



Development Sub-Committee

AGENDA

Meeting 4: March 10, 2015

3:00 – 5:00 PM, Kachina Conference Room

| Schedule | Event | Presenter |
|----------|---|-----------------------------------|
| 3:00 pm | Welcome and Introductions | Bayer Vella |
| 3:10 pm | Packet Review and Meeting Business Review meeting materials Review meeting summary notes Scope and tasks of the group | Elisa Hamblin |
| 3:20 pm | Draft Amendment Criteria Review of previous decisions Results and recommendations Discussion | Bayer Vella Chad Daines All |
| 4:50 pm | Next Steps | Elisa Hamblin |
| 4:55 pm | Public Comment Period | Open |
| 5:00 pm | Adjourn | --- |

Notes:



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SUMMARY NOTES

Meeting 3: March 2, 2015

We're in the INTRODUCTION STAGE

Our purpose is to give a **Project Overview** and have **Open Discussion**

Attendance

Present:

Bill Adler
Diane Bristow
Kit Donley
Bill Leedy
Barry Gillaspie
Stephen Roach
Michael Schoeppach

Staff:

Bayer Vella
Elisa Hamblin
Chad Daines
Nora Campbell

Welcome and Introductions

- Elisa Hamblin welcomed sub-committee members and thanked them for attending the meeting.
- Elisa mentions that the newly distributed packet has an updated Major/Minor Amendment table on page 2.
- The committee was asked if they had any changes in the Meeting Summary Notes:
 - Bill Adler: meeting notes are too brief to find discrepancies
 - Elisa provided clarification that a Type 1 amendment is major, and a Type 2 amendment is minor.
 - Hearing no corrections, the meeting moved forward.
- Elisa reviewed the agenda:
 - Next Development Committee meeting on Thursday, March 12th.

Meeting Business

- Bayer Vella outlined the agenda of the meeting:
 - 1. Clarify difference between Major/Minor amendments
 - 2. Work on draft Amendment Criteria
 - 3. Work on Amendment Process
- PART 1: Major vs. Minor Amendments
 - Recap
 - Name was changed to Type 1 and Type 2 to ensure that 'minor' did not imply less significance.
 - The group was not in favor of the use of acreage. However, acreage does matter for large parcels because it can increase the magnitude of impact of a parcel.
 - Consensus was made by group to reduce major amendments, increase minor amendments, and have a more deliberative process.
 - Bayer confirmed that no key points of the last meetings were missed.
 - QUESTION: Did we get the concept right (referring to the draft presented)?
 - Barry Gillaspie: Draft Part 1, Type 1 Amendments, #1, change "opinion" to "finds", which would reduce pressure on administration.
 - General consensus from committee.
 - Bayer reviewed Draft Part 1, Type 1 Amendments, #2.
 - Two-step process: 40 acres and more than a 2-step classification change.



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- Chad Daines clarifies that, for example, LDR1 to MDR is a 2-step classification change. There exist exceptions.
- Kit Donley: What if a parcel is 40+ acres, but has less than 40 developable acres? Does the amendment apply?
 - Bayer and Chad: If it is justifiable to split, then it is allowed as a minor.
- Bill Adler: Opposes acreage because the use of land is the point of an amendment. Acreage is not a determinant of best use. Voiced concern over neighbors.
- Barry Gillaspie: Concern for acreage. Acreage should be based on data and what could be impacted by infill. Suggests a sliding scale.
- Bayer Vella: We took the direction of fewer major amendments. However, more area matters because of impacts (ex – traffic generation, service costs).
- Bill Leedy: Agrees that acreage size matters because of the potential impact on community by Type 1 or 2:
 - Type 1 requires a super majority. However, Planning and Zoning Commission does not differentiate between Type 1 or 2; it responds the same to both.
 - Developers can apply freely or must wait depending on Type 1 or 2. Consider the competitive disadvantage. Should move as many amendments to Type 2 as possible to allow for good development.
- Bill Adler: The impact on neighbors is determined by nature of use. Consider neighborhood ordinances for multiple meetings. The nature of land use change should determine neighborhood response, not size. Consider changing thresholds of classification change to more or fewer step changes between residential and commercial to trigger a major amendment (more for residential to commercial, fewer within residential).
- Barry Gillaspie: Considering future of infill and urbanization, we must stay true to citizen concern: natural preservation and conservation. Be aware of density changes.
- Bayer Vella: Clarification:
 - Type 1 and Type 2 require the same number of neighborhood meetings.
 - Type 1 vs Type 2: 5 votes vs 4 votes in Council, and timing difference.
 - Classification change from residential to commercial automatically triggers a Type 1 amendment (Page 2 Table).
 - We're looking for a balance between acreage and land use change.
- Kit Donley: Why is commercial to residential a Type 1 amendment?
 - Bayer: Town has always been protective of commercial b/c residential is so hot on the market.
 - Kit: Raises tough position between betterment of Town vs. neighborhoods.
- QUESTION: Does parcel size matter?
 - Barry Gillaspie: We're looking into the next 10 years and urbanization. To the following Part 1, Type 1 Amendments, #2, b-g promote adequate evaluation of properties?
 - Michael Schoeppach: Think forward to November 2016 – will our work matter? It's critical to think of voters. The difference between Type 1 and 2 is votes in Council.
 - Bill Adler: Safest to make these decisions based on sense of existing neighborhoods and impact on them. Agrees that residential-to-residential is okay. High density or residential changes should be considered more closely.
 - Michael: Schoeppach: How would recent cases be approached by this draft plan? Does this draft change the approach on those real experiences?



