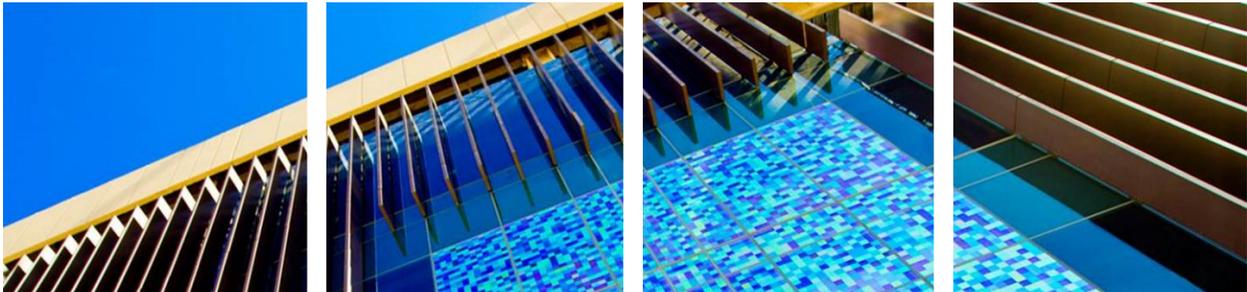


# Comprehensive Plan Administration

## Chapter 10: Comprehensive Plan Administration



### 10.1 Introduction

This chapter provides the necessary guidance to administer, amend and interpret the Plan. The Comprehensive Plan is the product of an eighteen month planning process, including extensive community involvement, the engagement of all levels of government, the coordinated efforts of various County departments and the review and support of community leaders, residents, business owners and stakeholders, adjacent jurisdictions, regional and state agencies. This chapter ensures that future amendments of the Comprehensive Plan further the vision of Pima County as a healthy community as outlined in Chapter 1; and that the vision, goals, and policies are implemented in a fair and equitable manner.

The development of the County Comprehensive Plan, Pima Prospers, is the product of countless hours of work by women and men from many Pima County agencies; citizens from across the County who provided critical input; a Guidance Team made up of senior management, Planning and Zoning Commission members, representatives of other jurisdictions, and the consultant team.

Pima Prospers policies are not intended to be applied to land being developed which has already been through legislative review and approval in the County.

## 10.2 Comprehensive Plan Authority and Interpretation

The Comprehensive Plan is the primary overarching policy blueprint for the County, and looks forward over the next twenty years. It has a major impact on the future of the County by setting forth guiding policies for governance in many areas of County responsibility that will influence future development and redevelopment when a land use change is proposed within the unincorporated County. It provides the general direction of physical and human infrastructure for the County and for the long term economic development of the County. The major objectives of the comprehensive planning process are to preserve and enhance the quality of life in Pima County; support a healthy community where individuals can live, work, learn, and play; protect cultural and natural resources and promote economic development.

### Authority

All policies and implementation measures denoted in this Comprehensive Plan shall follow all relevant federal, state and Pima County laws and regulations, as may be amended. Pima County is committed to protecting private property rights. Pima Prospers is an important tool in land use planning and a roadmap for future development, but must protect or grandfather property rights for existing entitlements.

Pima County recognizes the continued lingering of an economic recession and the role new planned development plays in shaping our community and economic future. As such, Pima Prospers will balance the benefits of policies applicable to development and the cost of compliance. This must be done to ensure sustainable growth, affordable housing, and new retail and commercial centers that are attractive to companies seeking to invest in job creation in our region.

Authority and direction to plan come from Arizona State Statutes, expressly the Growing Smarter and Growing Smarter Plus Acts, as amended as well as other directives embedded in Statute. Pima County Zoning Code Chapter 18.89 provides a more specific framework for the County's Comprehensive Plan efforts. Citizen involvement is conducted as outlined in the Public Participation Plan as required in Statute and as adopted by the Board of Supervisors; it can be found in Appendix C of this Plan.

### General Implementation

Once the Comprehensive Plan is adopted, overall day to day administration of the plan falls under the Planning Division of the Development Services Department. An Interagency Monitoring Team, operating and formed under the auspices of the County Administrator will monitor and oversee progress on implementation of Pima Prospers as described in Section 10.8 of this document. For infrastructure planning, one of the purposes of the Integrated Facilities Planning System, described further in Section 4.7 of the plan, will be to inform the work of the Interagency Monitoring Team.

There are many policies and implementation actions in Pima Prospers, and they serve different purposes. Most of the policies and actions are direction to County officials and county staff, often working in multidisciplinary teams, with other jurisdictions, the non-profit sector and the private sector. Most of the direction in the Economic Development Chapter and Human Infrastructure Connectivity Chapter fits into that category.

