BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 5, 2016

Title: Co8-15-03 COMPREHENSIVE PLAN TERMS AND PROCEDURES ZONING CODE TEXT AMENDMENT

Introduction/Background:

Proposal to revise the Zoning Code chapter on the Comprehensive Plan (Ch. 18.89) consistent with the updated Comprehensive Plan; add a second plan amendment submittal window per year; change the definition and criterion for a "Major" plan amendment; redefine when the Planning and Zoning Commission holds a plan amendment study session; increase the maximum site area for a Type 2 Minor Revision; and, other updates and corrections.

Discussion:

Certain text amendment revisions are directed by Pima Prospers, others are recommended by stakeholders, are corrections and updates, or revisions based on staff experience.

Conclusion:

The Zoning Code chapter on the Comprehensive Plan would be in better sync with the recently updated Comprehensive Plan, the chapter would reflect improvements to procedures, and corrections to terms.

Recommendation:

Staff recommends that the Board of Supervisors approve this Text Amendment as proposed.

Fiscal Impact:

0

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Pima County Development Services - Planning Telephone: 520-724-9000

Department Director Signature/Date:

Deputy County Administrator Signature/Date: 6/14/16

County Administrator Signature/Date: 6/14/16

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Board of Supervisors

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: June 13, 2016

SUBJECT: **Co8-15-03** **COMPREHENSIVE PLAN TERMS AND PROCEDURES ZONING CODE TEXT AMENDMENT**

The above referenced Zoning Code Text Amendment is scheduled for the Board of Supervisors' **TUESDAY, JULY 5, 2016** hearing.

REQUEST: Proposal to amend by ordinance the Pima County Zoning Code Title 18, Chapter 18.89 Sections 18.89.010, 18.89.020.A, 18.89.030, 18.89.031, 18.89.040, 18.89.041, and 18.89.050, pertaining to Comprehensive Plan terms and procedures.

OWNER: N/A

APPLICANT: Pima County

DISTRICTS: ALL

STAFF CONTACT: Janet Emel

PUBLIC COMMENT TO DATE: As of June 13, 2016, staff has received two letters in support: one from the Southern Arizona Homebuilders Association (SAHBA) and the second from the Metropolitan Pima Alliance (MPA).

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL 8-0 (Commissioners Cook and Matter were absent).

STAFF RECOMMENDATION: APPROVAL.

TD/JE/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co8-15-03

FOR JULY 5, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Interim Planning Official
Public Works-Development Services Department-Planning Division

DATE: **June 13, 2016**

ADVERTISED ITEM FOR PUBLIC HEARING

ZONING CODE TEXT AMENDMENT

Co8-15-03 COMPREHENSIVE PLAN TERMS AND PROCEDURES

Proposal to amend by ordinance the Pima County Zoning Code Title 18, Chapter 18.89 (Comprehensive Plan) to revise Chapter 18.89 consistent with the recently updated Pima County Comprehensive Plan by amending Section 18.89.010 (Purpose); amending Section 18.89.020.A adding new definitions of "comprehensive plan amendment program", "element", "goal" and "non-major plan amendment"; amending existing definitions including "comprehensive plan", "land use intensity legend", "major plan amendment" to increase the site area to 640 acres and add criteria, and "plan policy". The proposal will amend Sections 18.89.030 (Plan components) and 18.89.031 (Plan elements) to repeal the requirement of permitted zoning districts in all land use intensity legend categories, to add plan goals as a required component, and to add "health" and "economic development" plan elements as potential plan components. The proposal will amend Section 18.89.040 to create a second window during the calendar year to accept non-major comprehensive plan amendment requests, and amend procedures, application process, and the requirement for a Planning and Zoning Commission study session. The proposal will amend Section 18.89.041 (Other plan amendment procedures) to add a new criterion for Board-Initiated Amendment Requests for Immediate Review which is "...waiting for the normal amendment periods would deny substantial and significant benefits to the greater community in terms of major regional economic development opportunities"; add new criteria for a Type 1 Minor Revision to the comprehensive plan which are a "non-substantive staff error" and a map labeling scrivener's error; increase the maximum site area eligible for a Type 2 Minor Revision request from 10 acres to 80 acres; add a new criterion for a Type 2 Minor Revision which is "the plan text does not reflect a process or policy previously approved by the Board"; and amend Section 18.89.050 (Comprehensive plan update program) to incorporate the Board-adopted "Public Participation Plan" into the process of updating the comprehensive plan. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL** of the proposed text amendment (Commissioners Cook and Matter were absent). Staff recommends **APPROVAL** of the proposed text amendment.
(All districts)

Planning and Zoning Commission Public Hearing Summary (May 25, 2016)

Staff presented information from the staff report to the commission with a recommendation of approval.

A commissioner asked whether the underlined text in the proposed text amendment means new text and staff responded that it does.

There were no other speakers.

The public hearing was closed.

A motion was made to recommend **APPROVAL** of the text amendment. A commissioner seconded the motion.

The commission voted to **APPROVE** the motion (8 – 0, Commissioners Cook and Matter were absent).

