

GENERAL PLAN AMENDMENTS POLICY

Section 1 Amendments

The City Council may, from time to time, following review by the Planning and Zoning Commission, amend, supplement, change, or repeal the text or maps in the general plan. All amendments shall be reviewed and processed in such a manner as to facilitate citizen participation.

Section 2 Type of Amendments

For the purpose of this section amendments will be reviewed and processed as major or minor amendments, or as corrections.

- A. Major Amendments. An application for an amendment to increase or decrease the mix of land use in the general plan by 60 percent or more.
- B. Minor Amendments. All other amendments.
- C. Corrections. The comprehensive plan may be amended by the Director of Community Development without hearing, but with notice to the City Council, when minor revisions are required due to scrivener's error, annexation, ownership transfers of government land (e.g., federal to state), or minor revisions to open space designations consistent with accurate FEMA 100-year floodplain information.

Section 3 Initiation of Amendments

The initiation of an amendment to the text or maps of the general plan may be accomplished by one of the following methods:

- A. A majority vote of the City Council.
- B. A majority vote of the Planning and Zoning Commission.
- C. A request for a map amendment by a majority of the property owners in the area of a proposed amendment.
- D. A request for a text amendment by an interested party.

Section 4

Application Submittal

Fully completed applications for major amendments to the general plan will be accepted only during a period between the first working day of June and last working day of July each calendar year. No application for major amendments will be accepted prior or subsequent to the above dates. Incomplete applications will be returned to the applicant and must be returned in complete form during the application period to be considered as part of the annual general plan amendment process. Fully completed applications for minor amendments will be accepted and processed in accordance with this policy, at any time during the year.

- A. Text Amendment. Application for a text amendment to the general plan shall be made to the Director of Community Development on a standard form provided for this purpose. The application shall include:
1. The applicant's name, address, and interest in the amendment;
 2. The language of the proposed amendment to the general plan; and
 3. Statements in support of the application, including a list of the present conditions justifying the proposed amendment.
- B. Map Amendment. An application for a map amendment to the general plan shall be made to the Director of Community Development on a standard form provided for this purpose. The application shall include:
1. The name and address of all owners of the property for which a change is sought, together with proof of ownership. Proof of ownership shall consist of a copy of a title report issued not more than 30 days prior to the date of the application by a title company authorized to conduct business in the State of Arizona.
- In the event that the application includes other property in addition to that owned by the applicant, the applicant shall file a petition in favor of the application, signed by the real property owners representing at least 75 percent of the land area to be included in the application. If the map amendment will change an area to open space, written permission in a letter signed by the affected owner(s) must be submitted.
2. Where the applicant represents another person, firm, partnership, or corporation, proof of agency, including a listing of every real party in interest, whether a beneficiary of a trust or otherwise, shall be provided to the city in the following manner:
 - a. If the land is owned by a corporation, proof of agency shall consist of a corporate resolution designating the individual to act as an agent. The corporate resolution must be certified by the secretary of the corporation and authenticated by the corporate seal, or acknowledged in the form prescribed by A.R.S. §33-506.

- b. If the land is owned by a partnership, proof of agency shall consist of a written document of the partner(s) designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. §33-506.
 - c. If the land is owned by an individual, proof of agency shall consist of a written document designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. §33-506.
3. A map drawn to scale showing the existing and proposed boundaries and an accurate legal description of the area being proposed for the amendment. If the legal description of the property is less than the entirety of the lot, block or parcel described in a recorded subdivision, then said legal description and map shall be prepared and certified by a registered surveyor licensed by the State of Arizona.
4. A vicinity ownership map drawn to scale showing all parcels in the vicinity adjacent to and surrounding the property proposed to be changed within a radius of 500 feet of the exterior boundaries of the property.
5. Two sets of a typed, printed, or electronic list containing the names and mailing addresses of the owners of parcels within a radius of 500 feet of the exterior boundaries and identified by the same number as on the vicinity ownership map. One set shall be printed on standard mailing labels. Correct zip codes must be shown for each address.

Section 5

Reasons for General Plan Amendment

As part of a fully completed application, substantial reasons for changing the general plan must be given. It is the responsibility of the applicant to demonstrate that these reasons are compelling enough to approve the general plan amendment. As guideline criteria, such reasons should satisfy at least one of the following:

- A. Significant changes have occurred in the area of concern since the adoption of the general plan or since the last review and amendment period;
- B. The general plan contains provisions which unreasonably limit the ability to achieve the Policy/Objectives contained in the general plan;
- C. Oversights, inconsistencies, or land use related inequities exist in the area of concern.

Section 6

Additional Information

Additional information may be submitted which will be considered in evaluating amendment requests. The following additional information is suggested:

- A. A description of any special features shown on the required map.

- B. Any special general plan policies being proposed by the applicant to perhaps mitigate impacts on special site features or address concerns of adjacent property owners.
- C. Any information regarding the proposed amendment, such as its effect on special site features or surrounding areas or other information, the applicant feels is important when considering the request.
- D. Statements reflecting the present conditions justifying the proposed amendment; statements showing that the parcel fulfills the criteria for establishment of the proposed district or, in the absence of the ability to comply, statements as to why the presumption against the amendment should be overcome; and any other factors or reasons in support of the proposed amendments.

