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# PLANNING COMMISSION

Department of Planning and Development Services P.O. Box 27210 Tucson, Arizona 85726-7210

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Approved by Planning Commission  
On March 3, 2010

Date of Meeting: January 6, 2010

The meeting of the City of Tucson Planning Commission was called to order by Catherine Applegate Rex, Chair, on Wednesday, January 6, 2010, at 6:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda Street, Tucson, Arizona. Those present and absent were:

## 1. ROLL CALL

Present:

Catherine Applegate Rex, Chair	Member at Large, Ward 5
Brad Holland, Vice Chair	Member, Ward 6
Rick Lavaty	Member at Large, Ward 1
Joseph Maher, Jr.	Member at Large, Ward 6
Mark Mayer	Member, Ward 5
Shannon McBride-Olson	Member, Ward 2
William Podolsky	Member at Large, Ward 4
Thomas Sayler-Brown	Member, Mayor's Office
Daniel J. Williams	Member, Ward 1
Craig Wissler	Member, Ward 3

Absent:

Staff Members Present:

Ernie Duarte, Planning and Development Services, Director  
Jim Mazzocco, Planning and Development Services, Planning Administrator  
Tom McMahon, Principal Assistant City Attorney  
Nicole Ewing-Gavin, City Manager Assistant  
Fernando Molina, Tucson Water Program Supervisor  
Alexander (Sandy) Elder, Tucson Water Deputy Assistant Director  
Jonathan Mabry, Housing and Community Development Services, Historic Preservation  
Principal Planner Officer  
Erin Morris, Planning and Development Services, Project Coordinator  
Ceci Sotomayor, City Clerk's Office, Secretary

**2. CITY/COUNTY WATER/WASTEWATER STUDY  
(Joint meeting of the City Planning Commission and the Pima County Planning and Zoning Commission)**

Chair Rex announced both City and County staff would be making a presentation regarding the City/ County Water and Wastewater Study.

Nicole Ewing-Gavin, Assistant to the City Manager and Project Coordinator for the City of Tucson advised that Melaney Seacat, Pima County's Project Coordinator would be assisting her that evening. She said, also in attendance and to answer detailed questions were Alexander (Sandy) Elder, Tucson Water Deputy Director, Fernando Molina, Tucson Water Program Supervisor, Eric Wieduwilt, Pima County Wastewater, Deputy Director, Planning and Engineering and Ed Curley, Strategic Planning Manager.

Ms. Ewing-Gavin thanked the City and County Planning Commissioners for agreeing to have the joint meeting. She said the last time they met in a joint meeting was last spring for Phase One, and now they were at the end of Phase Two of the Water Study. She added they were anxious to share the results, get feedback, and answer any questions the Commissioners had.

Ms. Ewing-Gavin said both Commissions had representation on the Water and Wastewater Study which had been meeting for the past two years. She said she appreciated the work that everyone had contributed and wanted to give the Commissioners a chance to provide suggestions.

Ms. Ewing-Gavin said in the spring of 2008, the Water Study was initiated with a scope of work approved by the Mayor and Council and the Board of Supervisors to define and develop a sustainable water future. The scope of work for the study called for the link between water and land use planning, which was why representation from both Commissions in land use planning was so important.

Ms. Ewing-Gavin explained there were five phases to the Water Study:

- Phase One – Completed April 2009 – was compiling basic data on the water and wastewater system and resources, as well as, critical elements associated with water sustainability.
- Phase Two – Completed January 2010 – asked the City and County to come together on a common agreement on future water conservation and water sustainability goals.
- Phases Three through Five regarded regional dialogue.

Ms. Ewing-Gavin explained the Study included input from the City/County Water and Wastewater Study Oversight Committee (CCWSOC) and involved two members from each of the Planning Commissions. She said they had an extensive outreach process and it was very successful as far as how many people were involved and how they were able to capture all the information on the website through video and written form. Every word was documented.