A commissioner commented that his recommendation of approval for the subject text amendment (Co8-15-03) did not in any way reflect support for revising any environmental regulations as stated in the MPA comment letter.

TD/JE/ar
Attachments

c: Tom Drzazgowski, Principal Planner
Co8-15-03 File

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

PUBLIC HEARING
May 25, 2016

Co8-15-03	**COMPREHENSIVE PLAN TERMS AND PROCEDURES ZONING CODE TEXT AMENDMENT**
STATUS / AGENDA ITEMS	**Planning and Zoning Commission Public Hearing** Zoning Code Amendment
REQUEST	Proposal by Pima County to amend Chapter 18.89, Comprehensive Plan including updating the chapter consistent with the updated Comprehensive Plan, creating a second window during the calendar year to accept non-major plan amendment requests, changing the definition of "Major" plan amendment from 500 to 640 acres and adding other new criteria, redefining when to hold a Commission study session, increasing the maximum site area allowed for Type 2 Minor Revision requests, and other revisions to the comprehensive plan chapter terms, content, and procedures. (All Districts)
INITIATION	Planning and Zoning Commission
PUBLIC COMMENT	None received to date

STAFF RECOMMENDATION
Staff recommends **APPROVAL** of the proposed amendment to the Zoning Code. The text amendment would update the Zoning Code commensurate with the recently-updated Comprehensive Plan and implement several zoning code changes directed by the Plan.

STAFF REPORT

The proposed text amendment would:

1) Update the Comprehensive Plan chapter in the Zoning Code (Ch.18.89) consistent with the recently-updated Comprehensive Plan (Pima Prospers);
2) Change the definition of a "Major" plan amendment from 500 acres to 640 acres and add new criteria; [Note: The differences between "Major" and "Non-major" plan amendment requests, which are based on State statutes, are that all major plan amendment requests shall be presented at the same Board meeting, approval requires a super-majority vote of the Board of Supervisors, and they have additional notification requirements.]

3) Add a second window during the calendar year for the submittal of non-major plan amendment requests;
4) Not require the Planning and Zoning Commission to hold a study session on the plan amendment schedule when there are only a small number of requests; and,
5) Add new criterion to the various types of "Minor Revision" processes to amend the Plan. Minor Revisions are abbreviated processes allowed in certain circumstances.

The revisions proposed by this text amendment stem, for the most part, from the new content and components in the updated Comprehensive Plan. There are also revisions based on situations that have occurred since the last time Chapter 18.89 was amended, revisions that correct or clarify, and revisions recommended by stakeholder reviewers.

The updated Comprehensive Plan, approved in 2015, includes revisions to the Land Use Legend, the addition of implementation measures, and the introduction of new regional policies, plan components, and terms. These changes need to be reflected in the Comprehensive Plan chapter of the Zoning Code. For example, because the community priority "economic development" is now an element of the Plan, the text amendment adds "Major Regional Economic Development Opportunities" as a reason for a "Board-Initiated Amendment Requests for Immediate Review", a quicker, simpler process for amending the Plan. Since new policies were added as part of the update process and the update entailed intensive review, another revision in this text amendment is that when someone wishes to change a new policy's direction, it is deemed a major plan amendment with more intense requirements. Revising amendment processes is always a balance between allowing the plan to be flexible but not so flexible it becomes meaningless. An example is that a new criterion for a Type 2 Minor Revision was added which is "the plan text does not reflect a process or policy previously approved by the Board".

Some revisions are specifically directed by the updated Plan. Policies 20 and 21 of the "Use of Land" chapter of the Plan (pg. 3.6) and their implementation measures propose creating a second application review window for non-major comprehensive plan amendment requests. The reason for a second amendment window is to offer smaller scale requests an alternative to waiting an entire year for the next amendment window.

Some revisions correct or clarify references or terms, or simply make better sense. The revision to change the minimum site area for a "Major" plan amendment from the relatively arbitrary 500 acres to 640 acres is promoted in the updated Plan (Pima Prospers Ch.10 Administration (pg. 10.7)). The 640-acres figure has more meaning in land use planning in that it is a full section of land (one square mile) in the Township/Range/Section system.

Other revisions proposed in the text amendment derive from practical situations that have arisen since the last time the Comprehensive Plan chapter was updated. An example would be not requiring the Commission hold a study session if there are only one or two non-major

plan amendment requests per submittal window. When there are three or more non-major amendment requests, it makes sense to evaluate them as a group and decide on scheduling and notification areas accordingly, but with fewer than three it seems an unnecessary, time-consuming extra step for an applicant. One or more major plan amendment requests still require the Commission hold a Study Session.

Some of the proposed text amendment revisions were recommended by the stakeholders who reviewed an early draft of the text amendment. An example would be the revision to increase the maximum site area for Type 1 Minor Revisions from the current 10 acres to 80 acres. Several stakeholders commented that the existing maximum 10-acre site is too restrictive.

