



## Legislation Text

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**File #:** 18-454, **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:** November 15, 2018

**DEPARTMENT:** Town Attorney

### **AGENDA TITLE:**

Adoption of Ordinance No. 2018-20; Procedures for Processing Amendments to 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:**

Adopt Ordinance Number 2018-20.

The Town Council met and discussed a draft of Ordinance No. 2018-20 on October 25<sup>th</sup> meeting. At that time, the Council suggested edits to the Ordinance and asked staff to provide a sample timeline schedule. The suggested edits have been made to Ordinance No. 2018-20 and a sample 2019 schedule for a major amendment application is attached. One additional change made by the Town staff since the October 25, 2018 study session was to change the annual deadline for filing a major amendment request from the second Thursday in April to the fourth Thursday of May of each year. This suggestion was made by the Community Development Director after having prepared the 2019 sample schedule.

As a quick review, 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, 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.

Further, 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. 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 fourth Thursday of May is now suggested as such date) for major amendment applications along with specified public input requirements that comply with the statutory requirements in Arizona.

Ordinance No 2018-20 will provide for an open and transparent process for the processing of general plan amendments and is ready for Council adoption. It is respectfully recommended that the Council adopt Ordinance No. 2018-20.

**BUDGETARY IMPACT:**

None.

**ATTACHMENT(S):**

Ordinance No. 2018-20

Sample Schedule for 2019 Major General Plan Amendments