One tool used to implement the Comprehensive Plan is the rezoning and specific plan processes in accordance to the land use maps in the plan. There are also policies and implementation actions that apply to proposed changes in land use (particularly rezonings or specific plans on individual properties. These may be used in the form of rezoning conditions or included within the text of specific plans relative to a specific piece of property. Many of these types of policies appear in the Use of Land Chapter and the Physical Infrastructure Connectivity Chapter.

There are also policies which serve both purposes. A policy may be primarily directed internally to the County, however may also be applied to a rezoning or specific plan change, depending on the size or location of the request. Comprehensive plan policies are not applied directly to subdivisions or development plans without having been addressed as a condition in a rezoning or specific plan approval. Exceptions are decisions made by the Design Review Committee or when the basis of a comprehensive plan policy has been codified into a County ordinance.

Administration and implementation of the land use components of the plan fall primarily with the Planning Division of the Pima County Development Services Department in consultation with other County agencies.

The words “guideline” or “guidelines” are assumed to mean “voluntary”, unless another explanation is provided in context of a specific use of the word. The words “standard” or “standards” are assumed to mean a requirement, unless an explanation is provided in context of a specific use of the word.

### Interpretation

Interpretation authority of the Land Use Map, Map Legend, Application of Plan Goals and Policies or any part or parts of this document lies with the Planning Director. Where there may be an issue with a map interpretation involving a wash centerline, floodplain, or the Regional Hydrology Maps contained herein, the Planning Director shall consult with the Director of the Pima County Regional Flood Control District. Any decision as to application of a specific policy is made by the Planning Director in consultation with the director(s) of the department(s) most responsible for the implementation of the policy. Appeal of a Comprehensive Plan interpretation of the Planning Director may be made to the Board of Supervisors.

### 10.3 Rezoning Process and Comprehensive Plan Compliance

The planned land use maps and focused area development maps in the Comprehensive Plan set the framework for how the unincorporated county is to grow over time, most notably over the next twenty years. A prime means of implementing the Comprehensive Plan and particularly the land use portion of the vision is through the rezoning process, ultimately a legislative action of the Board of Supervisors. Applicable policies are considered in this legislative process. All rezoning requests and specific plans must demonstrate conformance to the Comprehensive Plan land use maps by law. Approval of subdivision plats and development concept plans may be necessary to implement a rezoning and its conditions of approval. It is not the intent to mandate land use policies of this plan independently to subdivision plats and development concept plans.

#### Site Analysis

Petitioners for rezoning of any parcel greater than one acre in size to be developed at a residential density of four or more residences per acre; or greater than one acre in size to be developed for non-residential uses; or greater than five acres in size shall submit a Site Analysis prepared in accordance with Pima County Site Analysis Requirements, as referenced in Section 18.91.030F of the Pima County Zoning Code.

### 10.4 Land Use Map and Legend Implementation and Interpretation

The land use map and legend provided in Chapter 8 lay out a framework for growth and development in unincorporated Pima County.

The designation of land use intensity categories on the Plan's Land Use Maps and its linkage to the Zoning Code (Chapter 18.89) provides a mechanism to assure that rezoning and specific plan approvals are consistent with the Plan. Rezoning applications (Section 18.91.040C) and specific plan applications (Section 18.90.030E) must comply with the Plan. In addition, staff reports for conditional use applications (Section 18.97) should include an analysis of the request in relation to the policies and land use designations of the Plan.

Projects utilizing Transfer of Development Rights (TDR's) shall conform to the requirements of Section 18.92 of the Zoning Code as well as the density requirements of the individual plan category, except when part of a specific plan. However, the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.

An applicant for rezoning may request any zoning district, except where noted, that conforms to the density requirements and the objectives of the particular land use category in which the property is located. Following review of the application, the Board of Supervisors, if it desires to approve the project, may approve it for any zoning district, subject to proper notice, that it feels best serves the need of the project and the community.

An applicant for rezoning may seek reduction of the minimum density requirement from the Planning Director if the applicant believes that environmental site constraints preclude the ability to achieve the minimum density. The Planning Director's decision may be appealed by the applicant to the Board of Supervisors at the public hearing for the rezoning request. A request for the Major Resort (MR) zone is permissible in any category except in the Industrial (I), Heavy Industrial (HI), Military Airport (MA), Resource Extraction (RE), and Rural Forest (RFV) land use categories.

