



## Legislation Text

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**File #:** 18-406, **Version:** 1

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**TO:** Mayor Collins and Town Council Members

**FROM:** Brian Dalke, Interim Town Manager  
Andrew M. Miller, Town Attorney

**DATE:** October 25, 2018

**DEPARTMENT:** Town Attorney

**AGENDA TITLE:**

Discussion and Direction Regarding Code Amendments Related to the Processes Required to Amend the General Plan

**Town Value(s):**

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☒ Preserving natural open space

**Council Goals or Statutory Requirements:**

The Town of Paradise Valley makes every effort to enhance the community's unique character for its residents and people from around the world.

**RECOMMENDATION:**

It is recommended that the Town Council review a draft ordinance (attached Ordinance 2018-20) setting forth the distinctions between major and minor amendments to the General Plan and suggest changes, modifications or edits thereto and provide direction on potential adoption of the draft ordinance.

The Arizona Revised Statutes, in §9-461.05(A), requires municipalities to include provisions in their adopted general plans that identify changes or modifications to the plan that constitute amendments and major amendments to the general plan. While the Town's current General Plan identifies the types of proposed changes to the General Plan that constitute major amendments and minor amendments, the process and timing for applications to amend the General Plan are not specified in the General Plan or Town Code.

The Town's current General Plan, at Section 9.4, (copy attached) provides that "major amendments" to the general plan are: 1) changes to the General Plan land use map that would provide for a "greater density classification" for a particular property or geographic area; and 2) any changes to the circulation map that would change a particular roadway to a "higher capacity classification." The distinction between major and minor amendments is important as state law requires that major amendments are subject to a higher standard of procedural review and public scrutiny that are basically the same review requirements specified for the adoption of a general plan itself, with the exception of ratification by popular election.

Subsection 9.4.1.1 of the Town's current General Plan states that the Town shall identify and implement a transparent application process for the consideration of General Plan amendments, but the Town does not currently have any process identified in the Town Code or otherwise. In the past the Town has waited to see if any property owners in the Town desired to file an application for a general plan amendment and would then adopt a resolution setting forth the deadline to file an application and the public outreach process for such application. A better practice would be to adopt provisions in the Town Code that would specify the distinctions between major and minor amendments to the General Plan and to have a specified annual deadline (the second Thursday in April is suggested as such date) for major amendment applications along with specified public input requirements that comply with the statutory requirements in Arizona.

Draft ordinance No 2018-20 is a starting point to obtain Council input on the process to specified in the Town Code (in Article 2-5-2) for the processing and review of proposed amendments to the General Plan. Adopting these provisions by ordinance and making them a permanent part of the Town Code will further the goal of having a transparent application and review process for both major and minor amendment applications.

### **Conclusion**

The Council should discuss the draft ordinance and provide direction on any additional concerns or changes recommended.

### **SUMMARY STATEMENT:**

Staff will need direction from the Council on whether to modify and adopt an ordinance with specific criteria for processing General Plan Amendments.

### **BUDGETARY IMPACT:**

None.

### **ATTACHMENT(S):**

Draft Ordinance No. 2018-20  
General Plan Section 9.4