

# Planning & Zoning Commission and Board of Supervisors

## FINDINGS OF FACT



### APPLICABILITY

The Coconino County Planning & Zoning Commission uses “findings” — specific review criteria — when making a decision about a development proposal. These criteria must be met for approval of a project. These include:

### CONDITIONAL USE PERMIT

- A. That the proposed location of the Conditional Use is in accord with the objectives of this Ordinance and the purpose of the Zone in which the site is located.
- B. That the proposed location of the Conditional Use and the conditions under which it would Be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- C. That the proposed Conditional Use will comply with each of the applicable provisions of this Ordinance, except for approved variances.
- D. That the proposed Conditional Use is consistent with and conforms to the goals, objectives, and policies of the Comprehensive Plan or Area Plan for the area.

### WAIVER OF PROPERTY DEVELOPMENT STANDARDS AND PERFORMANCE STANDARDS

The Commission may grant waivers from the Zoning Ordinance in conjunction with the approval of a Conditional Use permit for such property development standards and performance standards as: fences, walls, screening and Landscaping; Site Area, width, and depth; front, rear, and side Setbacks; Lot Coverage; height of structures; usable Open Space; signs; off-street parking facilities or parking lot standards; Frontage on a public street; number of Persons employed and/or the ratio of Floor Area of a Cottage Industry; and Campsite in a residential zone Density. The Planning and Zoning Commission shall make the following findings before granting a waiver from the Zoning Ordinance:

- I. The proposed waiver will not be detrimental to health, safety, or general welfare of Persons living or working in the vicinity, to Adjacent property, to the neighborhood, or to the public in general;
- II. The proposed Use otherwise conforms with the conditions, requirements, or standards of this Ordinance and any other applicable local, State, or federal requirements;
- III. That the granting of the waiver is the minimum that will accomplish this purpose and will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.

## **WAIVER OF ACCESS REQUIREMENT**

- A. The granting of the waiver will not diminish the ability for emergency service providers to access the property and carry out their services.
- B. The granting of the waiver will not put an undue maintenance burden or impact on others that legally use the access.
- C. The granting of the waiver is consistent with applicable engineering standards set by the Public Works Department or Engineering Division of the Community Development Department.
- D. The granting of the waiver will not have a negative impact on neighboring properties or improvements, especially as related to dust and traffic safety.

## **ZONE CHANGE**

- i. That the change is consistent with the goals, objectives, and policies of the Comprehensive Plan and this Ordinance.
- ii. That the change will not be detrimental to the public health, safety, comfort, convenience, and welfare.
- iii. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to Adjacent properties.

## **PLANNED DISTRICT ZONE (INITIAL APPROVAL AND MAJOR AMENDMENT)**

- a. That the development at the location proposed is consistent with and conforms to the goals, objectives, and policies of the Comprehensive Plan and the goals, objectives, policies, and design standards of the Area Plan.
- b. That the development and proposed location is consistent with the objectives and standards of the Planned District Zone.
- c. That the development at the location proposed and the development standards to be followed or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- d. That the development will promote or preserve environmental qualities and conserve energy usage and energy resources including the protection of adequate sunlight for use of solar energy systems.

## **ABANDONMENT**

- 1. That said abandonment and/or reversion of acreage is in the interest of the general welfare of Coconino County, and
- 2. That said abandonment and/or reversion of acreage would not unduly inhibit access to adjacent properties by emergency vehicles, the public-at-large, nearby property owners and public utilities or affect adjoining dependence on constructed infrastructure or utilities; and
- 3. That said abandonment and/or reversion of acreage would not eliminate public access ways which may be presently in uses or desirable for future use; and
- 4. That the subdivided lands to revert to acreage are under one contiguous ownership.

## SUBDIVISION PRELIMINARY PLAT

The Commission shall act as the advisory agency to the *Board of Supervisors*. The Commission may recommend approval, conditional approval, or denial of the plat. If the Commission is to recommend approval, or conditional approval, said recommendation shall be based upon the plat's conformity to all of the following findings:

- A. That the proposed *subdivision* conforms to the goals, objectives and policies of the Coconino County *Comprehensive Plan* and its amendments.
- B. That the design of the proposed *subdivision* will not cause damage to environmental features and will not present serious public health problems.
- C. That the site of the proposed *subdivision* is physically suitable for the proposed type and density of development.
- D. That the proposed *subdivision* is consistent with provisions and intent of zoning regulations applicable to the property.
- E. That the proposed *subdivision* conforms with the standards set forth in this Ordinance and those outlined in the County Engineering Design and Construction Manual.

## SUBDIVISION WAIVERS

The specific modification and/or waiver may be approved by the *Board of Supervisors*, in conjunction with the approval of the *preliminary plat*, when in the Board's determination the following criteria 1 or 2 are met and in conjunction criteria 3 has been met:

1. That strict application of a specific design and/or *improvement* requirement would preclude *subdivision* development of the subject property.
2. That there are extraordinary circumstances applicable to the property due to its topography, shape, land ownership or adjacent development, or other circumstances not provided for in this Ordinance that dictate the need for this modification and/or waiver to ensure good subdivision design and development.
3. That the granting of this modification and/or *waiver* will not be detrimental to the public health, safety, and general welfare or injurious to other property in the area in which said property is situated and modification and/or *waiver* will still substantially meet the objectives and intent of the standards or requirements of this Ordinance.