Ms. Ewing-Gavin said the focus for Phases One and Two was the City/County Water and Wastewater Service Areas. She explained that the Phase Two Scope of Work was specific in what it asked staff and the committee to look at and included:

- Agreement on population growth, water, urban form, land use planning and infrastructure
- Integration of land planning with water
- Increasing the use of reclaimed water
- Renewable water sources for the City and County
- Consolidated drought management plan
- Consistent water conservation standards
- Respect for the environment

Ms. Ewing-Gavin explained that staff prepared fourteen technical papers with some assistance from outside experts as part of Phase Two. Those were:

- Consolidated Drought Planning
- Reclaimed Water
- Water Conservation (2)
- Stormwater Management
- Riparian Protection
- Environmental Restoration
- Location of Growth, Urban Form and Cost of Infrastructure
- Integrating Land Use and Water Resource Planning
- Water/Wastewater Cost of Growth
- Value of Water as an Economic Resource
- Water Quality
- Additional Water Resources
- Population Primer

Ms. Ewing-Gavin explained the process began with technical papers being written, submitted to the committee, and publicized for public comment. Throughout the process, everyone became educated in all the topics and were able to come up with the recommendations listed in the final report. She said the report laid out a roadmap for sustainable water in the community which included nineteen goals and fifty-six recommendations that fell into four areas. Ms. Ewing-Gavin explained the areas, goals, and recommendations of each of the areas.

1. Comprehensive Integrated Planning was about how water and land use planning, as well as other infrastructure, needed to be linked and planned in a coordinated way.

*Goal #1: Sustainable Urban Forms*

- Encouraged sustainable urban forms

*Recommendations:*

- Require and incentivize smart growth – mix of uses, shared open space, density, housing choice, transportation options, access to jobs, reduced water and energy use.

*Goal #2: Suitable Growth Areas*

- Direct growth to suitable growth areas

*Recommendations:*

- Four suitable growth areas
- Highest Priority: infill in existing built environment
- Link capital investment to growth areas
- Open space acquisition

*Goal #3: Integrated Land Use/Water Planning*

- Integrate land use planning and water resource planning.

*Recommendations:*

- Advanced water resource planning prior to growth pressures
- Tucson Water obligated service area policy refined and formalized
- City Water Checkbook/County Water element
- Wheeling and recharge and other regional solution to pumping/recharge disconnect

*Goal #4: Fiscal Sustainability*

- Growth should pay for itself over time and be financially sustainable.

*Recommendations:*

- Fiscal sustainability impact fees in the last decade were important to get growth to pay for itself. This goal focused on looking beyond impact fees as the operating and life cycle cost of development. It also looked at it as more of a sustainability perspective to make sure when development was approved and built, necessary services would be provided.
- Water and Wastewater growth – continually updating models in place to capture the cost and growth. Those efforts needed to continue.

2. Water Supply was about diversifying our current water supply and looking at locally renewable resources to complement supply.

*Goal #1: New Supplies for Reliability*

- Work collaboratively to acquire new water supplies for reliability

*Recommendations:*

- Acquire Develop and Deliverer (ADD) Project – a process run by the Central Arizona Project.
- Cooperative Approach
- Consider all costs and benefits

*Goal #2: Maximize Use of Local Renewable Supplies*

- Maximize and make efficient use of effluent and other locally renewable water supplies.

*Recommendations:*

- Balance multiple uses of effluent
- Regional Optimization Master Plan (ROMP) Investments (upgrade to Pima County Wastewater Central Treatment facilities)
- Water quality
- Reclaimed expansion from efficiency perspective
- Evaluate Grey Water Expansion
- Expand rainwater harvesting

*Goal #3: Address Regulatory Barriers*

- Address regulatory barriers to maximizing local supplies.

*Recommendations:*

- Ground water credits
- Class A-plus Water
- Standards for Riparian Water
- Arizona Department of Environmental Quality (ADEQ) and Arizona Department of Water Resource (ADWR) regulate the use of the local resources.

*Goal #4: Expand Reclaimed*

- Foster increased use of reclaimed water through system expansions, increased effluent allocations and incentives.

*Recommendations:*

- Financing options
- Private payer and price incentives
- Review reclaimed as part of new development
- Increase effluent going into reclaimed system.
- Lower operating costs
- Identify, prioritize, and pursue additional customers

*Goal #5: Be prepared for climate change and drought*

*Recommendations:*

- Multi-pronged approach: supply diversification, Demand Management, infrastructure options, bringing in new water and relying on rainwater by putting rainwater use in a better way.
- Scenario Planning
- Infrastructure options by preserving different ways by making use of water we have and deliverer water to different locations.

Melaney Seacat, Pima County Water and Wastewater Study Coordinator, explained she would complete the presentation by describing the Respect for the Environment category and the Demand Management category.