For purposes of clarity and readability only, many regulated watercourses and floodplains, especially many with flows of less than 10,000 cfs (cubic feet per second), are not shown on the Land Use Maps. Refer to the Regional Hydrology maps in Chapter 4, Flood Control and Drainage Element. Where a regulated watercourse is a boundary between two different plan categories, the centerline of the watercourse shall serve as the boundary. Densities within a resource area may be transferred to other areas of the project area outside of the resource area provided all other requirements can be met; however, no dwelling units or other inhabitable or accessory structures may be built within the regulated watercourse. Refer to Section 4.9 Goal 1, Implementation Measure "a", as well as the Floodplain Management Ordinance (Title 16 of the Pima County Code).

Rezoning applications required to provide open space may propose either natural or functional open space, except where natural open space is required. The Board of Supervisors may require that additional natural or functional open space over what was proposed be provided depending on the context of the proposed rezoning.

### **Transfer of Densities and Uses**

In order to provide design flexibility, for properties under one ownership and containing two or more land use designations other than PDC (Planned Development Community), the densities and non-residential acreages can be reconfigured in a single rezoning application provided that:

- A. The total number of dwelling units of the combined designations is not exceeded;
- B. The total acreage for non-residential uses of the combined designations is not exceeded.
- C. Areas with physical constraints, such as steep slopes or floodplains, shall not be counted in the acreage of the donor area; and
- D. Proposed developments must demonstrate that the project will not create any additional negative impacts on surrounding neighborhoods and properties over what would have occurred if the transfer did not occur.

## 10.5 Map Interpretation

Comprehensive Plan maps are created using Geographic Information Systems (GIS) digital information from a variety of sources. Based on best available data and practices, digital files and hard-copy maps may contain errors in accuracy, completeness, or timeliness. Precision may change over time as new technologies and sources are implemented. Maps are for general reference and are not intended for project level planning. Information on Land Use Intensity categories and other considerations can be obtained from planning staff. As annual amendments and other changes to Comprehensive Plan maps are approved, the electronic version of Comprehensive Plan map layers on the Pima County GIS data server will be updated. Archival electronic versions of these map layers will be created, at minimum once a year, at the end of each yearly amendment cycle.

### Land Use Mapping Interpretation Procedures

Countywide mapping interpretation procedures for land use category boundaries are based on hydrologic features. A consistent methodology for mapping floodplain limits boundaries in compliance with Federal Emergency Management Agency (FEMA) requirements is utilized. Interpretation and amendment of planned land use category boundaries which are based on hydrologic features must adhere to the following map interpretation procedures:

- A. The centerline of the watercourse, as it existed on the date a rezoning or similar action is approved by the Board, shall be the land use category boundary.
- B. Where a natural wash is shown as a polygon, precise location of its boundaries, as determined by detailed studies accepted by the County, shall be the land use category boundaries.
- C. Where a Resource Conservation or “Resource Sensitive” map boundary is based upon approved floodplain limits, amendment to such boundary which redefines the mapped floodplain may be requested in accordance to the following:
  - 1) A FEMA Letter of Map Revision (LOMAR) application;
  - 2) Other detailed hydrologic study accepted by the Pima County Regional Flood Control District; and
  - 3) Map revisions shall be processed as a Minor Plan Amendment to the comprehensive plan with a public hearing.

## 10.6 Plan Amendment Review Program

An annual Plan Amendment Review Program is outlined in Section 18.89.040 of the Pima County Zoning Code. The annual plan amendment program provides an opportunity 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 update.

## 10.7 Comprehensive Plan Amendments

Arizona Revised Statutes §11-804 and §11-805 provide the framework for the adoption of, and amendments to, the comprehensive plan. ARS §11-804 states, “The comprehensive plan shall be developed so as to conserve the natural resources of the county, to ensure efficient expenditure of public monies and to promote the health, safety, convenience and general welfare of the public.” Pursuant to Arizona Statutes, this section includes definitions and the process for Major Amendments and pursuant to the Pima County Zoning Code, all other types of amendments.

### Comprehensive Plan Policy Amendments

Adding a new element or substantially changing one or more elements of the Comprehensive Plan prior to performing a full ten-year Comprehensive Plan Update shall be processed in accordance with the process for a Major Amendment described later on this section. It must follow the adopted Public Participation Process (Appendix C); however, it may be initiated at any time of the year by the Board of Supervisors or the Planning and Zoning Commission.

A change to one or more individual comprehensive plan goals or policies short of a substantial change described above does not constitute a major amendment of the plan.

### Comprehensive Plan Major Amendment

Pursuant to ARS §11-805, a major amendment is defined as a “substantial alteration of the County's land use mixture or balance as established in the County's existing comprehensive plan land use element for that area of the County.” It is up to the County to develop the criteria that meets this definition.

