also regulate drainage and grading and building safety issues among others. Additional physical development guidelines may later be recommended by **project reviewing agencies**. It would benefit the developer to become familiar with those requirements before this request evolves into a hearing application. Information and/or copies of these codes are available from various town departments. These recommendations can sometimes delay or establish financially preclusive development requirements.

OTHER CONSIDERATIONS:

As part of the application process, you will be required to submit a list of names and addresses representing the land ownership within three hundred (300) feet of the proposal area. With that in mind, you should begin communicating directly with those property owners in order to develop some familiarity with local sentiments regarding your proposal.

PRE-APPLICATION MEETING:

Prior to the formal submittal of a completed application, you should schedule a meeting with the Planning Department to assess the feasibility of your proposed project.

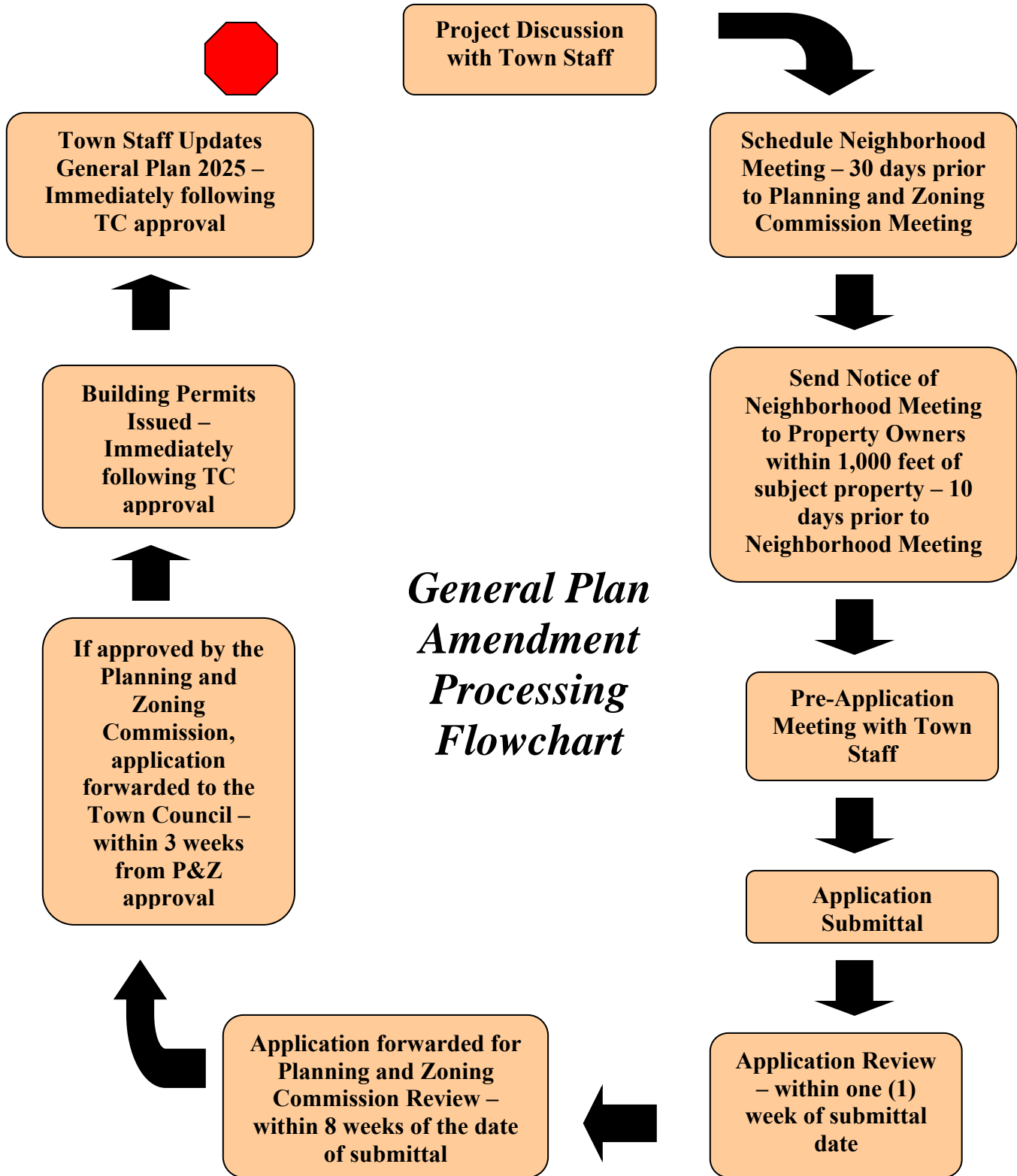
The initial meeting can be based on a conceptual sketch plan, or a more detailed plan if available. The level of detail and completeness will determine when the application is ready for submittal. The purpose of the initial meeting is to provide staff's opinion on the appropriateness of the proposal and identify the impacts and issues that may be associated with the projects. Some of the issues to be addressed are:

- Impacts on surrounding properties
- Traffic impacts on adjacent streets and neighborhoods

- Need for future right-of-ways and off-site improvements
- Impact on water, sewer and other infrastructure
- Availability of other services
- Flood, drainage patterns and detention

After initial review, continue with completion of application as outlined in the following instructions, incorporating any material deemed necessary. **The item will not be scheduled until all necessary information has been submitted and adequately reviewed by necessary agencies and departments.**

Note: The applicant or his representative should be present at scheduled meetings to answer questions. Any associated building permits will be issued after Public Hearing approvals and effective date of adopted Ordinances. If construction is planned, the applicants should obtain a Building Permit application and familiarize themselves with the building requirements.





