

Attachment 8 Existing General Plan Language

AMENDING THE PLAN

For the purposes of this Plan, an amendment is any change that occurs between the scheduled Plan updates. Such amendments may involve a change to the Land Use Map for specific properties or a change to the text within an existing element of the Plan. Each element of the Oro Valley General Plan includes an overarching statement that was created based upon prevailing needs, existing development pattern, underlying zoning classifications, considerations for man-made constraints, natural constraints, environmentally sensitive lands, opportunities for development, accepted planning practices, and considerable public input. Over a period of time, these variables are subject to change. Consequently, the General Plan must periodically be reviewed and amended to ensure that it remains an effective policy guide. Amendments to the General Plan should never be allowed to occur in a haphazard manner. Amendments to the General Plan should only occur after careful review of the request, finding of fact (see Adoption of Amendment below), and public hearing(s) by the Planning and Zoning Commission and Town Council. The statutory requirements for the adoption of the General Plan shall be followed for all amendments as they pertain to public hearings and otherwise.

Types of Amendments to the Plan

General Plan amendments may be classified as either “major” or “minor” amendments. Generally, amendments to the Plan will be changes to the Land Use Map. However, the same amendment procedure is to be utilized when processing a text amendment.

Major Amendment. The Arizona Revised Statutes define a Major Amendment as “a substantial alteration of the municipality’s land use mixture or balance as established in the existing general plan land use element.” Oro Valley defines a Major Amendment as any change to the Land Use Map that meets one or more of the following criteria:

1. All amendments beyond the Urban Services Boundary (USB) will be major amendments.
2. All other amendments will be determined based on Table 1, the General Plan Amendment Matix.

Minor Amendment. A minor amendment is defined as any text or map change that does not meet the criteria for a major amendment. Additional criteria for a minor amendment include:

1. All amendments that are five acres or less in size and that are contiguous to like existing land use categories will be minor amendments.

2. All amendments to the Land Use Map to bring its designations into conformity with either existing land uses or Pima County zoning at the time of the annexation to the Town of Oro Valley will be minor amendments.

Exceptions. The following circumstances shall be handled administratively and shall not require a formal amendment to the General Plan.

1. All scrivener's errors will be subject to administrative approval.
2. Other corrections to the text or map will not be treated as General Plan amendments but will require Town Council approval.

Table 1: General Plan Amendment Matrix

Procedures for Amending the Plan

Amendments to the Oro Valley General Plan may be initiated by the Town or by a landowner. Such amendments must be in accordance with the procedures set forth in the Arizona Revised Statutes and the Town of Oro Valley Zoning Code. Arizona State Law requires that all municipalities provide public review of General Plan amendments. All General Plan amendments will follow the additional public notification requirements listed below. All minor and major amendments to the General Plan shall follow the procedures outlined in the following flow diagram:

Flow Diagram

Minor Amendment Procedure. To coordinate the review of amendments to the General Plan, minor amendments may only be submitted during two, two-month periods of the year. They must include at least one neighborhood meeting early in the process for all changes to the Land Use Map.

Major Amendment Procedure.

Major Amendments:

- May only be submitted at one time during the year;
- Must go to two public hearings by the Planning and Zoning Commission (in different locations);
- Shall include two neighborhood meetings, one prior to the Planning Commission and one prior to the Town Council;
- Must be presented to the Council at a single public hearing during the calendar year that the proposal is made; and
- Must be adopted by a two-thirds vote of the Town Council.

Text amendments may not require neighborhood meetings.

Public Notification. Major amendments will include a public involvement program consistent with state statutes. In addition, public notification for all General Plan amendments will be as follows:

- Notice of the proposed amendment will be advertised a minimum of two times in two widely distributed newspapers.
- All property owners within 1,000 feet of the subject property and all adjoining properties will be directly notified of the amendment.
- All Homeowners Associations (as listed in the Town HOA database) will be notified of the amendment.
- Signs noticing the proposed amendment will be posted on the property on a sign or signs 3'x4' in size, with white background and 5-inch letters.

Adoption of Amendment. The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on:

1. The proposed change is sustainable by contributing to the socio-economic betterment of the Community, while achieving community and environmental compatibility; and,
2. The proposed change reflects market demand which leads to viability and general community acceptance; and,
3. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes..

The applicant for the amendment shall have the burden of presenting facts and other materials to support these conclusions.