3. In Respect for the Environment category, the goals were a synthesis of three technical papers relating to water for the environment and related to Stormwater Management, Environmental Restoration, and Riparian Preservation. The five goals reflect some of the priorities in each area.

Issues from all three technical papers were:

- a. The City and County already had policies to preserve and protect riparian areas and sensitive Eco Systems and restore degraded Eco Systems back to greater functionality.
- b. The goals enforced the commitment and addressed the priority needed to preserve the riparian areas as a higher goal.
- c. Environmental Restoration was very costly and required land, water, and financial resources.
- d. Environmental Restoration and Preservation were issues that needed to integrate and connect with land use planning.

*Goal #1: Preserve Riparian Areas*

- Preserve existing riparian areas through coordinated regulation, policy, and outreach.

*Recommendations:*

- Acquisitions, regulation, outreach
- Address non-exempt wells and surface water diversions

*Goal #2: Opportunities for Restoration*

- Identify needs and opportunities for future restoration.

*Recommendations:*

- Regional Policy on regulatory compliance projects
- Regional collaboration on restoration
- Work with ADEQ on water quality standards for restoration

*Goal #3: Multi-Benefit Public Projects*

- Identify needs and opportunities for future restoration.

*Recommendations:*

- Multi-benefit projects using reclaimed
- Stormwater management opportunities

*Goal #4: Santa Cruz River Habitat*

- Ensure the future of riparian habitat along the effluent-dominated reach of the Santa Cruz River.

*Recommendations:*

- Full recharge credits
- Lower Santa Cruz River Management Plan
- Pilot projects
- Recharge facility features

*Goal #5: Water Supply for the Environment*

- Develop water supply for the environment.

*Recommendations:*

- Conservation Effluent Pool Intergovernmental Agreement (IGA)
- Link conservation to protection of future supplies

4. Regarding Demand Management, there were four technical papers that fed into the series of the goals and recommendations. There were two papers on water conservation, and it pulled some information from the Stormwater Management Paper and from the Drought Management Paper. The five goals focused on increasing the effectiveness of conservation programming and better monitoring of data collection.

*Goal #1: Enhance Conservation Effectiveness*

- Increase the effectiveness of conservation programming

*Recommendations:*

- Uniform data
- Triple bottom line and cost/benefit analysis
- Adaptive management approaches and scenario planning to address drought and climate change

*Goal #2: Establish Common Water Efficiency Goals*

- Establish common water conservation goals and targeted methods.

*Recommendations:*

- Regional goals and measures
- Regional approaches: Baseline Water Footprint, Identify Efficiency Opportunities, Prepare an Optimization plan and engage stakeholders, and execute and celebrate

*Goal #3: Design of Built Environment*

- Manage demand through design of built environment.

*Recommendations:*

- Review existing water conservation regulations for consistency with water efficiency goals.

*Goal #4: Changing Conservation Behaviors*

- Manage demand through changing behaviors

*Recommendations:*

- Assess public values and preferences for water conservation
- Increase consistency of water conservation messages

*Goal #5: Increase Rainwater and Stormwater Use*

- Increase Rainwater and Stormwater use to reduce demands on potable supplies

*Recommendations:*

- Design guidelines for neighborhood Stormwater Harvesting. The largest potential is focused on neighborhoods.
- Assess expanded water harvesting potential and costs/benefits

Ms. Seacat reiterated there were nineteen goals and fifty-six recommendations which were involved. A resolution was prepared requesting that the Mayor and Council and the Pima Board of Supervisors adopt the resolution and direct staff to implement all of the goals and recommendations; and to continue the coordinated approach. One of the greatest successes of the entire project was the foundation that was created with the City and County coming together in a coordinated way. She said the staff that worked together had an excellent level of coordination.

Ms. Seacat explained that the next steps for the project would be:

- To move forward on current and high priority items
- To develop more detailed action plans
- To track, monitor, and report progress
- To provide oversight and venue for public input by the Water, Wastewater, and Planning Committees.

Chair Rex stated she appreciated the presentation and that the process was amazing. She asked if there were any Commissioners wishing to make any comments.

Commissioner Gungle, Pima County Planning and Zoning Commission, said he had a couple of things he wanted to highlight. He said it was important to be aware that sections one of the report was the Citizens Oversight Committee's introduction and section four was their conclusion. That was the part of the report where the Committee had input. The bulk of the report was from the joint City and County staff report. He explained there was a lot of dialogue between staff and the committee that went into the report, but ultimately what went into the report was staff's decision and if staff did not agree with verbiage from the committee, it was not included. He said it was a good report, but the conclusions were not of the Committee.