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NEIGHBORHOOD MEETING REQUIREMENTS

13-30-12 Neighborhood Meeting – Ordinance 637

- A. Neighborhood Meeting Requirements. Persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section.
- B. Neighborhood Meeting Schedule. The neighborhood meetings required herein shall be conducted for the purpose of receiving comments on proposed applications and shall be conducted at least thirty (30) days prior to any public hearing on the application.
- C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification shall be provided as follows:
1. Notification by first-class mail to all property owners of record within one thousand (1,000) feet of the property to be included in the application;
 2. Notification by first-class mail to all homeowners associations within one thousand (1,000) feet of the property to be included in the application;
 3. The Zoning Administrator may expand the notification area set forth herein if he/she determines that the potential impact of the proposed application extends beyond the required notification area;
 4. Notification by first-class mail to any persons who have specifically requested notice regarding proposed zoning applications by registering their names and addresses with the Town. Such registration may be accomplished by any writing addressed to the Zoning Administrator. Such registrations shall continue for one (1) year unless renewed by the person(s) requesting notice;
 5. The notice shall set forth the substance of the proposed application and shall include the time, date and place of the neighborhood meeting. A copy of the notice shall be submitted to the Zoning Administrator prior to the neighborhood meeting; and
 6. Posting of one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. The sign or signs shall comply with the requirements for notification signs set forth in ARS §9-462.04 (as amended).
- D. Neighborhood Meeting Procedure. Neighborhood meetings shall be conducted at a location and time, and following a meeting format, approved by the Zoning Administrator. Town staff may or may not attend such

meetings (at their discretion) and may augment the meeting record described hereinafter as staff deems necessary.

- E. Record of Proceedings. Persons holding the neighborhood meetings required herein shall prepare the following for submittal prior to any public hearing on the application:
1. Certification, on a form established by the Zoning Administrator, that the neighborhood meetings were noticed and conducted in compliance with the requirements of this Section;
 2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section; and
 3. A written summary of the neighborhood meetings, including a list of all attendees' names and addresses and a summary of any comments received as a result of the neighborhood meetings.
- F. Additional Neighborhood Meetings. The Zoning Administrator may require that additional neighborhood meetings be held. If a subsequent application is substantially different from what was presented at neighborhood meetings, additional meetings may be required by the Zoning Administrator at his/her sole discretion. The same notification procedures prescribed herein shall be followed.
- G. Other Required Meetings. Where an application has already been filed and neighborhood meetings were not otherwise required, the Zoning Administrator may at his/her sole discretion require that one or more neighborhood meetings be held as required herein if he/she makes a determination that the application may substantially impact adjacent neighborhoods.
- H. Neighborhood Meeting Waivers. The Zoning Administrator may waive the requirement for a neighborhood meeting where a person submits an application requesting amendments to Town zoning regulations or to the Town zoning map pursuant to a previously-approved General Plan Amendment which was subject to a previous neighborhood meeting and public hearing. In such cases, the Zoning Administrator shall prepare a written statement setting forth the reasons for approving the waiver.

13-30-15 Pre-Application Review.

- A. Pre-Application Review. All persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations, or the Town zoning map, or requesting review of Specific Area Plans shall first participate in a pre-application review with Town staff before submitting an application.
- B. Requests for Pre-Application Review. Requests for pre-application review shall be filed with the Community Development Department on a form established by the Zoning Administrator. The Zoning Administrator shall endeavor to arrange pre-application reviews with appropriate Town staff at a date, time and location convenient to all involved. Nothing herein shall preclude additional meetings being held as part of the pre-application review as mutually determined by the person or persons requesting the review and the Zoning Administrator.
- C. Pre-Application Review Process. Pre-application reviews are one or more informal meetings with appropriate Town staff assigned by the Zoning Administrator. At such meetings, staff shall review the information that persons wishing to apply for amendments to Town zoning regulations or to the Town zoning map would include in their applications. At such meetings staff shall also review with the persons the record of proceedings for neighborhood meetings held under Section 13-30-012 or the requirements for

such neighborhood meetings if they have not yet been held. During such meetings, staff shall provide informal comments on the information provided. No later than fifteen (15) calendar days after the last meeting, staff shall also mail by first-class mail at the address indicated by the person or persons requesting the pre-application review a written summary of staff comments. A copy of said summary shall be included with any subsequent application filed with the Community Development Department.