Stakeholder Review
An earlier version of the text amendment albeit with most of the current content was distributed to the stakeholders (individuals and organizations) who review all of our Development Services Department text amendments.

Public Comment
With the exception of the stakeholder comments, staff has not received any other comments on the proposed zoning code amendment.

Respectively Submitted,

Janet Emel

Janet Emel, Senior Planner
Development Services Department

SAHBA
the community builder
Southern Arizona Home Builders Association

Southern Arizona Home Builders Association

2840 N. Country Club Road
Tucson, Arizona 85716
Phone: (520) 795-5114
Fax: (520) 326-8665
Web: www.sahba.org

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NAHB

May 23, 2016

Chairwoman Jenny Neeley
Pima County Planning & Zoning Commission
130 W. Congress St.
Tucson, AZ 85701

RE: Comprehensive Plan Terms & Procedures

Dear Chairwoman Neeley,

The Southern Arizona Home Builders Association supports the proposed zoning code changes currently under your consideration. The building industry participated extensively in the Comprehensive Plan update process and believe the proposed changes are consistent with *Pima Prospers.*

Establishing a second submittal window for non-major plan amendments, changing the definition of a "Major" plan amendment from 500 acres to 640 acres, and eliminating a study session on plan amendments with a small number of requests will improve the amendment process. These proposed changes would add additional efficiencies and flexibility to the development process in Pima County at a time when housing starts remain considerably flat, and the County has lost market share with respect to new home construction.

We appreciate staff's outreach to the building industry on these proposed changes. Additionally, the industry would encourage the Planning & Zoning Commission to consider directing staff to bring forward zoning code changes allowing more combined comprehensive plan rezonings and zoning modifications to include changes to site analysis requirements. These process improvements will further improve efficiencies for both staff and the development community and further the goals of *Pima Prospers*.

We look forward to continuing to work with staff to amend the Pima County development process to better meet the needs of the County and private development.

Sincerely,

Shawn

Shawn Cote
SAHBA Government Affairs Associate

Metropolitan Pima Alliance

May 16, 2016

Chairwoman Jenny Neeley
Pima County Planning & Zoning Commission
130 W Congress Street
Tucson, AZ 85701

Re: Comprehensive Plan Terms & Procedures

Dear Chairwoman Neely,

We thank you for the opportunity to comment on the proposed text amendments to Pima County Zoning Code Chapter 18.89 Comprehensive Plan (Co8-15-03 Comprehensive Plan Procedures). Metropolitan Pima Alliance (MPA) is a land use advocacy organization representing 150 members involved in both commercial and residential development. MPA is pleased with the articulation and comprehensive nature of these amendments, as well as the forward thinking in promoting our community's shared values of job creation, economic development, protection of the natural environment and enhancing our quality of life.

Overall, the proposed amendments reasonably reflect an attainable future vision for Pima County, and adequately addresses and guides the future vision of our vibrant communities. MPA believes that the suggested text amendments will provide greater flexibility and ameliorate the difficulties associated with the amendment process. By increasing the lot size that typically triggers a major amendment from 500 to 640 acres, MPA feels that the process will become less rigorous resulting in substantial expenditure reductions in terms of staff and developer time and costs. Additionally, by eliminating a study session on plan amendments with a small number of requests and establishing a second submittal window for non-major plan amendments, MPA feels that these amendments create greater development certainty, which we feel is critical to the success of this region.

MPA appreciates the County working to ease the development process. Along these same lines, MPA encourages additional refinements to be made within other areas including the Site Analysis checklist. Site Analysis has an extensive list of regulatory requirements placed on the front end of development. We would like to engage in a discussion to either eliminate or delay specific requirements on the list. Additionally, the 2015 MPA/SAHBA annual survey reflects that some of the County's environmental regulations are a barrier to responsible development and we encourage a thoughtful discussion regarding the goal of these regulations and how to best achieve the preservation goal while not also deterring development.

We are confident that the proposed text amendments are reasonable and provide a more efficient process. Thank you for the opportunity to provide commentary on these amendments and we look forward to collaborating to advance the community's shared values and the success of this region.

