Development Sub-Committee

# SUMMARY NOTES

Meeting 4: March 10, 2015

**We're in the INTRODUCTION STAGE**
Our purpose is to give a **Project Overview** and have **Open Discussion**

## Attendance

| **Present:** | **Staff:** | **Absent:** |
|---|---|---|
| Bill Adler | Bayer Vella | Diane Bristow |
| Kit Donley | Elisa Hamblin | Bill Leedy |
| Barry Gillaspie | Chad Daines | Don Cox |
| Stephen Roach | Nora Campbell | |
| Michael Schoeppach | | |

## Welcome and Introductions

- Elisa Hamblin welcomed sub-committee members and thanked them for attending the meeting.
- Elisa outlines planed discussion topics: go through packet, highlight changes, discuss each section with focus on the procedures section.
- Elisa reminds the group that this discussion and subsequent recommendations will be brought back to the Development Committee.
- The committee was asked if they had any changes in the Meeting Summary Notes:
    - None
- Elisa reviewed the agenda:
    - Next Development Committee meeting on Thursday, March 12th.

## Meeting Business

Elisa: Recap of changes made since the last meeting:

- Page 1, Type 1 Amendments #1 made more general
- Page 1, Type 1 Amendments #2b and #2c, took out acreage requirements
- Table Changes:
    - From POS to other land uses, Type 1
    - From other land uses to POS, Type 2
- Bill Adler: NCO to COP, Type 2 currently. NCO includes family and apartments, and because of this and density, should be considered Type 1.
    - Elisa: Confirms that NCO category in C-N zoning can have residential. This suggestion could be used as a nuance.
    - Bill Adler: Is multifamily housing a trigger for community protest?
        - Group: yes
    - Elisa: Commercial to NCO is Type 2.
    - Bill Adler: This is more of a discretionary issue, especially when considering the surrounding areas.
    - Bayer Vella: Note the discretionary option in Type 2 Amendments #5c/
    - Bill Adler: Will #5c necessitate a change to the code? It will be a new issue to developers.
- Barry Gillaspie: Can we run through #5c scenarios? In previous area discussions, we talked about proximity to residential along major corridors. For example, Tangerine is zoned LDR1 and a developer intends to go retail

    - Michael Schoeppach: In the packet for Thursday's Development Committee meeting, many parcels on Tangerine would fall into #5c as a Type 1 amendment.
    - Barry Gillaspie: Even though we want to make things simpler, we shouldn't make the review process easier.
- Bayer: This will be important in Thursday's Development Committee meeting. We must get it right the first time, especially if the group wants to see infill.
    - Michael Schoeppach: Supports the amendment direction. One can't make a fully informed decision without the amendment knowledge we have. If this question were asked in 2017, the amendment process would be Type 1.
    - Bayer: Once the Development Committee and the public vote to pass the Land Use Map, there's a general desire to leave it alone. Assuming the Land Use Map works and the process works to change properties on a case by case basis, it should go smoothly.
    - Kit Donley: Is there any legal entitlement to zoning with the Land Use Map changes?
        - Bayer: No. General Plan designation is required to pursue zoning change. There is no entitlement from the General Plan.

Elisa moves on with Changes recap:

- Page 2 Table changes:
    - All changes to HDR are Type 1.
    - Changes from MDR or HDR to RGC or NCO are now Type 1.
    - Change from PARK to RGC now Type 1.
    - Change from OS to PARK now Type 1.
    - Change from RGC or NCO to PARK now Type 2.
- Page 3, #3c. Interpretations: Reflect ability for discretion but includes a framework to use it.
- Bill Adler: Shouldn't Interpretations go to the Board of Adjustments?
    - Bayer: No provisions in interpreting the General Plan. Since Town Council and the Planning and Zoning Commission have a vote in deciding the General Plan, Interpretations should be forwarded to Council and Commission.
- Barry Gillaspie: "Applicant" for what?
    - Bayer Vella: Could be either amendment or zoning change.
- Barry Gillaspie: "Aggrieved party" is a political word. We don't want to open the door for any "aggrieved party" to carry out due process.
    - Chad Daines: "an aggrieved party owning property within the required notification area for general plan amendments" should limit the issue.
    - Barry Gillaspie: Tangerine and Oracle Scenic Corridors are important Oro Valley standards. If this were the case, it would only be the Ross Rooney property that could appeal. This isn't enough for the future of the town. If the change were significant enough, anyone should be able to challenge it.
    - Bayer: This is a Pandora's box. There is currently no interpretation appeal process.
    - Bill Adler: Does this imply an interpretation of Land Use Map or policies?
    - Bayer: Land Use Map only. For example, the interpretation of net or gross density of a planned development. There aren't many opportunities for Exceptions c. to come up.
    - Barry Gillaspie: This doesn't set out a course of due process. It needs to exist, but it's a Pandora's box.
    - Bill Adler: Use administrative process instead. "Interpretive" or "determinative"? An "interpretation" has legal attachment. A "determination" is more positive, a judgment, more easily explained, takes out the legal process, and subject to discussion. Use "Planning administrator's judgment".