Commissioner Holdridge, Pima County Planning and Zoning Commission, said he had a general question that addressed the next step, which he understood, prioritized the goals and recommendations. He said he was interested in the theoretical construction of the new paradigm. He asked, since the goal focused on long-term water sustainability, which of the four areas was thought to be the most elastic and which was thought to be the least. Also, he asked what the implications were of that relative elasticity of those four areas, and how would those implications govern the prioritization of the recommendations both in terms of importance and time. He asked if staff understood the question he was asking.

Ms. Ewing-Gavin said she understood elasticity related to economics. She said all four areas were critical and in the past, the primary focus was on water supply and then on Demand Management. This process was saying that integrated planning and the environment needed to be elevated.

Commissioner Holdridge asked, assuming staff agreed and the Citizens Oversight Committee accepted the implications of what Mr. Ewing-Gavin just mentioned, what would that mean in terms of prioritizing goals and recommendations.

Ms. Ewing-Gavin said it was more about what needed to happen first, or what could happen first and what was in place to happen now. Some of the things were about what were already being done and the fact that staff needed to step up their efforts. Other things could not start immediately because of financial reasons. She said she thought prioritization was partly a guess of what was most important, but actually prioritization was what was feasible and could be accomplished now. She explained it was difficult for her to say some things were more important than others, because they all needed to happen in order for sustainability to happen.

Commissioner Holdridge asked if there was a different answer to his question.

Alexander (Sandy) Elder, Tucson Water Deputy Assistant Director, said that Tucson Water had been struggling for a century with the concepts regarding Commissioner's Holdridge question.

Mr. Elder said that Demand Management was a behavior elasticity and that supply was limited by the resource and cost. There were different things that contributed to that elasticity and they had been trying to figure out which was most important. To pick one goal over another was difficult because they all needed to come together, which was what Tucson Water had been struggling with as long as there had been water provided to the valley. He explained there had been water-wasting ordinances since 1920 and Tucson still had conservation programs and water waste ordinances in place. He explained it was not just one or the other, they all came together, and all the things had to be done.

Bonnie Poulos, Pima County Planning and Zoning Commission Chair, explained that part of the problem with prioritizing was that often times easier things were done first and the more difficult part of the puzzle would not get done at all. She said, she thought that was what Commissioner Holdridge was alluding to. She asked how difficult decisions that needed to be made as a community would get integrated with the things that had already been done, that already were successful, and yet find a way to put some of the more difficult aspects of the sustainable water future to the forefront.

Commissioner Holland said he thought what Ms. Ewing-Gaven was alluding to, and the power point slide showed, was that the four components or compass directions needed to be taken into account as this project moved forward. Doing one thing or the other could not happen, all of the components needed to work together. There would be different results and different magnitudes, but the behavior side of water use could not be ignored. Environment and behavior could not be ignored because they could not be taken apart. Environment needed to work with behavior. Both needed to be worked together because there was a certain feedback.

Commissioner Holdridge asked if there was a big difference between an individual's water use behavior and the water use behavior of the region's economy. He said for example, if the economy was going to be based primarily upon growth, and based on the reports' data of two million people, and if that was the least elastic of the four pieces, would it have gigantic implications for the individual residential water user and have greatly significant implications on the environment. He said this question had

to be answered before any plan of action could be created that would keep the four aspects in the integrated relative value that was suggested.

Mr. Elder said there may not be a single answer, but as long as all the compass directions were being contemplated, they would keep moving forward just like they did in the 1920's when the first water waste ordinance was originated. There were limitations of supply and growth issues back then, and as a community, as long as those issues were on the table, acknowledged, being worked on, and there was dialogue between the community and giving importance to everything, that was the only way forward.

Ms. Seacat added that the action planning process was a process where there would be indicators of success. So, if there was an indicator of what was trying to be reached and there was a range of recommendations, within that range of recommendations and feasibility aspects of the plan process that was being launched and if there were things going on in the community that were burning issues, all the issues needed to be factored in. However, to get to an end outcome, one could better prioritize what the immediate steps would be to get there once it was known what the outcome would be, and that would be the strategic planning approach that would be taken.