Section 7
General Plan Amendment Review Process

A. Pre-application Review Process

Prior to filing an application for a general plan amendment, the applicant shall meet with the Director of Community Development, or his designee, to informally discuss the proposed amendment. This stage allows the applicant the opportunity to receive informal guidance, address possible conflicts when they can be easily resolved, establish tentative meeting schedules and simplify the process to reduce delays.

B. Neighborhood Meetings

To help facilitate open citizen participation in the review process of general plan amendments, the applicant must hold a neighborhood meeting. The purpose of the meeting for the neighborhood potentially impacted by the proposed amendment is for the general plan amendment to be presented to citizens of the area neighborhoods and for the citizens to identify, list, and discuss issues related to the amendment. Working with the applicant, the citizens can seek solutions for the issues they identify. Neighborhood meetings are to be held subsequent to the pre-application meeting and prior to submittal of the application so the citizens can express their views before time and effort have been expended by the applicant on the formal submittal. At the neighborhood meeting stage, the applicant should attempt to resolve as many issues as possible before submitting the formal application.

The applicant is responsible for organizing, scheduling, and supplying all materials for the neighborhood meeting. The applicant will provide to the City information on the meeting date, time, location, and purpose of the meeting at least 15 days prior to the meeting. The applicant shall notify all property owners and residents within 500 feet of the exterior boundaries of the project and all homeowner associations within 1,000 feet of the project. A written summary of the meeting shall be prepared by the applicant and submitted with the application.

Section 8
Staff Review

- A. Staff will review amendment requests in two phases: (1) an initial review prior to the Planning and Zoning Commission study session and (2) a supplemental analysis prior to the Planning and Zoning Commission and City Council public hearings.
- B. Study Session. The study session is an informative session where staff presents the basic facts of the amendment request to the commission. At this time, staff does not make approval or denial recommendations but may recommend expansion of notification areas. Staff may also introduce other relevant information to the commission such as: consistency with general plan policy objectives and existing general plan policies; potential impacts on floodplain, steep slopes, and wildlife habitat; transportation and wastewater treatment facilities; existing neighborhoods and development; build-out potential and urban form; accessibility to activity centers and emergency services; and cumulative impacts of proposed amendments.
- C. Supplemental Analysis. Following the Planning and Zoning Commission study session, staff will perform a supplemental analysis to address issues not covered in the initial review, to evaluate potential impacts due to any expansion of the amendment area, to address issues raised at the study session and, where appropriate, to perform more complex analyses such as computer modeling to assess impacts on transportation and wastewater facilities.
- D. Timing: The time necessary to perform the supplemental analysis depends on the nature and complexity of each request. The schedule presented to the Planning and Zoning Commission during the study session will reflect the relative complexity of the various amendment requests as well as the need to expeditiously process amendment requests.
- E. Staff Recommendation: Following completion of the supplemental analysis and the public review process, staff will recommend approval, approval with changes, or denial, based on the criteria provided for Planning and Zoning Commission consideration.

Section 9
Planning and Zoning Consideration

The Planning and Zoning Commission will hold a study session on major general plan amendments at their regular meetings in September. The Planning and Zoning Commission will hold public hearings and review major general plan amendments at their regular scheduled meetings in October. Minor amendments will be reviewed throughout the year and considered by the Commission during at least one study session and two public hearings. Following their public hearings, the Commission may recommend to the Council that the amendment be approved or denied based on the criteria in Section 12. The Commission may also table the amendment pending receipt of further information.

Section 10
City Council Consideration

The City Council will consider major general plan amendments at their first regular meeting in November. Major general plan amendments will not be considered at other times during the calendar year unless such consideration is directed by majority vote of the Council. Minor amendments will be considered throughout the year. Every application for a general plan amendment will be considered by the Council at a public hearing. Following the hearing, the Council may move to approve the proposed amendment, deny the proposed amendment, or table consideration of the proposed amendment pending receipt of further information. Except for general plan amendments that are required to be submitted to the voters for ratification, the adoption or re-adoption of a general plan and any amendment to the general plan, shall not be enacted as an emergency measure and is subject to referendum as provided by Article IV, Part 1, Section 1, Subsection (8), Constitution of Arizona, and Title 19 Chapter 1, Article 4. In applying an open space element or a growth element of a general plan the council shall not designate private land or state trust land as open space, recreation, conservation or agriculture unless the city receives the written consent of the landowner or provides an alternative, economically viable designation, in the general plan or zoning districts allowing at least one residential dwelling per acre.

