

#### Planning Commission Refresher

City of Tucson Planning Commission Informational Session

#### Program Overview

About the Tucson Planning Commission

Why Plan?

Roles and Responsibilities

Land Use Planning Framework

Elements of Good Decision-Making

Open Meeting Law

#### About the Tucson Planning Commission

Advise Mayor and Council, Planning and Development Services
Department, and Housing and Community Development
Department on the adoption of long-range plans, policies, specific plans, and standards that affect land use and development

https://www.tucsonaz.gov/pdsd/planning-commission

Total Number of Members: 13 with a two 4-year term limit

Two per Ward (1 resident and 1 at large) and one for the Mayor

Quorum: 7 members (majority of total)

Generally meet on first and third Mondays

Subject to Open Meeting Law Requirements



Image source: belairmd.org

# Why Plan?

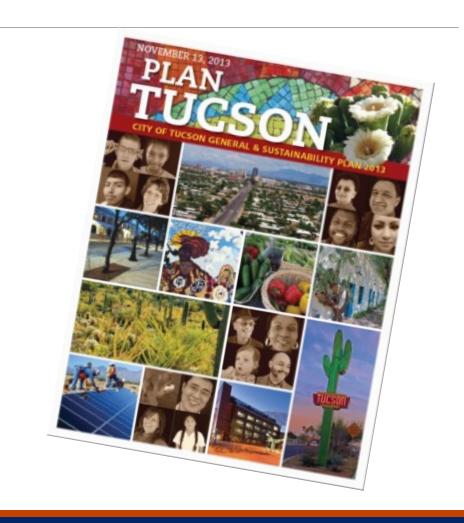
Provides direction for the City to adapt and evolve

Helps to support goals and priorities of the City and community

Supports sustainable growth and address climate change

Provides direction for economic development

Connects people to the broader community



# Roles & Responsibilities

MAYOR & COUNCIL ROLES

PLANNING COMMISSION

STAFF

**PUBLIC** 

### Responsibilities of Mayor & Council

**Sets Policy** 

**Appoints Planning Commission** 

Decides Legislative Actions (General Plans, Unified Development Code, Zone changes, etc.)

Hears appeals

**Establishes General Procedures** 

Balances Relationships with Planning Commission, Staff, and Public

Political Perspective

# Responsibilities of Planning Commission

#### Planning Commission roles include:

- Assist in development of general, area and neighborhood plans
- Coordinate planning efforts
- Make special studies regarding planning issues of concern
- Implement adopted city policy
- <u>Does not review rezonings / special exceptions</u> because is not the quasi-judicial body, that is the role
  of the Zoning Examiner

The Commission must balance relationships between the Mayor & Council, staff and the public

The Commission helps to provide community perspective

## Role of the Planning Commission

Ensure the public is engaged in productive testimony

Provide well thought-out recommendations

Recognize Mayor & Council's role in Policy Development

#### Role of Staff

Review applications for completeness (Plan Amendments)

Act in a fair, ethical and consistent manner

Inform Commission of local agency policies, plans and ordinances

Provide background information and staff reports

Prepare draft plans (General Plan, area plans, neighborhood plans, etc.)

Make recommendations

Answer technical questions

Facilitate public review process

Provide technical policy perspective



#### PLANNING COMMISSION

June 9, 2022 for meeting scheduled June 15, 2022

Page 1 of 5

Planning Commission Scott Clark

Executive Secretary

Subject: C8-22-04 Underground Transmission Line Relief Special Exception UDC Text Amendment – Public Hearing (Citywide)

Issue – This item is a public hearing continued from May 11, 2022 to discuss the proposed Issue – Inis item is a public hearing continued from May 11, 2022 to discuss the proposed Unified Development Code (UDC) text amendments to establish a Zoning Examiner Special United Development Code (UDC) text amendments to establish a Zoning examiner special Exception process which would allow relief from the underground siting requirements for Exception process which would allow rehet from the underground sting requirements for transmission lines in Scenic Corridor Zone (SCZ) overlays and the Gateway Corridor Zone (SCZ) overlays are considered to the Corridor Zone (SCZ) overlays usansinsion unes in occure cornoor zone (OCZ) overlays and the Gateway Cornoor zone (OCZ) overlays, when certain criteria are met. The public hearing held on May 11, 2022 was (GCZ) overlays, when certain criteria are met. The public hearing neid on May 11, 2022 was continued to allow time for Staff to reconsider conditions C, D, F, H, I, and K, and to consider communes to anow time for Start to reconsider conditions C, D, F, II, L and A, and to the addition of the four conditions suggested by the Tucson Underground Coalition.

The proposed special exception is intended for situations where there are physical The proposed special exception is intended for situations where there are physical, archeological, cultural, or financial reasons that make placing utilities underground infeasible.