Chair Rex said one of the issues of concern was that there were too many goals and normally there were strategies within goals or different terminology for the different levels being worked with. When asked what should be prioritized and done first, each one of the four aspects may be chosen to be worked on at the time, but within each one of those areas was what one needed to start with. She suggested not to begin working with the easy things first. She said it made more sense to be able to tackle the difficult items up front, even if a reasonable amount of progress was not completed, at least there would be a focus.

Ms. Ewing-Gavin said that was a good point and what was being recommended to the County's Planning and Zoning Commission and the City's Planning Commission, was that they serve as an oversight role for the implementation of this project. She wanted feedback from the Commissioners on what should be the highest priorities and staff would come back to the Commission when an action plan was constructed to, once again, get their feedback.

Commissioner Holland said, when talking about prioritizing, issues, and behaviors created in the document, the standard answer would be "it depends". He added there were certain parts of the County where cooperative behavior models were already in place, people were already recycling, and networks already existed. He added those behaviors would not require neighborhood assistance and financial resources to develop in comparison to parts of the County where the infrastructure was not as developed.

Commissioner Holland said, in agreement with what everybody was saying, all of the issues needed to be kept on the radar screen and as a community, as we go out to our neighbors and the different sections of the City and County, we should construct an asset and resources map regarding what was needed and happening in the neighborhoods. He added that different geographic areas would have different needs and different resources

available to them. However, if everyone could see on the big screen the four things needed, the neighborhoods would visualize what they needed to get done to bring the whole project along.

Commissioner Maher said he had the privilege of being on the City/County Water and Wastewater Committee and was impressed with staff's efforts and the dedicated committee members. He said all the things that were completed were incredible. He added the report reflected more things beyond just water. He said water may have been the topic, but it went beyond that as far as some of the aspects. He added it was time that the Planning Committee reviewed and considered those aspects before water became a problem. Commissioner Maher agreed with the suggestion of a paradigm concept as a new approach toward water in this community. He said in the diagram, two concepts had been done and two concepts had never been done. It was probably about time that land use was integrated with water. He said it was an incredible idea to suggest a paradigm as a new approach before water became a problem. He added it did not mean that economic growth or anything would be restricted but it was about time a different perspective, in terms of an integrated approach, was looked at.

Commissioner Maher added the four goals would work together to enhance the water availability and sustainability, and they would almost have to. In some ways, there was some commentary about some of the terms and terminology in the report, but when it came to water, there were not many choices. He said the four divisions were all equal, and it was about time they were addressed. He added it was a matter of cooperation and regional approach from all the cities, towns, individual users, and people who drilled their own wells and were not recycling their water. He said this was going to be a major effort and a major cooperation. The Regional Transportation Authority (RTA) was easy, compared to what this would be, but this project was probably more important.

Commissioner Gungle said at the end of the document, there were two comment pages from individual committee members and one from Vince Vasquez. He asked if staff could comment on his main points in the first bullet where he stated: there were significant policy endorsements regarding rainwater harvesting and allocating water for the environment that lacked such cost analysis that other water management decisions incurred. Also the third bullet, where he stated that comprehensive integrated planning drifted too far into urban form design for study center on water management.

Ms. Ewing-Gavin said they attended a meeting with Tucson Regional Water Coalition that day which offered the same points. On the first issue regarding the idea of incorporating the cost and economic analysis into the water decisions, the most frequently used word in the report was "efficiency." Water and community resources needed to be used in an efficient manor. The report was saying that water for the environment and rainwater harvesting were good ideas without fully creating an economic analysis and to make that point was problematic. She said the second point was the concern of who would pay. She said if water for the environment and stormwater systems were expensive, who would pay for that. It was Staff's response, as all the recommendations moved forward, there always needed to be some sort of an economy cost analysis component. She added that community values also drove some of the choices as well. She said her response to the first bullet was that it was a balance.

Ms. Ewing-Gavin said her response to the third bullet regarding the statement that comprehensive integrated planning drifted too far, would be that one needed to look at growth, population, urban form, and land use planning related to water. All those things were directed by governing bodies and there were two technical papers specifically written on those topics that contained a lot of data substantiating the recommendations that were made, so she said she disputed that statement.

Commissioner Richey, Pima County Planning and Zoning Commission, said he wanted to discuss education and behavior modification. He asked if schools or universities could center on the topics that were of interest regarding modification and behavior that would also include such things as labs and projects.