    - Bayer: Require that the determination be made on the record for Commission and Council to confirm or question.

Elisa continues recap of changes:

- Diane Bristow suggests that the general plan and guiding principles should be mentioned and there should be substantial facts to support interpretations.
    - Bayer: They're would already be included as part of a staff report.
    - Bill Adler: Dianne feels that neighbors may need more protection with more facts and rationale. Are the right people in these positions?
    - Bayer: Agrees.

Elisa continues recap of changes:

- Page 4
    - #1, "On balance"
    - #2, now requires public outreach and incorporation of neighborhood comments into project changes.
    - #4 Economic stability written on board:
        - All non-residential amendment requests will demonstrate a positive impact to the long-term economic stability of the Town by:
            - Providing businesses which are underrepresented business types, for either the community as a whole or as identified in the immediate project area
            - Substantial contribution to diversifying revenue sources
            - Demonstrated consistency with General Plan goals and policies on economic development and primary job growth
- Bill Adler: #2 can't ask for evidence of good faith. The burden of applicant is to demonstrate/provide sufficient evident. This should instead indicate that neighborhood concerns have been considered.
    - Michael Schoeppach: "Applicant has implemented … to the extent reasonably possible"
        - General consensus
- Michael Schoeppach: In #3, what if they meet a-d, but not e? The amendment shouldn't pass. Must make it clear that all of #3 a-e must be met.
    - Chad: "By adherence to all of the following criteria"
- Bill Adler: We're adding language over all. Do we need to identify "actions" or even adverse impacts to actions?
    - Elisa: We will include a checklist approach to the amendment process.
    - Bill Adler: Current general plan includes criteria of adherence to the Vision and Guiding Principles, plus four specific conditions. People get frustrated with the current process. This new plan should force the applicant to provide conformance to #1 without the need for #2 and #3a-e.
    - Bayer: #1 "… based on a specific analysis". Should #3 be under #1, as it's an extension of #1?
    - Kit Donley: This would give a quick can/cannot screening process.
    - Barry Gillaspie: "but not limited to" issue
    - Bayer: Could be two criteria instead of three. #3 is a subset of #1. #1 tells you we need to address all. #3 is still important.
    - Barry Gillaspie: Put #2 in #3 instead.
    - Bayer: I still like emphasis on the content of #2.
    - Stephen Roach: What about the checklist?
    - Chad: Include a statement of compliance with the checklist
    - Stephen Roach: In this case, drop #3.
    - Chad: #3a-e are the bulk of the issue.