This citation areas from a Zonino Administrator Determination (ZdD) related to the Kinot to archicological, cultural, or infancial reasons that make placing utilities underground infeasible. This situation arose from a Zoning Administrator Determination (ZAD) related to the Kino to This situation arose from a Zoning Administrator Determination (ZAD) related to the Auto to DeMoss-Petrie (DMP) 138kV Transmission Line Project that was issued on August 25, 2021. DeMoss-Petric (DMP) 138KV Transmission Line Project that was issued on August 25, 2021. It was determined that "the requirement to underground utilities within a Gateway Corndon Code of the Code of It was determined that "the requirement to underground utilities within a Gateway Corndor Zone as indicated in Unified Development Code (UDC) Section 5.5.4.B.1.a. applies to the Zone as indicated in Uninea Development Loae (UDL) Section 5.5.4.D.1.a, appres to the Kino to DMP 138kV Transmission Line Project. Please see Attachment A for the August 25. Kino to DMP 138kV Transmission Line Project. Please see Attachment A for the August 23, 2021 ZAD. The result of this ZAD was that all new transmission lines in GCZs and SCZs must

On November 23, 2021 the Mayor and Council held an executive session and subsequent study On November 23, 2021 the mayor and council neighbor an executive session and subsequent study session to discuss the ZAD, and the requirement to underground transmission lines along SCZs at the study case in the Matter and Council discasted staff to "avalage conditions." session to discuss the ZAD, and the requirement to underground transmission lines along SCZs and GCZs. At the study session, the Mayor and Council directed staff to "explore conditions" and GLLS, At the study session, the Mayor and Council directed staff to "explore conditions under which a special exception process will be followed to explore relief from our existing conditions and Gatanan Council and Gatana under which a special exception process will be followed to explore renet from our existing Scenic and Gateway Corridor requirements." Please see Attachment B for the materials and Sceme and Gateway Comdor requirements. Frease see Attachment the Legal Action Report from the November 23, 2021 study session.

Recommendation - Staff recommends the Planning Commission recommend the <u>Kecommenoanon</u> — Statt recommends the Planning Commission recommend the underground transmission line relief special exception UDC text amendment (Attachment C)

Background - The following is the background of events leading to direction from Mayor and <u>Dackgrounu</u> - Ine tonowing is the background of events leading to direction from Mayor and Council to create a Special Exception process to allow for relief from the underground siting

#### Role of the Planning Commissioners

Review staff reports before the meeting and prepare questions for staff and other participants

Stay focused on issue before you

Provide constructive input

Consider public comments / feedback



#### Role of the Public

Present local background information

Become informed on project and process

Focus on issue before the Commission

Provide community perspectives to the Commission



Image source: www.westerncity.com

## Planning Framework

General Plan (also specific plans, Urban Design Plan, etc.)

Zoning

Special Exceptions & Variances

Permit processing streamlining requirements

Subdivision requirements

Environmental review

#### Land Use Hierarchy

Federal Constitution and laws

State Constitution and laws

**City General plan** 

City area, neighborhood and specific plans

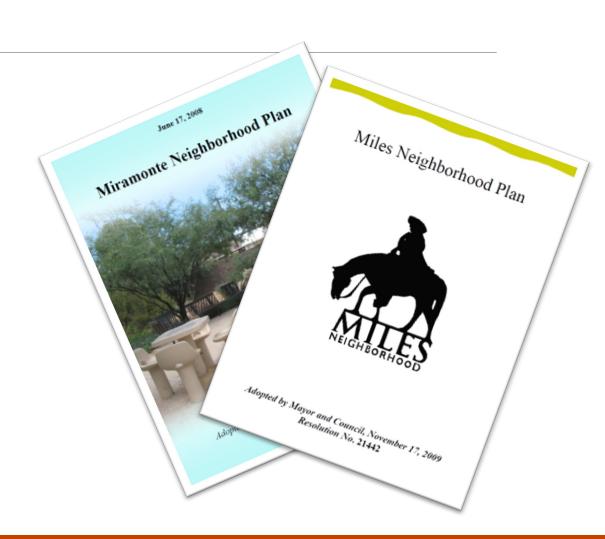
**Unified Development Code** 

Relief from zoning; use (special exception) permits, variances, etc.

Development package

Subdivision plats

**Building permits** 



# Decision Making Process

DUE PROCESS

PUBLIC HEARINGS

FINDINGS

#### Due Process

Legislative vs. Quasi-Judicial Actions

**Legislative** actions must be reasonable and nondiscriminatory

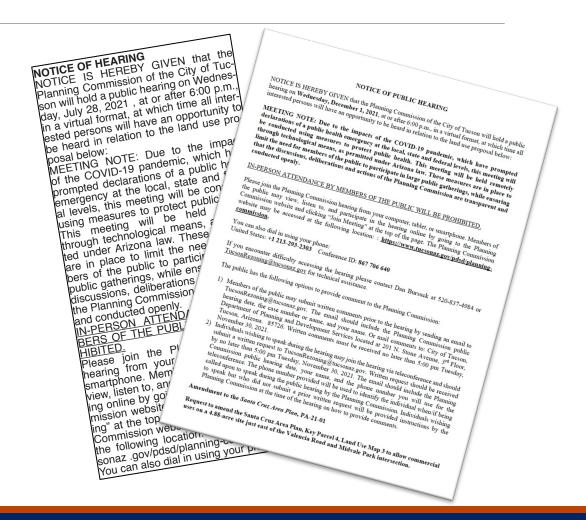
**Quasi-judicial** decisions must be supported by substantial evidence in the record

**Notice** 

Newspapers (legislative)

Affected owners (quasi-judicial)

Signs/notices



#### Effective Public Hearings

Focus on subject under consideration

**Understand process** 

Defined roles of responsibilities

Maintain an open flow of ideas

Following the meeting format



Image source: participedia.net

### Skill in Making Decisions

What is the issue you are deciding?