Sincerely,

Amber Smith, Executive Director
Metropolitan Pima Alliance

Metropolitan Pima Alliance
PO Box 2790
Tucson, AZ 85702
www.mpaaz.org

ORDINANCE **2016- _____**

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING; AMENDING THE PIMA COUNTY ZONING CODE TITLE 18 BY AMENDING CHAPTER 18.89 (COMPREHENSIVE PLAN) TO REVISE CHAPTER 18.89 CONSISTENT WITH THE RECENTLY UPDATED PIMA COUNTY COMPREHENSIVE PLAN BY AMENDING SECTION 18.89.010 (PURPOSE); AMENDING SECTION 18.89.020.A ADDING NEW DEFINITIONS OF "COMPREHENSIVE PLAN AMENDMENT PROGRAM", "ELEMENT", "GOAL" AND "NON-MAJOR PLAN AMENDMENT"; AMENDING EXISTING DEFINITIONS INCLUDING "COMPREHENSIVE PLAN", "LAND USE INTENSITY LEGEND", "MAJOR PLAN AMENDMENT" TO INCREASE THE SITE AREA TO 640 ACRES AND ADD CRITERIA, AND "PLAN POLICY";AMENDING SECTIONS 18.89.030 (PLAN COMPONENTS) AND 18.89.031 (PLAN ELEMENTS) TO REPEAL THE REQUIREMENT OF PERMITTED ZONING DISTRICTS IN ALL LAND USE INTENSITY LEGEND CATEGORIES, TO ADD PLAN GOALS AS A REQUIRED COMPONENT, AND TO ADD "HEALTH" AND "ECONOMIC DEVELOPMENT" PLAN ELEMENTS AS POTENTIAL PLAN COMPONENTS; AMENDING SECTION 18.89.040 TO CREATE A SECOND WINDOW DURING THE CALENDAR YEAR TO ACCEPT NON-MAJOR COMPREHENSIVE PLAN AMENDMENT REQUESTS, AND AMENDING PROCEDURES, APPLICATION PROCESS, AND THE REQUIREMENT FOR A PLANNING AND ZONING COMMISSION STUDY SESSION; AMENDING SECTION 18.89.041 (OTHER PLAN AMENDMENT PROCEDURES) TO ADD A NEW CRITERION FOR BOARD-INITIATED AMENDMENT REQUESTS FOR IMMEDIATE REVIEW WHICH IS "...WAITING FOR THE NORMAL AMENDMENT PERIODS WOULD DENY SUBSTANTIAL AND SIGNIFICANT BENEFITS TO THE GREATER COMMUNITY IN TERMS OF MAJOR REGIONAL ECONOMIC DEVELOPMENT OPPORTUNITIES"; ADD NEW CRITERIA FOR A TYPE 1 MINOR REVISION TO THE COMPREHENSIVE PLAN WHICH ARE A "NON-SUBSTANTIVE STAFF ERROR" AND A MAP LABELING SCRIVENER'S ERROR; INCREASE THE MAXIMUM SITE AREA ELIGIBLE FOR A TYPE 2 MINOR REVISION REQUEST FROM 10 ACRES TO 80 ACRES; ADD A NEW CRITERION FOR A TYPE 2 MINOR REVISION WHICH IS "THE PLAN TEXT DOES NOT REFLECT A PROCESS OR POLICY PREVIOUSLY APPROVED BY THE BOARD"; AND AMENDING SECTION 18.89.050 (COMPREHENSIVE PLAN UPDATE PROGRAM) TO INCORPORATE THE BOARD-ADOPTED "PUBLIC PARTICIPATION PLAN" INTO THE PROCESS OF UPDATING THE COMPREHENSIVE PLAN. (ALL DISTRICTS)

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. The Planning and Zoning Commission, at its September 30, 2015 meeting initiated amendments to the Pima County Code.
2. The amendments in this ordinance add a second window for submitting plan amendment requests; revise the definition of "Major" plan amendment; revise Chapter 18.89 consistent with the updated comprehensive plan; simplify chapter formatting; clarify wording; update the plan amendment minor revision processes; and reduce requirements for Commission study sessions.
3. This ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to reduce any existing rights to use, divide, sell or possess private real property.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY AS FOLLOWS:

SECTION 1. Pima County Zoning Code Chapter 18.89, Comprehensive Plan is amended as follows:

Chapter 18.89

COMPREHENSIVE PLAN*

18.89.010 - Purpose.

A. In accordance with A.R.S. §§ ~~11-806~~ 11-804 and ~~11-821~~ 11-805, this chapter provides for a comprehensive plan, which comprises at a minimum a land use plan, goals, elements, and regional, rezoning, and special area plan policies. The plan provides guidance for accomplishing coordinated and harmonious physical, human, and economic development consistent with current and anticipated needs of the county.

B. The land use plan contained in the comprehensive plan furthers the purpose of the plan by:

1. Establishing boundaries for urban/suburban, rural, and ~~rural~~ general land use intensity categories as set forth in the Land Use Intensity Legend;
2. Establishing planned land use to guide planning and coordinate the timing and implementation of capital improvement activities, such as transportation, flood control, water delivery or wastewater ~~management~~ reclamation facilities;

3. Determining the relative suitability of individual geographic sectors for various land use types and development intensities including compatibility with a military airport operation;

4. Designating ~~permitted zoning districts~~ land use objectives and gross density limitations within each land use intensity category and permitted zoning districts for certain land use intensity categories to assist the board of supervisors and the planning and zoning commission in determining whether proposed rezonings or specific plans conform to the comprehensive plan, in accordance with Sections 18.90.030.E and 18.91.040.C. However, conformance with the plan shall not in itself warrant approval of the rezoning or specific plan. The final determination of the merits of the rezoning request or specific plan application shall be made during the rezoning or specific plan review process.