  - Michael Schoeppach: Specificity is needed for voter ratification, and is important politically. No need for "adversely" in b-d because it's included in the introduction of #3.
  - Bayer: Organization is the issue.
- Bayer: Let's move on to #4. Finances need to be focused on because decisions are always made with this in mind. Transparency is needed. Can we push for more diverse businesses that are currently underrepresented in the community or neighborhood?
  - Example: grocery stores are overrepresented in the whole town, but not along Shannon or La Cholla.
  - Barry Gillaspie: At the general plan process, are there grounds to enforce this? No. This may not be very practical.
  - Bill Adler: We began this discussion with the need for primary jobs. There is criticism that many people who work here cannot live here. Do we have a responsibility to focus on economic stability? I'm not sure that #4 is effective as an amendment criteria. It should instead be a policy.
  - Barry Gillaspie: Primary jobs are defined as those that put revenue into the community. If we make it a policy elsewhere, that's fine. It should be a part of the amendments as well because of OV's unstable tax base. Criteria may not apply to all amendments, may not be answerable, or may be a 'no'.
  - Chad: What about services?
  - Barry Gillaspie: These shouldn't jam a proposal, but should be a consideration.
  - Bill Adler: Type 1 should include some analysis/estimate. Not sure how Commission or Council can weigh that, maybe as a judgment consideration.
  - Barry Gillaspie: If you read #4a, it could change voting patterns.
  - Bayer: Could make the case that this is necessary now a days, to wait on projects like a CVS/Burger King/Gas Station pad development for something better.
  - Stephen Roach: This idea is appropriate, and should be made into a policy.
  - Michael Shoeppach: Agrees. Could be important to sit on properties.
  - Elisa: #4 lines up with long-term financial stability in the Community Committee policies.
- Bayer: Skip #4 a, b, c in amendment, but be sure they're in the policy. Refer to the policies in #4.
  - Chad: Agrees with policy emphasis decision.
  - Bill Adler: Can we call out specific policies to provide clarification?
  - Elisa and Chad: Yes.
  - Barry Gillaspie: There's no data that can be looked to. This is a subjective criteria, so it should be flushed out in the policies.
- Bayer: Suggests that #3f be written to make long-term financial sustainability requirement transparent.
  - Stephen Roach: Agrees
  - Michael Schoeppach: If the policy end is done well, use only #4, not a, b, and c because the policy would explain enough. Don't include #4 in #3 because it cannot be met if amendment is for a residential development. Keep #1, #2, #3a-e, and #4.
  - Barry Gillaspie: Write policy with example of consideration and employment definitions
  - Bayer: Community Committee policies will need to be beefed up.
  - Elisa: Development Committee can make recommendations and make the case for primary jobs and other economic stability work.

Elisa continues discussion to Procedures:

- Procedures outline that the Town provides high-level guidance and outlines basic amendment process.
  - Bayer: Bullets are the core objectives of the process. We're trying to keep this high-level to allow Zoning Code to handle the process.
- Barry Gillaspie: strike "larger" and "smaller"

    - Agreement
- Bill Adler: Who is the Amendment Awareness Program audience?
    - Chad: Geared toward the community, specifically those affected by amendments. Localized efforts to help controversy. Has taken place every year for the past two years. Looking to expand media releases and paper advertisements.
    - Bayer: The need for Chad's explanation suggests that the bullet needs to better explain the program.
- Michael Schoeppach: for Type 1 and Type 2 Amendment Processes, "Neighborhood meetings *conducted* throughout the process"
    - Agreement
- Bill Adler: Who has seen this?
    - Bayer: Council has seen one draft.
    - Bill Adler: We're focusing on disseminating information. Citizens and neighborhoods should know that the general plan amendment process is changing and how.
    - Bayer: Let the zoning code establish the mechanics. Keep the General Plan as a higher level. The town is a steward of the process.
- Bill Adler: Reminds group that page 4 should read "it shall be the burden of"

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### Homework and Next Steps

- Next steps:
    - We will make changes and distribute them by email. This will be the last call for changes.
    - This work will be taken back to the Development Committee within a few meetings.
- All Committee Review scheduled for April. The amendment work is important for other groups as well.
- Questions:
    - Bill Adler: Environment Committee considered it unnecessary to justify economic stability. Could become an issue in the All Committee Review. Language should recognize that economic and environment overlap and issues should be considered and responded to reasonably.
    - Elisa: Agrees that this lens is important.
    - Bayer: Perhaps 3 members of this group could present each section of the Amendment policy to the Development Committee and provide why these decisions were made. Products are more powerful when people who ownership of their work.
- Bayer thanks group.

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### Public Comment Period

- No one was in audience for questions

# PART 1: MAJOR AND MINOR GENERAL PLAN AMENDMENT THRESHOLDS

## Type 1 Amendments

Type 1 Amendments involve significant changes to the Town's General Plan. They include changes on parcels to different land use types that are of most impactful. Such amendments may include changes from large lot residential to commercial use or decreases in open space.

Type 1 Amendments are defined as Major General Plan Amendments in State Law and involve a substantial alteration of the Town's land use mixture or balance as further specified in Section ___ of this Plan. Type 1 Amendments require more extensive neighborhood meetings, public hearings and a higher level of concurrence by Town Council for approval.