Ability to review both written and oral testimony and to apply it

Take initiative with policy issues

Keep the long view

Listen to what is really being said

Remain objective

Express yourself clearly and concisely

## Dealing with the Unexpected

Last minute and unexpected project opposition

Submission of new documents and evidence at hearings

Unanticipated change in political winds

A continuance is sometimes a good thing

Due process and conflict issues

## Planning Commission Recommendation

#### Purpose of recommendation:

- Provide a framework for making principled decisions
- Facilitate orderly analysis to reduce the likelihood of random leaps from evidence to conclusions
- Creates a record for the basis for the Commission's decision

#### In the Recommendation:

- Explain the basis for the decision—just because you do not like the project—this doesn't work, need sound reasons. e.g., The project is not consistent with the General Plan BECAUSE..."
- Refer to factual evidence (written or oral)
- Part of the public record
- Sufficient to determine whether and on what basis should judicial review be sought

# Procedures and Open Meeting Law

WHAT IS OPEN MEETING LAW?
ELEMENTS OF OPEN MEETING LAW
CONFLICTS OF INTEREST

## What is open meeting law?

Defined in State Law (ARS 38-431 through 38.431.09)

#### Two core concepts:

- 1. Requires that all meetings of a public body be conducted openly, with notices and agendas that contain information necessary to inform the public about the Committee activities
- Provides public access to government and ensures that the people's business is conducted openly

A meeting is a gathering, in person or through technological devices, of a quorum of a public body at which legal action is discussed, proposed, deliberated or taken

## Elements of Open Meeting Law

- Public must be permitted to attend and <u>listen</u> call to the audience not required
- All legal action must occur during a public meeting
- Written minutes are required, including for subcommittees
- Public notice is required
- Any member of the public may record the meeting
- The room must be large enough to hold the number of people reasonably expected to attend



## Other Elements of Open Meeting Law

- Agenda must contain enough information so that the public is informed about the matters to be discussed
- Quorum established
- Call to the Audience
- Executive Sessions
- Legal Action Report
- Minutes



Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning Commission and to the general public that the Planning Commission will hold the following meeting which will be open to the public:

#### PLANNING COMMISSION

Planning and Development Services • P.O. Box 27210 • Tucson, AZ 85726-7210

#### AGENDA

WEDNESDAY, September 25, 2019, AT 6:00 PM MAYOR AND COUNCIL CHAMBERS CITY HALL, 255 WEST ALAMEDA TUCSON, ARIZONA 85701

Roll Call

2. Approval of Minutes/Legal Action Report - August 21, 2019

4. Concurrent Plan Amendment / Rezoning Text Amendment

Action

3. Alvernon-Broadway Area Plan Amendment

Public Hearing Study Session

5. Notification Text Amendment

Study Session

6. PDSD Staff Announcements

Information Only

Future Agenda Items

Information Only

8. Call to the Audience

Adjournment

#### PROJECTED AGENDA ITEMS:

Kino Area Plan Amendment – Public Hearing Concurrent Plan Amendment / Rezoning – Public Hearing Notification UDC Text Amendment – Public Hearing

Discussion and/or action may be taken on any of the above listed items, as designated.

If you require an accommodation or materials in accessible format or require a foreign language interpreter or materials in a language other than English for this event, please contact staff at <u>coplanningcommission@tucsonaz.gov</u> or Dan Bursuck, Planning and Development Services, at 837-4984 at least five business days in advance.

#### Conflicts of Interest

- Any public officer or employee who has, or whose relative has, <u>a substantial interest in any</u> <u>decision</u> of a public agency shall make known such interest in the official records of such public agency and shall <u>refrain from participating</u> in any manner as an officer or employee <u>in</u> such decision.
- "Substantial Interest" means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest

#### Declaring a Conflict of Interest

- 1. Determine if you, as a member of the public body have a substantial interest
- 2. If you determine there may be conflict, before the meeting, advise the chairperson of the Committee that you are declaring a conflict of interest
- 3. Verbally recuse yourself from the item
- 4. During the item, <u>refrain from participating in any manner</u>, including discussing, voting, or in any way attempting to influence the decision by the rest of the members
- 5. Your declaration of the conflict must be reflected in the minutes of the meeting

# Thank you!

Thank you for your service to the community