C. The regional policies contained in the comprehensive plan further the purpose of the plan by:

1. Reflecting community values in goals and policies, including health and social services, the natural environment, and economic development;

2. Providing direction on the delivery of infrastructure and services in cost-effective, efficient ways;

3. Promoting consistency in decision making through various implementation methods such as rezoning and specific plan requests, strategic and facility plans, budgets, capital improvement programs, and possible bond programs.

18.89.020 - Definitions.

A. Certain terms used in this chapter shall be defined, for purposes of this chapter only, as follows:

~~1. Annual Plan Amendment Program: The yearly process which facilitates the review of requested changes to the adopted land use plan and policies of the comprehensive plan.~~

1~~2~~. Comprehensive Plan: The official document for the planning and zoning commission, board of supervisors, and all county officials and agencies for accomplishing coordinated physical and human infrastructure, and economic development consistent with the current and anticipated needs of the county.

2. Comprehensive Plan Amendment Program: The twice yearly process which facilitates the review of requested changes to the adopted land use plan and policies of the comprehensive plan.

3. Comprehensive Plan Update Program: The process, conducted at least every ten years, which facilitates the re-evaluation and revision of the plan where necessary.

4. Element: A component of the Comprehensive Plan dealing with specific topics that are either required (e.g. water) or optional (e.g. health and economic development) as defined in the A.R.S. Title 11, Chapter 6, Article 1, including but not limited to open space and land use.

5. Goal: The ultimate purpose of an effort stated in a way that is general in nature and immeasurable. Goals are not quantifiable, time-dependent or

suggestive of specific actions for achievement. Goals often refer to one or more aspects of the vision and incorporate specific values.

~~4~~6. Land Use Intensity Legend: A description of the ~~density~~ planned land use intensity categories which govern the type of and density at which development is allowed to occur ~~as determined by distinct land use categories~~.

~~5~~7. Major Plan Amendment:

a. A requested change to the adopted land use plan for a site equal to or greater than ~~500.~~ 640 acres, or

b. Addition of a new plan element, or

c. Complete rewrite of an existing plan element, or

d. A reorientation of an existing plan element, goal, or regional policy.

8. Non-major Plan Amendment: A requested change to the adopted land use plan for a site less than 640 acres, or a non-major revision to a comprehensive plan goal, element, or policy.

~~6~~9. Plan Policy: A course or principle of action defined to support a goal. A written statement in the plan which provides general guidance on pursuing or protecting a County interest, provides ~~either~~ a procedural or development recommendation, or may guide budget, capital improvement, future bonding, or expansion plan decisions. A plan policy may be imposed as a special condition of rezoning. A policy is further defined as one of the following:

a. Regional Plan Policy: A recommendation for all of the unincorporated (unless otherwise specified) Pima County planning area; or

b. Rezoning Policy: A guideline that commonly applies to discrete areas composed of one parcel or a limited number of parcels and frequently reflects either an approved, individual plan amendment or a policy carried forward from a previous (rescinded) area plan (e.g. Catalina Foothills Area Plan).

c. Special Area Policy: A guideline that applies to sites typically composed of multiple parcels that share a unique physical feature or location over a relatively large area.

18.89.030 - Plan components.

The plan shall include, at a minimum, the following components:

A. Map, including:

1. Planned land use intensity categories;
2. Special or Rezoning Policy areas;
3. Growth areas or Focused Development Investment Areas.

B. Land use intensity legend, including for each intensity category:

1. Purpose or objective statement;
2. Allowable gross density for categories permitting residential development;
3. Permitted zoning districts for selected land use intensity categories.

C. Plan goals and policies. The plan may propose development, design or procedural goals and policies more restrictive than this code.

1. A plan policy is identified as either a regional, rezoning, or special area policy as defined in Section 18.89.020(A)(6).

2. Rezoning and special area plan policies may:

a. Identify zoning districts or densities other than those set forth in the Land Use Intensity Legend that may, in accordance with Sections 18.90.030 and 18.91.040, be deemed in conformance with the land use plan, or

b. Eliminate or ~~restrict~~ limit zoning districts or densities that would otherwise be deemed in conformance with the land use plan in accordance with the Land Use Intensity Legend~~.~~, or

c. Recommend development standards.

3. Regional, special area, and rezoning policies may address land use and non-land use issues.

~~3~~4. Adopted plan policies may recommend that further public hearings be held concerning land proposed for rezoning for uses that may conflict with plan policies.

~~4. Adopted plan policies are implemented through the rezoning process and other similar actions by the county.~~

D. Plan elements.

~~**18.89.031 - Plan elements.**~~

A1. The plan shall include, at a minimum, the following elements:

~~1~~a. Growth area;

~~2~~b. Land use;

~~3~~c. Circulation;

~~4~~d. Open space;

~~5~~e. Cost of development;

~~6~~f. Water resources;

~~7~~g. Environmental (including, but not limited to, the Conservation Lands System (CLS));

~~8~~h. Other elements as may be required by Arizona Revised Statutes.

~~B~~2. Other Plan Elements. The plan may also include other elements, including the following:

~~1~~a. Urban design;

~~2~~b. Housing;

~~3~~c. Neighborhoods;

~~4~~d. Public services and facilities;

~~5~~e. Public safety;

~~6~~f. Cultural heritage;

~~7~~g. Implementation;

h. Health;

i. Economic development.