In Pima County a Major Amendment to the Comprehensive Plan may be initiated by the Board of Supervisors or requested by private entities and are considered once each year pursuant to State statutes.

Major Amendment applications must be submitted within the same calendar year they are being considered at a single public hearing. A Major Amendment must be approved by an affirmative vote of at least two-thirds of the members (4 of 5) of the Board of Supervisors and is subject to the public participation plan provided in the Public Involvement Procedures included in this Comprehensive Plan (Appendix C) and adopted by the Board of Supervisors.

#### Major Plan Amendment Process and Criteria

In Pima County a **Major Amendment** is any development proposal that meets the following criteria: A substantial change consisting of 640 acres or more in the overall development intent or land use mix of one or more designated planning areas within the County as determined by the Board of Supervisors.

## Major Plan Amendment Application and Approval Requirements

- A. All Major Amendment applications must be submitted within the same calendar year they are being considered at a single public hearing.
- B. Major Amendments shall be approved by an affirmative vote of at least two-thirds of the members of the Board of Supervisors and are subject to the public participation goals and policies provided in the Public Involvement Procedures included in this Comprehensive Plan and adopted by the Board of Supervisors.

## **Comprehensive Plan Non-Major Amendment**

A non-major amendment does not meet the definition of a “major amendment” nor do they qualify as “Board-Initiated Amendments for Immediate Review” or “Minor Revisions”. Non-major amendments currently share with major amendments the same annual schedule for submittal.

Through this plan, a second window of application is recommended for non-major amendments so that two series can be heard in one year, in the name of better customer service for all. This addition would require an amendment to Section 18.89 (Comprehensive Plan) of the County Zoning Code.

## **Other Plan Amendment Types**

Per Chapter 18.89 of the County Zoning Code, several types of minor amendments are allowed.

### Board-Initiated Amendments for Immediate Review

This type of amendment may be initiated at any time by the Board of Supervisors per Chapter 18.89 if the Board determines waiting for the standard amendment period(s) would deny any of the following:

- A. Substantial and significant benefits of new jobs;
- B. Expanded tax base;
- C. Enhanced opportunity for disadvantage populations
- D. Significant promotion of affordable housing, mixed use planning, and compact development;
- E. There is evidence that waiting for the normal amendment period would place the community at greater health or safety risks in the form of inadequate waste treatment facilities, inadequate or unsafe transportation improvements, hazardous environmental conditions or insufficient community or governmental services or facilities.

This process would also apply if a revised FEMA 100-year floodplain designation has been accepted by the Pima County Regional Flood Control District.

### Minor Revisions

Type 1a: This type of amendment addresses annexation, ownership transfers of government land, or minor revisions to resource designations consistent with accurate FEMA 100-year floodplain information. There is no public hearing but there is “notice to the Planning and Zoning Commission.” The item is on the meeting agenda and a short staff report is prepared. The request may be submitted at any time.

Type 1b: This is an administrative amendment subject to approval by the commission that a scrivener’s error occurred in mapping or in text that did not reflect the Board action on a property or policy. No public notice is required, a short staff report is prepared, and the commission holds a vote on the amendment. The request may be submitted at any time.

Type 2: This amendment applies to properties of 10 acres or less to address a planning error, planning oversight, or an incorrect planned land use designation. The amendment must demonstrate that it was done in error and not changed based on market or physical conditions of a property (see Section 18.89.040(B)(2)(a)). Public notice for this amendment type is sent to surrounding property owners as defined in Section 18.89.041 for the Commission and Board hearings. A short staff report is prepared and the Commission and Board hold a vote. The request may be submitted at any time.

### Concurrent Plan Amendment/Rezoning

This amendment is for applicants to save time by overlapping the plan amendment and rezoning processes. To qualify, the request must comply with the specific criteria found in Section 18.89.041(C)(4), must have minimal impacts on surrounding properties, be consistent with regional policies, and the property must have no previous concurrent amendments. A staff report is provided and presented at both public hearings. The request may be submitted at any time.

### Non-substantial Modifications and Updates

As this plan will likely be viewed mostly on-line, any updates to URL Links, references to other reports or studies that may be amended, and similar edits may be made under authorization of the Planning Director to keep the plan as current as possible.