Section 11
Public Hearings

- A. Public Notice Requirements: Every application for general plan amendments shall be considered by the Planning and Zoning Commission at two public hearings and by the City Council at one public hearing. Notice of the time, date and place of the hearings, including a general explanation of the matter to be considered and/or including a general description of the area affected, shall be given at least 15 days before each hearing in the following manner:
1. Each notice for public hearing for text or map amendments shall be (a) published at least once in a newspaper of general circulation which is published or circulated in the City and (b) posted at City Hall, the Public Library, the Community Center and seven other locations in the city selected by the City Clerk.
 2. Notice of the time, date, and place of the hearing shall be posted on the affected property. A posted notice shall be printed so that the following are visible from a distance of 100 feet: (a) the words "plan amendment," (b) the present district classification, (c) the proposed district classification, and (d) the date and time of the hearing.
 3. Notice of the time, date, and place of the hearing for the amendment shall be mailed by certified mail to the owner(s) and applicant or his agent. In the event that the application is requesting a change for properties not owned by the applicant, the City Clerk shall notify, by certified mail, the property owners listed on the County Assessor's records of the proposed change. This notification shall be postmarked not later than 15 days prior to the first public hearing required for the application.
 4. Notice of the time, date, and place of hearings shall be sent to all owners of property within 500 feet of the affected property for major amendments. Notice shall also be sent to all

homeowner associations within 1,000 feet. Unless otherwise provided, addresses for a mailed notice shall be obtained from the county's real property tax records. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this policy for notice. In addition to persons who receive notice, the City may provide notice to others if it has reason to believe that they are affected or otherwise represent an interest which may be affected by the proposed development.

5. In proceedings involving map amendments for land which abuts other municipalities or unincorporated areas of the county, copies of the notice or public hearing shall be transmitted to the planning agency of the governmental unit controlling the abutting land.
6. To help gain information on properly located public sites in the general plan, the city will send copies of the proposed amendment for review and comment to public agencies such as Cochise County, Fort Huachuca, Buena School District, Southeast Arizona Governments Organization, Bureau of Land Management, and United States Forest Service. Copies will also be sent to local utility companies, civic and professional organizations
7. Additional Notification. In addition to the notification procedures described in this section, notification of a new general plan, plan elements, and major plan amendments shall be sent by the city to the following entities at least 60 days prior to City Council consideration:
 - a. City Council
 - b. Cochise County Planning Department
 - c. Town of Huachuca City
 - d. Fort Huachuca
 - e. Santa Cruz County Planning Department
 - f. Southeastern Arizona Governments Organization
 - g. Arizona Department of Commerce
 - h. Any person who has requested in writing to receive a review copy

Section 12

Public Hearing by Planning and Zoning Commission

Every application for amendment of the general plan shall be considered by the Planning and Zoning Commission at two public hearings. The hearings shall be conducted in accordance with Development Code Section 151.31.005. In making their recommendation to the City Council, the Commission shall make the following findings of fact:

- A. The amendment is not in conflict with any portion of the general plan not being amended and is consistent with existing policy.

- B. The amendment constitutes a substantial benefit to the community and is not solely for the good or benefit of a particular landowner or owners at a particular point in time. A substantial community benefit may be established after examination of the following impacts:
1. Neighborhood – Determine the extent to which the proposed amendment impacts or is impacted by neighborhoods within an approximate half-mile radius of the boundary of the property. If only a portion of a neighborhood is included in the half-mile radius, the entire neighborhood should be considered as impacted. The applicant shall provide evidence of neighborhood support or shall address neighborhood concerns.
 2. Municipal Services
 - a. Infrastructure – Review the ability and capacity of water and sewer systems to provide for the needs of the proposed development without system extensions or improvements beyond those to be completed by the applicant. The applicant shall show how needed improvements to public streets and/or other transportation systems to meet projected travel demands and other infrastructure deficits would be mitigated.
 - b. Public Safety – Review the capability of police and fire to provide adequate emergency services according to acceptable response standards set by the city. The applicant shall show how any service deficits would be mitigated.
 - c. Leisure Services – The ability of the proposed public and private open space, recreation, and park facilities to provide for the needs of the proposed development. The applicant shall show how mitigation measures, if necessary to meet any needs beyond the scope of the community’s open space, parks, library and recreation policies and programs would be provided.
 - d. Revenue – Will the community be able to absorb the proposed growth while receiving sufficient income to mitigate impacts of the development?
 3. Public Schools – The capacity of the appropriate school district to accommodate the children expected within the proposed area. The applicant shall show adequate mitigation measures, if necessary, to meet any needs for planned student populations.
 4. Land Use -
 - a. Compatibility with Land Use Goals – Determine the extent to which the proposed amendment is compatible with the land use goals in the general plan. Does the change avoid creation of isolated uses that will cause incompatible community form and burden on services?
 - b. Site Design – Does the proposed amendment contribute to the overall welfare of the immediate area considering the following indicators:
 - (1) Efficiency of traffic circulation in the area;

- (2) Compliance with buffer yard standards; and
 - (3) Continuity of design with adjacent properties.
- c. Environmental – Will the community be able to sustain a balance of resources, including physical and cultural, to meet the demands of present and future residents? The applicant shall show how mitigation measures, if necessary, to address the development's impact on air, water, land and cultural resources will be provided. The applicant shall also evaluate off-site environmental impacts on the proposed development, as well as specific impacts the development may have on other sites within an approximate half-mile radius.

Effective Date: 1 January 2001