~~C~~3. Elements may be combined or re-titled in the Comprehensive Plan provided the subject matter is fully covered in compliance with Arizona Revised Statutes~~.~~ and the plan includes an explanation of where in the plan the content is located.

18.89.040 - ~~Annual~~ Pplan amendment program.

A. The program provides two amendment periods. Both Major plan amendment and Non-major plan amendment requests may be submitted during the three-month period commencing on the first regular business day of February and ending on the last regular business day of April. Only Non-major plan amendments may also be submitted during the two-month period commencing on the first regular business day of August and ending on the last regular business day of September.

~~A~~B. Purpose.

1. The ~~annual~~ plan amendment program provides ~~an~~ opportunity~~y~~ies to better promote implementation of:

a. Community values including principles of healthy communities and economic development;

~~a~~b. ~~The~~ Arizona state legislation - Growing Smarter (1998) and Growing Smarter Plus (2000) as may be amended, with particular emphasis given to planning for mixed use~~ planning~~, compact development, multi-modal transportation opportunities, rational infrastructure expansion and improvements, conservation of natural resources, and the growth area element (where applicable)~~,~~;

~~b~~c. Adopted ~~Other~~ plan policies~~ set forth in the Regional Plan Policies (including but not limited to Conservation Lands System (CLS)), Rezoning Policies and Special Area Policies~~.

2. The ~~annual~~ plan amendment program provides ~~an~~ opportunity~~y~~ies to address oversights, inconsistencies, or land use related inequities in the plan, or to acknowledge significant changes in a particular area since the adoption of the plan or plan updates.

~~3. Annual amendments are reviewed concurrently in order to analyze potential cumulative impacts.~~

~~4. Prior to setting a public hearing for a rezoning or specific plan application that does not conform with the plan, an amendment to the plan, to allow said rezoning or specific plan request, shall be processed in accordance with the requirements of this chapter and development services department policies and approved by the Board of Supervisors.~~

B. Procedure.

1. Before setting a public hearing for a rezoning or specific plan application that does not conform with the plan, an amendment to the plan which would allow the rezoning or specific plan request shall be processed in accordance with the requirements of this chapter and development services department policies and approved by the board of supervisors.~~ 1. Complete applications for amendments to the plan shall be submitted to the development services department only during the three-month period commencing on the first regular working day of February and ending on the last regular working day of April.~~

~~3~~2. Amendments to the plan may be requested by owners of the subject property, the development services department, the commission or the board ~~and shall be subject to the provisions of paragraphs 1 and 2 above~~.

3. Amendment requests within each amendment period are reviewed concurrently in order to analyze potential cumulative impacts.

4. Public participation, agency and jurisdictional review and comment, public notification and adoption requirements for plan amendment requests and elements shall be in accordance with ARS §11-805.

~~2~~5. Final action by the board shall be taken on all complete ~~applications~~ amendment requests submitted as soon as practicable, depending on the number and nature of ~~applications~~ amendment requests received. All major plan amendment requests shall be presented at a single public hearing before the board during the calendar year the proposal is made.

C. ~~Application~~ Contents of amendment requests.

1. Contents of complete ~~application~~ requests for land use intensity category amendments. Complete ~~applications~~ requests shall include, at a minimum:

a. A completed application form;

~~a~~b. A legal description or tax code number of the property for which the amendment is being requested;

~~b~~c. A list, by name and title, of all ownership interest in the property (e.g., individual, corporation, trust, or limited partnership);

~~c. A copy of the assessor's map and computer printout verifying ownership;~~

d. If applicable, a letter of authorization from the owner designating an agent to represent the property owner;

e. A sketch plan ~~showing~~ of the area of the proposed amendment drawn at an appropriate scale, showing property boundaries, existing improvements, general circulation, acreages and dimensions of existing and proposed land use intensity categories, and features of future development if known. If more than one land use intensity category is requested, the area proposed for each category must be clearly delineated on ~~a~~ the sketch plan ~~drawn at an acceptable scale~~, showing the acreage and dimensions of each category, or under some circumstances specifically described in text;

f. Applicable fee for comprehensive plan amendment, in accordance with adopted fee schedule;

g. Any other requirement set forth in written departmental policies.

2. Contents of complete ~~application~~ submittal for policy and other text amendment~~s~~ requests. Complete ~~applications~~ requests shall include, at a minimum:

a. A concise written description of the proposed amendment;

b. Evidence that public benefit would result from such amendment;

c. Any other requirement set forth in written departmental policies.

3. Incomplete ~~applications~~ requests shall not be ~~accepted for~~ process~~ing~~ed. Determinations as to whether or not ~~an application~~ request is complete may be appealed to the commission, provided such an appeal is requested in writing within ten ~~working~~ business days from the date of determination.

D. Review and Comment.

1. Commission study session:

a. A study session is required if three or more non-major amendment requests are received or one or more major plan amendment requests are received within the same submittal period.