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- Chad: Important to remember process. The draft aligns process with the magnitude of impact/change.
- Bill Leedy: Major vs. Minor doesn't change how we view an amendment, only the schedule. The process is the same.
- Barry Gillaspie: Shouldn't impact be considered over a one-size-fits-all matrix? Don't we trust Planning and Zoning to make educated decisions, or is that too political?
- Bill Leedy: good policy to give experts discretion. However, public needs to trust written process to hold leaders/decision-makers accountable.
- Michale Schoeppach: Issue of controversy is addressed by Part 1, Type 2 Amendments, #5:
 - *The Planning and Zoning Administrator may reclassify a Type 2 Amendment to a Type 1 Amendment based on the following findings: ...*
 - Bayer: confirms
- Stephen Roach: How many fewer Type 1's would there have been in recent years under this draft?
 - Chad: Approximately 50% fewer. For example, the vistoso highlands
- Diane Bristow: Would major/minor proportions have changed this last year?
 - Bayer: 2 majors last year that would have remained major under draft policy.
- Diane Bristow: Zoning changes often, which upsets residents. Increased minor amendments may upset more people. The 5 vs 4 council votes may still be important.
- Bill Leedy: 40 acres sends a message to developers that good practices give opportunity to keep amendment a Type 2.
- Bayer Vella: Developer community wants to know the rules up front. The effort was to create consistency and give controversial issues due process. So, we should:
 - a. keep 40 acre threshold
 - b and c, do not require acreage.
 - Committee agrees to general consensus.
 - There should be a minimum size for HDR.
- QUESTION: "Exceptions" on page 3 of draft.
 - Bayer Vella: c. Interpretations: Zoning Code has a clear process for "clarification". Should the General Plan follow the Zoning Code process?
 - Barry Gillaspie: This should be a documented process.
 - Bill Adler: Agrees with documentation process. Citizens should be allowed to challenge interpretations.
 - General Consensus: use process similar to Zoning Code for "interpretation" process.
- PART 2: Amendment Criteria
 - Chad Daines: We want to build on what's working the current General Plan. Based on your comments, this draft intends to simplify language and ease interpretation. We focused on criteria that advances primary job creation.
 - QUESTION: Draft, Part 2, #1, *Consistency with the Vision, Goals and Policies of the General Plan*. Does it work?
 - Stephen Roach: Should the guiding principles be included in criteria?
 - Chad: Some were included, but the breath of the general plan was chosen over one or two policies.
 - Bayer: Include a checklist of policies or goals. Suggestion for " 'On balance' with the Vision, Goals and Policies of the General Plan."



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- Bill Leedy: Seconds this addition. What do 2,3, and 4 do that #1 does not?
- Bill Adler: Criteria adds clarity and definition to the amendment.
#2 is impossible to get an agreement to. Suggestion: “Substantial support for the amendment from neighbors exists/is evident”. Developers should have to approach neighbors in support of their development to speak out.
- Bill Leedy: Issue of benefit of community vs. neighbors
- Stephen Roach: Within 500 ft or entirety of Oro Valley?
- Bayer: Betterment for the community as a whole without the expense of the neighbors.
- Bill Leedy: Based on personal experience, supports developers who do their homework. This strengthens the amendment process.
- Bayer: Unreasonable developers typically get a “no”. Should unreasonable neighbors who hurt the process get a “yet” vote?
- Bill Adler: Ross Rooney property is an excellent example. Bill Leedy agrees.
- Barry Gillaspie: Criteria shouldn’t force neighbors into conflict with one another (specifically in council hearings). In recognition of the reduced vocality of neighbors, #2 should read “determined by substantial support from noticed neighbors”.
- Kit Donley: agrees
- QUESTION: Draft, Part 2, #3 *The amendment will not adversely impact the community as a whole or a portion of the community by: a-e.* This was intended to be a quantifiable list of impacts to town services and the community that developers would need to answer for.
 - Bayer: End e after ‘resources’.
 - Michael Schoeppach: We must have listed targets for developers
 - Bayer: These push developer to get detailed responses in order to support the criteria
Use “adversely impact” in #2, e.
 - General consensus.
- QUESTION: Draft, Part 2, #4 section on primary job growth.
 - Barry Gillaspie: does growth of primary jobs belong in criteria? Getting to primary jobs is a *process*. Amendments may be a stepping stone. Get primary jobs in the plan. Focus on financial sustainability.
 - Bill Adler: Isn’t it fair to ask for evidence that applicant successfully demonstrates #4?
 - Bill Leedy: Should be a consideration, but not necessarily a general amendment criteria because developers may not want to justify. Development may increase service cost, for example.
 - Bill Adler: If primary jobs are identified by the community, then #4 can be reworked to provide evidence of conformance.
 - Michael Schoeppach: with Barry’s suggestion that policies and goals cover primary jobs, strike the 1st sentence, and rework the 2nd sentence to require evidence that applicable developers fulfill.
 - Bill Leedy: #4 will not be applicable to most applicants
 - Barry Gillaspie: should it be applied only to Type 1 amendments or combined with other criteria? This is a paradigm shift.
 - Bayer: transparency is key. Decisions are made in council with financial stability in mind, whether it’s on the criteria or not.
 - Barry Gillaspie: There should be more policy to encourage mindset toward primary jobs.
 - Michael Schoeppach: developers should have the burden of proof for “economic betterment/stability”.