Recorded at the request of:
Town of Prescott Valley
Town Clerk's Office
7501 East Skoog Boulevard
Prescott Valley, AZ 86314



**AGREEMENT
TO WAIVE CLAIM FOR DIMINUTION IN VALUE
REGARDING ACTION
PROPOSED BY TOWN OR REQUESTED BY PROPERTY OWNER**

This Waiver is related to Proposition 207 (Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes) dealing with eminent domain and regulatory takings. The Waiver is as an agreement between the Town and the owners in conjunction with the land use law actions requested by the property owners. Each owner of a fee interest in the subject property is asked to sign the waiver agreement and have the signatures properly notarized. Extra sheets for the Owners signature can be made for multiple owners involved in an application. A legal description should be attached by the applicant. The Town will complete the application number when the application is processed and attach a copy of the completed application.

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this ____ day of _____, 20__, by and between the Town of Prescott Valley, a municipal corporation of Arizona ("Town") and

("Owner(s)");

WITNESSETH:

WHEREAS, on December 4, 2006, the Governor of Arizona signed into law the Private Property Rights Protection Act (Proposition 207) approved by the voters on November 7, 2006; and

WHEREAS, Proposition 207 added a new Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes (comprising §§12-1131 through 12-1138) dealing with eminent domain and regulatory takings; and

WHEREAS, ARS §12-1134 permits an owner of private real property to seek just compensation from the state or a political subdivision thereof that enacts or applies a land use law which (subject to certain exceptions) reduces existing rights to use, divide, sell or possess said property and thereby reduces the fair market value of the property; and

WHEREAS, “land use law” includes any statute, rule, ordinance, resolution, or law enacted by the state or political subdivision that regulates the use or division of land or any interest in land; and

WHEREAS, ARS §12-1134(I) recognizes that the state or political subdivisions may reach agreements with private property owners to waive claims for diminution in value resulting from land use law actions proposed by the state or political subdivision or requested by the property owners; and

WHEREAS, Arizona courts have recognized the inherent authority of municipal corporations to enter into agreements within the scope of their legislative powers, the same as individuals and other corporations, in matters that appertain to said municipal corporations [see, *Town of Tempe v. Corbell*, 17 Ariz. 1 (1915)]; and

WHEREAS, the Town (through its Common Council) has, on the date first-above written, duly considered and approved this Agreement with the Owner(s) to waive any claims said Owner(s) may have for diminution in value that may result, now or in the future, from the land use law action(s) proposed by the Town or requested by the Owner(s) as more fully set forth herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

SECTION ONE. This Agreement applies to that private real property described in Exhibit “A” attached hereto and expressly made a part hereof (“Property”).

SECTION TWO. The land use law action(s) proposed by the Town or requested by the Owner(s) to which this Agreement applies have been designated as follows by the Town’s Community Development Department: and are based on certain application(s), copies of which (“Application(s)”) are shown as Exhibit “B” attached hereto and expressly made a part hereof (“Action(s)”).

SECTION THREE. By signing this Agreement, the Owner(s) expressly agree(s) and acknowledge(s) that the Owner(s) hereby waive(s) any right to claim diminution in value or claim just compensation for diminution in value of the Property under ARS §12-1134, now or in the future, in relation to the Action(s). This includes (but is expressly not limited to) agreement and consent by the Owner(s) to all conditions that may ultimately be imposed as part of the Action(s).

SECTION FOUR. It is expressly understood by the parties that this Agreement does not add to, detract from, or otherwise modify any discretion, right, power, authority, obligation, or duty of the Town under applicable law with respect to any legislative, administrative, or quasi-judicial action(s).

SECTION FIVE. This Agreement (including any exhibits attached hereto and any addendum) constitutes the entire understanding and agreement of the Owner(s) and the Town and shall supersede all prior agreements or understandings between the Owner(s) and Town regarding the Property. This Agreement may not be modified or amended except by written agreement of the Owner(s) and the Town.

SECTION SIX. This Agreement is made and entered into in Yavapai County, Arizona, and will be construed and interpreted under the laws of the State of Arizona.

SECTION SEVEN. The parties agree that this Agreement may be filed in the Official Records of the County Recorder's Office, Yavapai County, Arizona.

SECTION EIGHT. This Agreement runs with the land and is binding upon all present and future owners of the Property.

SECTION NINE. This Agreement is subject to the cancellation provisions of ARS §38-511.

SECTION TEN. The Owner(s) warrant(s) and represent(s) that the Owner(s) is/are the owner(s) of fee title to the Property, and that no other person(s) has/have any ownership interest(s) in the Property. The person(s) who sign(s) on behalf of the Owner(s) personally warrant(s) and guarantee(s) to the Town that he/she/they have the legal authority to bind the Owner(s) to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

_____, (Owner(s))

Owner(s) Signature

Owner(s) Signature

STATE OF ARIZONA)
) ss:
County of Yavapai)

On this ___ day of _____, 20___, _____,
personally appeared before me,
_____ who is personally known to me,
_____ whose identity I verified on the basis of _____
_____ whose identity I verified on the oath/affirmation of _____
a credible witness,
to be the signer of the foregoing document, and he/she acknowledged that
he/she signed it.

Notary Signature

My Commission Expires:

EXHIBIT "A"

PROPERTY

EXHIBIT "B"

APPLICATION(S)