~~a~~b. If a study session is required, ~~T~~the commission:

1) ~~S~~shall review all of the amendment requests received within the same submittal period during ~~a~~ the study session;

2)~~b~~ ~~The commission s~~Shall set the amendments for public hearing;

3)~~c~~. ~~The commission m~~May expand the public hearing notice for an amendment;

~~d. The commission may initiate plan amendments;~~

~~e.~~c. Public notice for the study session shall be given by publication once in a newspaper of general circulation in the county seat.

2. Commission public hearing:

a. At least one public hearing shall be held by the commission to consider and take testimony on each amendment request.

b. For each amendment request, the commission shall make findings and provide a recommendation to the board.

c. After the public hearing, the development services department shall transmit the public hearing summaries containing the findings and recommendations of the commission to the board.

d. The commission may continue the public hearing for a definite time not to exceed four months.

3. Board public hearing:

a. At least one public hearing shall be held to consider and take testimony on each amendment request.

b. The board may continue the hearing for a definite time not to exceed four months.

4. Board action and subsequent referral to the commission: The board shall consider amendments requests and may change the proposed amendments requests after first referring the changed portion back to the commission for its recommendation. The recommendation of the commission regarding the changed portion may be accepted or rejected by the board during a subsequent public hearing advertised in accordance with Section 18.89.040~~(.D)~~(.5) below.

5. Commission and board public hearing notice:

a. Land use intensity category amendment. The development services department shall provide public notice a minimum of fifteen days ~~prior to~~ before the public hearings held by the commission and the board by:

1) Publication in a newspaper of general circulation in the county seat;

2) Mailing first class notice to property owners within the area proposed to be amended (amendment area) and, at a minimum, within three hundred feet of the proposed amendment area.

b. Regional, rezoning, and special area policy, and other plan text amendments requests. A minimum of fifteen days before the public hearing, the development services department shall provide public notice by one-eighth of a page display advertisement in a newspaper of general circulation in the county seat. The commission or board may expand notification by requiring mailing first class notice to property owners if there is a defined in the areas affected by the amendment.

18.89.041 - Other plan amendment procedures.

A. Board-Initiated Amendments Requests for Immediate Review.

1. The board may initiate the plan amendment process immediately, provided, at a public hearing noticed in accordance with Section 18.89.040.D.5, the board makes one of the following findings based on substantial evidence in the record:

a. The applicant has demonstrated that waiting for the normal amendment periods would deny substantial and significant benefits to the greater community in terms of:

1) New jobs;

2) Expanded tax base;

3) Enhanced opportunity for disadvantaged populations; or

4) Significant promotion of affordable housing, mixed use planning, and compact development.; or

5) Major regional economic development opportunities.

b. The applicant has demonstrated that waiting for the a normal amendment period would place the community at greater health or safety risks in the form of:

1) Inadequate waste treatment facilities;

2) Inadequate or unsafe transportation improvements;

3) Hazardous environmental conditions; or

4) Insufficient community or governmental services facilities;

c. An application that would revise the FEMA one-hundred-year floodplain designation as it affects the subject property has been submitted to, and accepted by, the Pima County Regional Flood Control District.

B. Minor Revisions to Comprehensive Plan.

1. Type 1

a. (Type 1a) The comprehensive plan may be amended administratively by the development services department without hearing, but with notice to the commission, when minor revisions are required due to annexation, ownership transfers of government land (e.g., federal to state), or minor revisions to resource transition sensitive or resource conservation designations categories consistent with accurate FEMA one-hundred-year floodplain information.

b. (Type 1b) The comprehensive plan may be amended administratively subject to ratification by the commission that a scrivener's error occurred involving a mapping or text portion of the plan that did not reflect the board of supervisors' action on a property or policy or is a non-

substantive staff error. For the purposes of this section, a scrivener's error is defined as a minor mistake in writing, mapping, map labeling, or copying something on the record, and not a mistake in reasoning or determination. Staff will provide the commission with the factual background and basis of the scrivener's error. If the commission is unable to ratify an amendment as a scrivener's error as defined above, the amendment will be processed as a Type 2 minor revision, subject to meeting the criteria of Section 18.89.040~~0~~1.F.2, or through the ~~annual~~ amendment ~~process~~ program.

2. ~~(~~Type 2~~)~~ ~~The board of supervisors, planning and zoning commission, or development services department may initiate at any time a plan amendment to remedy a planning error, a planning oversight, or an incorrect planned land use designation. The planning official shall prepare a report for public hearing based on criteria that follow.~~

a. The board of supervisors, planning and zoning commission, or development services department may initiate at any time a plan amendment to remedy a planning error, a planning oversight, or an incorrect planned land use intensity category. The planning official shall prepare a report for public hearing based on criteria that follow. The report shall demonstrate that the subject property was designated in error during the plan development, update program, or ~~annual~~ plan amendment program and that the change in planned land use ~~designation~~ intensity category is not based on altered property or market conditions subsequent to plan adoption. General criteria to support this administrative procedure may include any of the following:

1) The subject property is designated at a lower land use intensity category than its existing land use or existing hard zoning and such designation is not founded on public recommendations or planning practice documented at the time of designation, or does not represent implementation of the environmental planning element of the plan;

2) The plan designation creates an isolated lower intensity residential island, surrounded or nearly surrounded by property of higher residential intensity;

3) The plan designation does not adequately reflect existing or planned land uses along or at the intersections of major arterials, thereby creating land use conflicts between low intensity and adjacent commercial uses. In such a case the planning official shall report on whether the low intensity designation was justified to avoid or mitigate the effects of commercial strips.