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- Elisa: We can focus on either job creation or financial stability
- Bill Leedy: Primary job creation is too limited. Financial stability is best approached by policy and action.
- Bill Adler: It's okay for criteria to lack specificity.
- Bill Leedy: Based on the type of amendment, some should be required to meet the criteria of jobs added to the community.
- Bayer: We'll look at the policy of the Community Committee. We'll bring back something to use as criteria.
- Elisa Hamblin: Confirms Community Committee's discussion on primary jobs. Specific policy/action should be referenced for criteria.
- Stephen Roach: Where does "primary job" come from?
- Barry Gillaspie: From TREO. Primary jobs is politically dangerous.
- Stephen Roach: is there a better word?
- Bayer: We'll work on #4 Criteria. We'll be back next week with flexibility, but be sure it gets addressed.
- Bill Leedy: Complements to staff and draft.

Homework and Next Steps

- Next meeting: Target for next 2 week, will email in the next few days.
- We didn't get to the 3rd section on the General Plan Amendment Process. Please read and email with comments.
- Bayer thanks group.

Public Comment Period

- No one was in audience for questions



Development and Infrastructure Services

Part 1: Major and Minor General Plan Amendment Thresholds

Type 1 Amendments

Type 1 Amendments involve significant changes to the Town's General Plan involving large parcels of land to different land use types. 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 22-1. Table 22-1 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 22-1 General Plan Amendment Matrix
(To be used in determining type of amendment, in conjunction with 2.a. above)

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

Type 2 Amendments

Type 2 Amendments involve smaller, 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:

- a. All scrivener's errors will be subject to administrative approval. Scrivener's errors are unintentional clerical mistakes made during the drafting, publishing, and copying process.
- b. Public schools are not subject to the amendment process.
- c. Interpretations:

All Interpretations shall be subject to determination by the Planning and Zoning Administrator who has the authority to administer and interpret the application of the General Plan. Requests for Interpretation may be filed by an applicant or an aggrieved party owning property within the required notification area for general plan amendments. Applications for Interpretation shall include the required fee.

The Planning and Zoning Administrator shall publish an Interpretation on the Town's website for 20 days, during which time an appeal to the Interpretation may be filed by an applicant or an aggrieved party owning property within the required notification area for general plan amendments. Appeals shall be forwarded for recommendation by the Planning and Zoning Commission and final decision by Town Council.

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 Element like community policing, land use, parks and transportation. The ultimate interpretation of the criteria will be made by Town Council. 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. The overarching measure of an amendment is the betterment of the community as a whole, while mitigating potential impacts.

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.
2. The applicant has demonstrated good faith and effective public outreach efforts to identify neighborhood concerns and has responded by incorporating meaningful measures to mitigate development impacts on adjoining areas.
3. The amendment will not adversely impact the community as a whole or a portion of the community by:
 - a. Significantly altering existing development character and land use patterns without adequate and appropriate buffers and graduated transitions in density and land use.
 - b. Adversely impacting existing uses with increased traffic or drainage without appropriate improvements to accommodate planned growth.
 - c. Adversely impacting other public services including police, fire, parks, water and wastewater without mitigation and improvements to accommodate planned growth.
 - d. Adversely impacting the safety of the community.
 - e. Impacting the natural beauty and environmental resources without mitigation.

Part 3: General Plan Amendment Process:

General Plan Amendment Procedures

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.

Type 1 Amendments

Type 1 Amendments involve significant changes to larger properties 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 an amendment awareness program
- Neighborhood meetings throughout the process
- Enhanced public notice requirements
- Notice to adjacent communities, regional planning groups and State agencies for comment
- Enhanced public hearing requirements

The specific procedures for amendment to the General Plan are codified in the Oro Valley Zoning Code Revised (OVZCR) and ensure meaningful public input and involvement in the amendment process.

Type 2 Amendments

Type 2 Amendments involve smaller, 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 throughout the process
- Enhanced public notice requirements
- Public hearings before the Planning and Zoning Commission and Town Council

The specific procedures for amendment to the General Plan are codified in the Oro Valley Zoning Code Revised (OVZCR) and ensure meaningful public input and involvement in the amendment process.

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.