Fernando Molina, Tucson Water Program Supervisor, commented that Tucson Water sponsored educational programs throughout many schools. The programs started at the elementary level and advanced to the higher levels of education. He said he was proud to say they had the most robust educational programs in the valley. He also added that Tucson Water had emphasized several programs to improve the educational levels of teachers in the classrooms as well. Education was a tremendous opportunity and very specific to grade levels in what the State and local requirements were.

Chair Rex asked, regarding the cost analysis prepared by Mr. Vasquez, if there was a trial period aspect for new technologies. She said some of the things that were thought to be perfect for water conservation were turning out to be not such good choices, so there was a need to revamp and re-educate the population. She asked, as far as the educational aspects, how the public would keep from becoming confused and how would a trial of new technologies be incorporated into those aspects.

Mr. Molina explained as far as avoiding confusion, Tucson Water needed to move forward cautiously when looking at new technologies. He said one of the best examples he could offer regarded irrigation technologies. Drip technologies were wonderful, but one of the things found was that drip technologies worked well if they were designed, installed, and maintained properly. He added education was the key to avoid confusion.

Chair Rex asked what the process was for the Commissioners to offer comments after the fact if they should have future comments.

Ms. Ewing-Gavin replied that the Mayor and Council and Board of Supervisors would be receiving the recommendations and would be asked to take action on those recommendations. Anyone could attend the meetings to make comments. However, the action plan would return in the spring at which time she would like to get feedback from the Commissioners.

Commissioner Mayer said it was voiced earlier in the presentation that the current water supply could accommodate another three hundred, fifty thousand in population. He asked if this was based on current water use practices or based on a more conservative oriented set of practices, assuming that all toilets were low water usage and there was a high degree of rain harvesting. He also asked, if based on current practices, what would

that figure be, if a reasonable achievable conservation goal was reached in the areas he spoke of.

Ms. Ewing-Gavin replied that a per-capita usage rate was chosen based on current and past historic use that was conservative. So the population estimate was based on a higher rate than our community's current usage. The water resource portfolio only included Tucson water supply and did not include rainwater since it was not Tucson Water supply.

Commissioner Mayer asked again, what the population figure would be if a reasonable achievable set of water conservation practices were implemented based on current water usage as opposed to the more conservative ten years ago. Also, he wanted to know what that figure would be if the reasonably achievable water conservation practices were implemented, raised, and accepted throughout the water service area.

Ms. Ewing-Gavin said that clearly the water population would go up if we used today's water usage numbers. She said she could email the link because there was more detail on how the scenario was done in the Phase One report and she did not have the numbers in front of her. She added one of the reasons for choosing a higher gallons per capita per day (GPCD) number was that potentially there could be shortages on the Colorado River and the CAP allocation was not completely reliable. On that end, they were being less conservative so on the GPCD end they would be more conservative. She added a ball park figure would be around three hundred sixty thousand to three hundred eighty thousand.

Commissioner Gungle said it was mentioned that the City/County Commissions would potentially have an oversight role. He asked how that would function.

Ms. Ewing-Gavin read the language provided in the ordinance that would be provided to the Mayor and Council and the Boards and Supervisors. She read that language saying, "...propose that the Regional Wastewater Reclamation Advisory Committee, the Citizen's Water Advisory Committee, the Pima County Planning and Zoning Commission and the City Planning Commission continue to provide oversight and a venue for public participation in the implementation of the Phase Two Report recommendations assigned to the City and County." She said she envisioned bringing back the action plan of how they were being implemented and progress reports of what was being achieved.

Chair Poulos, Pima County Planning and Zoning Commission, asked Ms. Ewing-Gavin if she envisioned any of the Boards and Commissions holding public hearings based on what was received and the recommendations that were made.

Ms. Ewing-Gavin said, as the projects and specific recommendations moved forward, public hearings would be an option.

Arlan Colton, Pima County Planning Director, explained that many of the recommendations affected the Pima County Comprehensive Plan update and the City of Tucson General Plan update. He said he spoke with Albert Elias, Director of Housing

and Community Development Department, numerous times on how the efforts would be coordinated whenever funding was provided to complete projects. He said he was unsure when the plans would be completed because there was a bill in the Legislature that would extend the time period allotted for municipalities and counties to update their planning efforts. The bottom line was whether they would work on the plans as a regional type plan or whether they get the work done individually. He said they were committed on coordinating those efforts to make it easier as far as a land use perspective and water in relation to land use through the water elements. Their plan was to make sure they were moving toward implementation the best they could. There were some supply and demand issues that could best be completed through Tucson Water, Pima County Wastewater facilities, and other management plans. He said all those plans could be linked together.