**A Type 1 Amendment shall be required for any of the following changes to the General Plan:**

1. Any text changes to a Goal, Policies and Action which alters the intent or purpose of any Element, Goal, Policy or Action of the General Plan.
2. Any change to the Land Use Plan as follows:
   a. Affecting 40 acres or more AND classified as a Type 1 amendment on Table __. Table __ includes all land use amendment scenarios and specifies the type of amendment required. Generally, a Type 1 amendment is required when a request involves 40 acres or more and a two-step increase in land use categories. For example, a 50 acre property proposed for amendment from Low Density 1 to Medium Density would require a Type 1 amendment.
   b. Increasing the amount of High Density Residential, regardless of acreage.
   c. Increasing the amount of Master Planned Community, regardless of acreage.
   d. Decreasing neighborhood commercial office, community regional commercial or commerce office park land use designations, regardless of acreage.
   e. Decreasing the amount of designated Open Space regardless of acreage.
   f. Planning Area Boundary changes.
   g. Amendments for properties outside the Urban Services Boundary.

**Table __ General Plan Amendment Matrix**
**(To be used in determining type of amendment, in conjunction with 2.a. above)**

| | Proposed Designation (Change To) | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Existing | R-LDR | LDR1 | LDR2 | MDR | HDR | MPC | RGC | NCO | CRC | COP | PSP & SCH* | PARK | OS |
| R-LDR | *none* | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 |
| LDR1 | 2 | *none* | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 |
| LDR2 | 2 | 2 | *none* | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 |
| MDR | 2 | 2 | 2 | *none* | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 |
| HDR | 2 | 2 | 2 | 2 | *none* | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 2 |
| MPC | 1 | 1 | 1 | 1 | 1 | *none* | 1 | 1 | 1 | 2 | 2 | 2 | 2 |
| RGC | 1 | 1 | 1 | 1 | 1 | 1 | *none* | 2 | 1 | 2 | 2 | 2 | 2 |
| NCO | 1 | 1 | 1 | 1 | 1 | 1 | 2 | *none* | 1 | 2 | 2 | 2 | 2 |
| CRC | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 | *none* | 2 | 1 | 2 | 2 |
| COP | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 2 | *none* | 1 | 2 | 2 |
| PSP & SCH* | 2 | 2 | 2 | 2 | 1 | 1 | 2 | 2 | 2 | 2 | *none* | 2 | 2 |
| PARK | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | *none* | 2 |
| OS | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | *none* |

*Public Schools are not subject to the amendment process

**Designation Key**

| | |
|---|---|
| R-LDR | Rural Low Density Residential (0 - 0.3 homes per acre) |
| LDR1 | Low Density Residential 1 (0.4 - 1.2 homes per acre) |
| LDR2 | Low Density Residential 2 (1.3 - 2.0 homes per acre) |
| MDR | Medium Density Residential (2.1 - 5.0 homes per acre) |
| HDR | High Density Residential (5.1+ homes per acre) |
| MPC | Master Planned Community |
| RGC | Resort and Golf Course |
| NCO | Neighborhood Commercial and Office |
| CRC | Community/Regional Commercial |
| COP | Commerce/Office Park |
| PSP | Public/Semi Public |
| SCH | Schools |
| PARK | Parks |
| OS | Open Space |

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## Type 2 Amendments

Type 2 Amendments involve less impactful changes to the General Plan and do not represent a substantial alteration of the Town's land use mixture or balance. Type 2 amendments are not intended to be Major General Plan Amendments as provided by State Law.

Type 2 Amendments involve a more streamlined approval process, but still provide ample public outreach, neighborhood meetings and public hearings related to the amendment.