## 10.8 Implementing and Monitoring the Comprehensive Plan

Through this plan's lifecycle, progress on implementation of Pima Prospers shall be monitored and overseen by an Interagency Monitoring Team (IMT) formed and operating under direction of the County Administrator. The IMT's mission will be to seek alignment between the Comprehensive Plan, Annual Budget of the County, the County's Capital Improvement Program and Budget, and any potential bond programs. The vision, goals and policies of the plan in seeking healthy communities should be reflected wherever possible, recognizing that performance of the day-to-day county functions transcend the comprehensive plan. The work of the team shall be separate from the annual plan amendment cycle covered in Chapter 18.89. The Planning Director will chair or co-chair the team at least for the first two years. The IMT will meet at least quarterly to:

- A. Oversee the overall implementation program of the Comprehensive Plan, issuing a 3-5 year, annually updated work program for electronic publication based on input from each participating department.
- B. Establish reasonable benchmarks on which to base progress, achievement, and in part, the annual report.
- C. Receive timely updates from lead departments on the progress of identified implementation strategies, and any necessary deviations from the strategy.
- D. Produce an annual report for the Planning and Zoning Commission, Board of Supervisors, County Administrator and electronic publication recognizing projects completed, projects in progress, and projects slated to begin in the new fiscal year. The work program in Appendix B will serve as the initial work program and model for annual updates.
- E. Working collaboratively with appropriate County leadership, develop mechanisms to ensure that the Comprehensive Plan is both a resource and reference in creation of the annual County budget, capital improvement program and bond programs, should they occur.
- F. Recommend text amendments to the Comprehensive Plan.
- G. Seek input at least annually from private sector and other community stakeholders, including land use professionals, on how the Plan is affecting businesses, economic growth, and other concerns.
- H. Perform other duties as may be assigned by the County Administrator or required to meet the mission of the team.

Adjustments in process may be necessary over time to accomplish the mission efficiently and effectively, and be accountable to the Planning and Zoning Commission, Board of Supervisors, County Administrator and participating departments. The intent is to bring alignment, encourage innovation, and conserve resources, not to add to the processing bureaucracy.

## 10.9 Community Plans

More detailed plans that focus on a particular community or a discrete geographic area within Pima County, or that focus on specific policy element(s) or subject areas of County interest may be adopted. The process for developing a community plan may be initiated by area residents, the Development Services Department, the Planning and Zoning Commission, or by the Board of Supervisors. The initiation of the process to develop a community plan shall be determined by the Board of Supervisors. Community plans shall undergo public participation, public notice, staff review, and public hearing processes equivalent to the comprehensive plan update. A community plan would be considered part of the overall comprehensive plan and must be consistent with it. Community plans are intended to supplement, not supplant the Comprehensive Plan. A community plan process may consider land use changes, but any land use changes shall be presented separately as amendments to the Comprehensive Plan itself.

## 10.10 Comprehensive Plan Update

A Comprehensive Plan Update is initiated by the County Board of Supervisors and includes the adoption of a new comprehensive plan or the update or re-adoption of the existing comprehensive plan. According to state statute, the adoption of a new comprehensive plan or the update or re-adoption of the existing comprehensive plan shall be approved by an affirmative vote of at least two-thirds of the members of the Board of Supervisors. All Comprehensive Plan updates are subject to the Public Involvement Procedures Program included in this Comprehensive Plan and adopted by the Board of Supervisors pursuant to State Statutes. A Comprehensive Plan Update shall be conducted at least once every ten years. However, changing conditions may warrant a Comprehensive Plan Update on a more frequent basis as determined by the Board of Supervisors.

## 10.11 Existing Zoning Plans

There are two zoning plans which remain in effect in Pima County, one known as the Catalina Foothills Area Plan and the other known as the Lago del Oro Zoning Plan. These are not part of the Comprehensive Plan but may be reviewed along with the Comprehensive Plan for conformance in a land use change. A property owner requesting the zone designated by the zoning plan may either submit an approved subdivision plat or seek a "Waiver of Platting Process." The latter is essentially the rezoning process but the presentation before the commission is not technically a public hearing (i.e. the public hearing was held back when the zoning plan was approved).

## **10.12 Existing Approved Entitlements with Approved Zoning or Development Agreements**

There are numerous properties throughout Pima County which have received necessary planning and zoning approvals from Pima County and have made ongoing investments in those properties in anticipation of the recovery of the commercial and residential real estate markets. Their development plans and plats are required to comply with the zoning approval conditions of zoning, specific plan, any other applicable County ordinances and the terms of signed development agreements. The plats and plans are not required to conform to Comprehensive Plan policies unless they have been captured within a specific plan or conditions of a rezoning.

## **10.13 Conservation Lands System Definitions**

Any proposed change in Appendix E to a definition related to any part of the Conservation Land System that would have the effect of changing a policy in Goal 1 of Section 3.4 of this plan (including Exhibits 3.4.1 and 3.4.2) shall be considered a substantial change requiring public hearings by the Planning and Zoning Commission and the Board of Supervisors.