Chair Rex said she appreciated the presentation and it was exactly what the Commissioners needed regarding the Water/Wastewater Study update.

(NOTE: At this time, the Pima County Planning and Zoning Commission adjourned)

It was moved by Commission Mayer, duly seconded, and carried by a voice vote of 10-0 to recess.

RECESS: 07:15 p.m.  
RECONVENE: 07:25 p.m.

**(Those members present at the beginning of the meeting were also present after the break)**

### **3. MINUTES FOR APPROVAL: DECEMBER 2, 2009**

It was moved by Commissioner Holland, duly seconded, and carried by a voice vote of 10 to 0 to approve the December 2, 2009 minutes with the following corrections:

1. Page 5, 7<sup>th</sup> paragraph, 12<sup>th</sup> sentence, ~~ligament~~ piece (to) legitimate piece
2. Page 7, 3<sup>rd</sup> paragraph, Commissioner ~~Meyer~~ (to) Commissioner Mayer
3. Page 3, Item 4, paragraph 5, 2<sup>nd</sup> sentence, approved ~~until~~ (to) approved now and
4. Page 3, Item 4, paragraph 5, 2<sup>nd</sup> sentence, dates ~~were~~ (to) dates could be
5. Page 8, Item 8, paragraph 1, 2<sup>nd</sup> sentence, add the word "on" after Commission
6. Page 9, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> bullet point, information ~~on~~ one (to) information in one
7. Page 9, 3<sup>rd</sup> paragraph, add the words "improvements and the" after following
8. Page 9, 4<sup>th</sup> paragraph, 3<sup>rd</sup> sentence, ~~It~~ said it (to) He said to
9. Page 9, 4<sup>th</sup> paragraph, 4<sup>th</sup> sentence, add the word "be" after could
10. Page 5, 8<sup>th</sup> paragraph, 7<sup>th</sup> sentence, ~~than~~ to then

**4. MINUTES FOR APPROVAL: OCTOBER 7, 2009**

It was moved by Commissioner Sayler-Brown, duly seconded, and carried by a voice vote of 10 to 0 to approve the October 7, 2009 minutes with the following corrections:

1. On the Verbatim Minutes, correction to reflect the correct spelling of Commissioner Podolsky.
2. Page 8, 8<sup>th</sup> and 10<sup>th</sup> paragraph, Mr. Waren (to) Mr. Warne
3. Page 8, 10<sup>th</sup> paragraph, 4<sup>th</sup> sentence, Artichects (to) Architects

**5. APPROVAL OF THE 2010 MEETING SCHEDULE**

Chair Rex announced the meeting schedule to be approved was for the 2010 year.

It was moved by Commissioner Lavaty, duly seconded, and carried by a voice vote of 10 to 0, to approve the 2010 Meeting Schedule.

**6. PUBLIC HEARING – CHARTER SCHOOLS IN EXISTING RESIDENCES – LUC TEXT AMENDMENT (Staff requests that this item be continued to February 3, 2010)**

Chair Rex announced there were issues with noticing the public hearing, therefore this item needed to be continued to the February 3, 2010 meeting.

It was moved by Commissioner Maher, duly seconded, and carried by a voice vote of 10 to 0, to continue the Public Hearing – Charter Schools in Existing Residences LUC Text Amendment to the meeting of February 3, 2010.

**7. STUDY SESSION – ARCHITECTURAL DOCUMENTATION – LUC TEXT AMENDMENT**

Jonathan Mabry, Housing and Community Development Services, Historic ~~Principal Planner~~ Preservation Officer, presented the revisions made since the last Study Session.

Mr. Mabry said the revisions requested by the Planning Commission at the December 2, 2009, meeting included:

- Reformatting the Applicability section to include the definitions of when Minor or Full Documentation ~~are~~ is required;
- Reformatting the sections describing the Documentation requirements for Minor and Full Documentation;
- Clarifying for buildings that otherwise meet the criteria for Full Documentation, only Minor Documentation is required if a partial demolition is limited to an addition that is less than fifty (50) years old.

- Clarifying that the Planning and Development Services staff conducts the review for Minor Documentation, and the Historic Preservation Officer conducts the review for Full Documentation.

Chair Rex complimented Mr. Mabry and said there was full consensus that he had done a very good job.

