TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION **MEETING DATE: April 3, 2012**

TO: **PLANNING & ZONING COMMISSION**

FROM: Chad Daines AICP, Principal Planner
cdaines@orovalleyaz.gov (520) 229-4896

SUBJECT: **PUBLIC HEARING:** Amendment to Section 22.2 of the Oro Valley Zoning Code Revised and a Minor General Plan Amendment to update the procedures relative to General Plan Amendments. (OV711-10 & OV1112-01)

SUMMARY

On December 6, 2011, the Planning and Zoning Commission initiated an amendment to the Zoning Code and the General Plan to adjust the timing of required neighborhood meetings for Major General Plan Amendments. On January 3, 2012, the Planning and Zoning Commission discussed the proposed amendment further and provided additional direction regarding the timing of required neighborhood meetings, the acreage threshold for Major General Plan Amendments and creating consistent language between the Zoning Code and the General Plan with regard to General Plan Amendments. Based on that direction, staff is forwarding the formal amendment for consideration.

As the amendment affects both the Zoning Code and the General Plan, this staff report addresses the changes needed in both documents to implement the amendment. The Zoning Code amendment is provided as Attachment 1 and the General Plan Amendment is provided as Attachment 2.

BACKGROUND

Neighborhood Meetings

The Zoning Code and General Plan outline the General Plan Amendment process, including the requirement for two neighborhood meetings. The current language requires that these neighborhood meetings occur prior to submittal of an application.

Based on discussion at the January 3rd Commission meeting, a majority of the Commission members felt it was important to retain the requirement for neighborhood meetings prior to an application. These meetings serve as an early notice to area residents and can provide the opportunity for valuable intitial input from these residents on an application. The Commission also agreed with the staff proposal for additional neighborhood meetings closer to the review of applications and the public hearing process in the latter part of the year. The proposed amendment retains the requirement for an educational meeting and project presentation meeting, and adds the requirement to hold additional neighborhood meetings during the review of the application and prior to the public hearings before the Planning and Zoning Commission. A graphic depicting the proposed neighborhood meetings in relation to the entire amendment process is provided on Attachment 3. All neighborhood meetings are conducted in accordance with Section 22.15 Public Participation.

No change is proposed to the current structure of the neighborhood meeting process and therefore there will now be two windows for meetings for every Major General Plan amendment.

Major General Plan Amendment Acreage Threshold

Currently, the Zoning Code and General Plan classify an amendment involving property more than 5 acres in size as a major amendment, with a notable exception. Under the current language of the Zoning Code and the General Plan, if an amendment is less than 5 acres in size and not contiguous to a "like" land use category, then the amendment is classified as a Major Amendment. In order to be classified as a Minor Amendment, the property must be less than 5 acres and must be contiguous to a like land use category.

The Town's General Plan references the statutory intent for major amendments established by State Law. According to State Statute, "major amendment" means "a substantial alteration of the municipality's land use mixture or balance as established in the municipality's existing general plan land use element." The Commission discussed this issue at the January 3rd meeting. A comparison of thresholds from like sized communities was presented at the January 3rd meeting and is also provided as Attachment 4. Although the Commission did not arrive at a specific acreage amount, several Commissioner's spoke in favor of raising the threshold from 5 to 20 acres.

Based on the general discussion at the January 3rd meeting, statutory intent and in light of the comparison of like size communities, staff suggests that the threshold be raised from 5 acres to 20 acres. In terms of the current language regarding being contiguous to a "like" land use designation, the connection to State Statute is weak. Staff's research of other communities reveals that this is not a threshold used by any of the surveyed communities. This current language results in a 1 acre amendment being classified as Major if it is not contiguous to a like land use category, which is not a "substantial alteration of the municipality's land use mixture or balance..". Based on these reasons, this language has been deleted from the threshold. The resulting draft establishes a clear and concise threshold: changes of 20 acres or more are classified as Major, changes less than 20 acres are classified as Minor.

One Commissioner requested information relative to the size of remaining vacant parcels in Oro Valley to determine how many parcels this change would effect. Staff is preparing an analysis of this information for presentation at the meeting. It should be noted that many times an amendment is proposed for only a portion of a larger parcel of land and therefore definitive conclusions may be difficult to draw from the inventory for this reason. The proposed amendment is expected to reduce the number of major amendments, however, minor amendments follow essentially the same but somewhat shorter review process.

Inconsistent Language between the Zoning Code and General Plan

Both the Zoning Code and the General Plan contain General Plan amendment procedures and review criteria and the language is not consistent between the two documents. The current Zoning

Code language is provided as Attachment 5 and the current General Plan language is provided as Attachment 6. As can be seen, there are significant differences in the language between the two documents including the criteria which defines Major and Minor General Plan Amendments, the neighborhood meeting requirements for Minor General Plan Amendments and the review criteria for Major General Plan Amendments.

As an Ordinance, the Zoning Code is the prevailing process language. The proposed amendment deletes the inconsistent languange in the General Plan and replaces it with the Zoning Code language as updated in accordance with the preceeding subsections of this report. The end result is that the General Plan and Zoning Code will contain identical language relative to the amendment process, neighborhood meetings and review criteria.

RECOMMENDATION

Staff recommends approval of the proposed amendment to the Zoning Code and the General Plan as provided on Attachments 1 and 2, based on the following findings:

- The proposed amendment will provide more effective citizen involvement through the inclusion of additional neighborhood meetings closer to the review and hearing process for Major General Plan Amendments.
- The increase in the threshold for Major General Plan Amendments will better align this threshold with the Statatory intent for Major General Plan amendments.
- Alignment of the amendment language between the General Plan and the Zoning Code will eliminate inconsistencies between the two documents.

SUGGESTED MOTION

The Planning & Zoning Commission may wish to consider one of the following suggested motions:

I move to recommend approval of the proposed amendments to the Zoning Code and General Plan as provided on Attachment 1 and 2, based on the findings provided in the staff report.

OR

I move to recommend denial of the proposed amendments to the Zoning Code and General Plan as the proposed amendments are not warranted at this time.

ATTACHMENTS:

1. Zoning Code Amendment
2. General Plan Amendment
3. Proposed Timeline for Neighborhood Meetings
4. Acreage Threshold Comparison

5. Existing Zoning Code Language
6. Existing General Plan Language

Project Manager:

Chad Daines
Principal Planner

S:\PERMPLUS\DOCS\OV711-010\PZC Report 2-07.doc

_____
David A. Williams, AICP, Planning Division Manager