4) The plan text does not reflect a process or policy previously approved by the Board.

b. This administrative procedure shall not apply to properties ~~in excess of~~ greater than ~~ten~~ eighty acres in size. Amendment requests for such properties that may otherwise justify a change of designation based on a planning error in accordance with this section must be processed during the

~~annual~~ plan amendment program in order to provide sufficient public notice and opportunities for public review.

c. A minimum of fifteen days ~~prior to~~ before the scheduled commission and board hearings, the development services department shall provide notice by first class mail to property owners within the proposed amendment area and within three hundred feet of the proposed amendment area.

d. The commission shall forward its recommendation to the board along with the planning official's report for final action on the property by the board.

C. Concurrent Plan Amendment/Rezoning.

1. Purpose. The purpose of this subsection is ...

. . .

4. Criteria.

a. Any request for a concurrent plan amendment/rezoning must meet the following criteria:

1) The proposed use must not conflict with any applicable policies, including regional, special area or rezoning policies, of the comprehensive plan.

2) There has not been a concurrent plan ...

. . .

c. In addition to the requirements of ...

. . .

2) ~~i~~If Section 18.91.030.E requires that a preliminary development plan be submitted with a proposed rezoning and the property is not greater than ten acres in area and seventy-five percent or more of the perimeter of the subject property, as measured in linear feet, abuts properties with a zoning district or comprehensive plan designation equal to or less restrictive than that requested for the concurrent plan amendment/rezoning~~,~~.

5. Notwithstanding the planning director's decision to proceed...

. . .

18.89.050 - Comprehensive plan update program.

A. Purpose. The comprehensive plan update program is intended to facilitate the review of the comprehensive plan, in its entirety, on a periodic basis and to provide the means to amend and update the plan where necessary. Development trends will be identified and assumptions underlying the plan will be researched during this process. Extensive public participation will be solicited to insure that revisions reflect community values.

B. Schedule.

1. The ~~C~~comprehensive ~~P~~plan update program shall be conducted at least every ten years. On or before the tenth anniversary of the plan's most recent adoption, the existing plan shall either be readopted or a new plan adopted.

2. A program to update the plan, including a proposed schedule for completion, shall be prepared by the department and approved by the planning and zoning commission.

C. Program Content. At a minimum, the update shall include an evaluation of and, where necessary, revisions to the following:

1. Plan elements of Section 18.89.03~~1~~0~~(A)~~D.1;

2. Other relevant plan elements of Section 18.89.03~~1~~0~~(B)~~D.2;

3. Population, housing, and economic conditions and projections;

~~3~~4. Land use map and legend;

~~4~~5. Regional, rezoning, and special area plan policies;

~~5. Population, housing, and economic conditions and projections;~~

6. Zoning code provisions and other ordinances and resolutions working at cross purposes to ~~sections affected by~~ the updated plan.

~~7. Protected peaks and ridges, in accordance with the criteria of Section 18.61.040 (HDZ).~~

D. Plan Amendment~~s~~ Requests Submitted by Property Owners. During the comprehensive plan update year, property owners may submit plan amendment ~~applications~~ requests (including map amendment~~s~~ requests) in accordance with Section 18.89.040 and development services department policies.

E. Review and Public Notice Requirements. For the re-adoption of the current plan or adoption of a plan update~~s~~ pursuant to this section, the following shall occur:

1. Public participation, agency and jurisdictional review and comment, public notification and adoption requirements shall be in accordance with ARS §11-805 and the Board adopted Public Participation Plan.

~~1~~2. Public comment shall be actively sought during the planning process.

~~2~~3. Department public meetings: The development services department shall, at a minimum:

a. Hold one public meeting to discuss the plan update, and receive public comment at least four weeks ~~prior to~~ before the study session by the commission;

b. Make available to the public a final draft of the plan update, including all proposed land use intensity ~~designations~~ categories, plan policies, rezoning and special policy areas, and growth areas at least fifteen days before public hearing by the commission.

~~3~~4. Planning and zoning commission review:

a. Commission study session:

. . .

SECTION 2. This ordinance is effective 30 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this_____ day of _____, 2016.

_____
Chair, Pima County Board of Supervisors

ATTEST:

_____
Clerk, Board of Supervisors

APPROVED AS TO FORM

5/13/16
_____
Civil Deputy County Attorney
Lesley M. Lukach

_____
Executive Secretary, Pima County
Planning and Zoning Commission