Commissioner Mayer said he had some technical code writing comments that would not preclude this document from going forward. Regarding 5.3.11.4 (printed on photographic paper) and if one followed the next section 5.3.11.5, there were two requirements for new photographs rather than old photographs which was mentioned in a different place. He said it should be indicated on photographic paper or should be deleted entirely and left as an administrative requirement. If it was in one place and not the other, it became confusing.

Commissioner Mayer said the other point had to do with consistency of code writing. The term “must” was used a number of times and he suggested using “shall” which was a better term. He said his actual question regarded the big Clarion project. He asked if there had been a proposed convention established for that term and said whatever term was used in this document should be the same as used in the drafts being generated there.

Jim Mazzocco, Planning and Development Services, Planning Administrator said it was a good question and there was debate amongst quote writers as to which word was more correct. Mr. Mazzocco said he had attended conventions and heard sessions on code writing and what emerged and seemed more correct, was the word “must.” He said the word “must” did not have any other kind of meaning other than being mandatory, unlike “shall” which had other meanings. There were debates on both terms and the word “either” was also adequate, but it was what was more comfortable. The word that had the least number of meanings was “must” which only had a mandatory meaning. Both could be used and Clarion had not brought that up as an issue, but it would be a concern that Staff would monitor.

Tom McMahon, Principal Assistant City Attorney, said he did not have any other thoughts on that subject. He agreed if he would analyze a legal document and saw the word “must” in that document, there would be absolutely no other meaning to that word. He also agreed that consistency was important in the code as Commissioner Mayer pointed out.

Commissioner Mayer said he was more concerned with the consistency of the document more than the utilization of terms. His major concern was that the terms used be consistent. He also mentioned the term “prior to.” Commissioner Mayer said he attended a convention in Phoenix and they were striking “prior to” and using “before.” Those codes were used so regularly, and suggested that would be another term to look at.

Commissioner Mayer also pointed out section 5.3.11.1, in the second sentence from the bottom; there was an extra period after the two references to the sections. He

said he was presuming ~~that was~~ those were the sections in the *Land Use Code*, but it did not seem to make a specific reference to where the sections came from.

Mr. Mazzocco explained if and when the document was adopted, it would be within the *Land Use Code* and also, the periods would be removed.

Discussion followed on the terms used in the document that contained the words “prior to” versus “before.”

Chair Rex stated that discussions that evening seemed to center around a few technical clarifications regarding consistency with the language in the existing *Land Use Code*, but there were not significant modifications made to the context and contents. She asked for a motion.

It was moved by Commissioner Mayer, duly seconded, and carried by a voice vote of 10 – 0 to set the Architectural Documentation – LUC Text Amendment for Public Hearing.

## **8. SELECTION OF COMMISSION CHAIR AND VICE CHAIR**

Chair Rex announced a committee was established to make recommendations for consideration by the Commission for a new Chair and Vice Chair. The report of the committee was to recommend Commissioner Rick Lavaty as Chair and Commissioner Shannon McBride-Olson as Vice Chair.

Chair Rex asked if there was any discussion. Hearing none, she asked for a motion.

It was moved by Commissioner Podolsky, duly seconded, and carried by a voice vote of 10 – 0 to accept the recommendation of the subcommittee for the appointment of Commissioner Rick Lavaty as Chair and Commissioner Shannon McBride-Olson as Vice Chair.

At this time, Chair Rex turned the meeting over to the new Chair, Commissioner Rick Lavaty.

## **9. OTHER BUSINESS**

### **a. Mayor and Council Update**

Ernie Duarte, Planning and Development Services Department (PDS) Director, announced the following:

- On December 7, 2009, the Mayor and Council adopted the amendment to the policy of the West University Neighborhood Plan.

- On January 5, 2010, the Mayor and Council took action on the budget deficit for this fiscal year. He also advised the Commission how the PDSB was affected by the proposed cuts.
  - On January 5, 2010, the Mayor and Council took action on some fee increases for the PDSB that would help to preserve staffing levels in order to continue providing service to the community.
- b. Other Planning Commission Items (Future Agenda Items for Discussion/Assignments)**
- Commissioner Maher invited Commissioners to attend the next two meetings of the Grant Road Task Force.
- c. Update on Water and Wastewater Study Oversight Committee by Planning Commission Members**
- No Discussion

**10. CALL TO THE AUDIENCE**

There were no speakers.

**11. ADJOURNMENT – 8:06 p.m.**