



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: March 7, 2018

TO: Planning Commission

FROM: Scott Clark *Scott Clark*
Interim Director, Planning and Development Services

SUBJECT: Review of the Rules of Procedure of the Planning Commission – Study Session

Issue: This item is scheduled for a study session.

The bylaws which direct the operation and organization of the City of Tucson Planning Commission are currently spread throughout the following four documents:

- Section 2.2.3 Planning Commission, of Chapter 23B of the Tucson Code, Unified Development Code (Attachment A)
- Chapter 10A, Article XIII of the Tucson Code, Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules (Attachment B)
- Rules of Procedure of the Planning Commission document (Attachment C)
- Arizona State Statute 9-461.02, Planning commission; creation; limitations (Attachment D)

Per the request of the Commission, staff is presenting these four documents for review and discussion.

Recommendation: Staff recommends that the Planning Commission provide direction regarding suggested edits and schedule this item for a second study session.

Background: Originally adopted in February 12, 1975, The Rules of Procedure of the Planning Commission (Attachment C) have been amended seven times since its adoption. Most recently the document was amended on May 2, 2007. Since it was last amended, the City of Tucson has repealed the Land Use Code (LUC) and has established the new Unified Development Code (UDC). Additionally, restructuring of departments in the City has led to a change in the department responsible for administration of the Planning Commission from the Department of Urban Planning & Design to the Planning and Development Services Department. Due to this, the Rules of Procedure of the Planning Commission document has many references to the LUC and the Department of Urban Planning & Design which need updating to reflect their current location in the UDC and to reflect the newly attributed administration of the Planning Commission by the Planning and Development Services Department.

On January 10, 2018 Planning Commission held a study session to discuss the by-laws and suggested for staff to review several issues and bring them back to the Planning Commission.

Planning Considerations: The following are the issues the Planning Commission directed staff to consider:

1. One year term limit for the Chair of the Planning Commission

This rule is located in Section 2.2.3.B.1 of the UDC and Section III.A of the Rules of Procedure of the Planning Commission. Both documents state that, “The terms of the Chair and Vice Chair are one year which shall commence in February of each year.” The Rules of Procedure document adds additional stipulations where, “Neither the Chair nor the Vice-Chair may be re-elected for that position for successive terms.”

For the one-year term limits to be changed, both documents would require a text amendment. To remove the provision restricting successive terms of the Chair and Vice-Chair, it would require a change in the Rules of Procedure of the Planning Commission. The process for each of those changes is listed in Attachment E.

2. Requirement for seven concurring votes to forward a recommendation to Mayor and Council

This rule is located in Section 2.2.3.B.3 of the UDC and Section IV.K.3 of the Rules of Procedure of the Planning Commission. Both documents state that, “A concurring vote of seven members is necessary to make a recommendation to the Mayor and Council.”

For the requirement for seven concurring votes to forward a recommendation to Mayor and Council to be changed, both the UDC and The Rules of Procedure for the Planning Commission would require a text amendment. The process for each of those changes is listed in Attachment E.

3. Clarification related to the Planning Commission’s role and the extent of their duties

Per section 2.2.3.C Powers and Duties, of the UDC, the Planning Commission shall perform the following duties:

- Conduct public hearings and make recommendations to the Mayor and Council on the adoption of, and amendments to, the General Plan;
- Conduct public hearings and make recommendations to the Mayor and Council on the adoption of, and amendment to, specific plans, including but not limited to area and neighborhood plans, and on regulations for the implementation of the General Plan;
- Conduct public hearings and make recommendations to the Mayor and Council on adoption of, and amendments to, the text of the UDC; and

- Review such other issues as might be required by the Mayor and Council, and upon agreement by seven of its members. The Planning Commission may consider any other matter that pertains or is reasonably related to its duties.

Additional detail is provided in Attachment F, a Planning Commission communication from June 7, 2006 regarding Planning Commission Law and Procedures. This memo provides detail about the legal structure of land use regulation, planning and zoning procedures, and the role of the Planning Commission, to help provide clarity as to the breadth of the Planning Commissions duties.

4. Update old references in The Rules of Procedure of the Planning Commission

The majority of the Rules of Procedure of the Planning Commission document is still relevant and does not require updating. However, as stated earlier, references to documents such and the LUC and references to departments that no longer exist, such as the Department of Urban Planning & Design need to be made current.

Attachment

A - Section 2.2.3 Planning Commission, of Chapter 23B of the Tucson Code, Unified Development Code

B - Chapter 10A, Article XIII of the Tucson Code, Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules

C - Rules of Procedure of the Planning Commission

D - Arizona State Statute 9-461.02

E – Procedures for Amending the UDC and Rules of Procedure of the Planning Commission

F - Memo regarding Planning Commission Law and Procedure