**A Type 2 Amendment shall be required for any of the following changes to the General Plan:**

1. Any text changes to a Goal, Policies and Action which does not alter the intent or purpose of any Element, Goal, Policy or Action of the General Plan.
2. Any amendment not meeting the criteria for a Type 1 Amendment.
3. Amendments to the Urban Services Boundary.
4. Open Space trades resulting in no net loss of open space and which meet the Town's environmental objectives.
5. The Planning and Zoning Administrator may reclassify a Type 2 Amendment to a Type 1 Amendment based on the following findings:
    a. High visibility of the property by a significant portion of the community, beyond visibility by adjacent property owners. Areas of high visibility include, but are not limited to locations along major thoroughfares, at major gateways into the community such as town limits and properties which are highly visible due to elevation.
    b. The physical characteristics of the property such as environmental constraints, access or topography create significant environmental or grading impacts to the property.
    **c.** The proposed density or type of development would create a significant and abrupt transition in land use in comparison with the adjacent area and development context. The change may impact the surrounding development character or signal an overall change to the future of the area.

## Exceptions

The following shall not require a formal amendment to the General Plan and be reviewed administratively:

1. All scriveners' errors will be subject to administrative approval. Scriveners' errors are unintentional clerical mistakes made during the drafting, publishing, and copying process.
2. Public schools are not subject to the amendment process.
3. The Planning and Zoning Administrator shall have the authority to administer and interpret the application of the General Plan through administrative determinations. Requests for determinations may be filed by an applicant or an aggrieved party owning property within the required notification area for general plan amendments. Information on determinations shall be identified in all related staff reports for the Planning and Zoning Commission and Town Council.

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## PART 2: GENERAL PLAN AMENDMENT EVALUATION CRITERIA

General Plan Amendment evaluation criteria provides a tool for the Town to use to objectively assess the merits of a specific amendment request. The criteria identifies broad themes from the General Plan that an amendment should advance, as well as specific development related issues that will be evaluated by the Town in relation to the amendment request. The criteria provides a basic framework for Town decision making on amendment requests.

The criteria is purposely written using subjective language to enable review of potential applications covering the breadth of General Plan topics. The ultimate interpretation of the criteria will be made by Town Council.

**The review and analysis shall include, but not limited to the following criteria:**

1. On balance, the request is consistent with the Vision, Goals and Policies of the General Plan, and will not adversely impact the community as a whole or a portion of the community, as demonstrated by adherence to all the following criteria. The request shall not:
    a. Significantly alter existing development character and land use patterns without adequate and appropriate buffers and graduated transitions in density and land use.
    b. Impact existing uses with increased traffic or drainage without appropriate improvements to accommodate planned growth.
    c. Impact other public services including police, fire, parks, water and wastewater without mitigation and improvements to accommodate planned growth.
    d. Impact the natural beauty and environmental resources without mitigation.
2. The applicant has implemented effective public outreach efforts to identify neighborhood concerns and has responded by incorporating meaningful measures to mitigate development impacts on adjoining areas, to the extent reasonably possible.
3. All non-residential amendment requests will contribute positively to the long-term economic stability of the Town as demonstrated by consistency with Goals __ and Policies __ related to economic development and financial stability.

*It shall be the burden of an applicant to submit information, studies and analysis which will enable all participants to adequately assess the request in relation to the criteria.*

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# PART 3: GENERAL PLAN AMENDMENT PROCESS

As the General Plan provides primary guidance for future decision making, the procedures for amendment include significant public outreach which provide for meaningful involvement in the amendment process. The specific procedures for amendment to the General Plan are codified in the Oro Valley Zoning Code Revised (OVZCR).

## Type 1 Amendments

Type 1 Amendments involve significant property changes to different land use types. As these amendments have the potential for greater impact to the surrounding area and the community as a whole, the Zoning Code establishes an enhanced process of public outreach as follows:

- Type 1 Amendments may only be filed one time during the year
- The Town will provide a program which increases public awareness and information regarding amendments
- Neighborhood meetings conducted throughout the process
- Enhanced public notice requirements
- Notice to adjacent communities, regional planning groups and State agencies for comment
- Enhanced public hearing requirements

## Type 2 Amendments

Type 2 Amendments involve less impactful changes to the General Plan, but still include a substantial public outreach process as follows:

- Type 2 Amendments may be filed any time during the year
- Neighborhood meetings conducted throughout the process
- Enhanced public notice requirements
- Public hearings before the Planning and Zoning Commission and Town Council

## 10 Year Updates

State law requires that a comprehensive update of the General Plan be undertaken at least once every 10 years. Changing conditions may warrant a comprehensive update or amendments to portions of the plan on a more frequent basis as determined by Town Council.

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