



September 14, 2022

# Planning Commission Refresher

City of Tucson Planning Commission  
Informational Session

# Program Overview

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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

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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?

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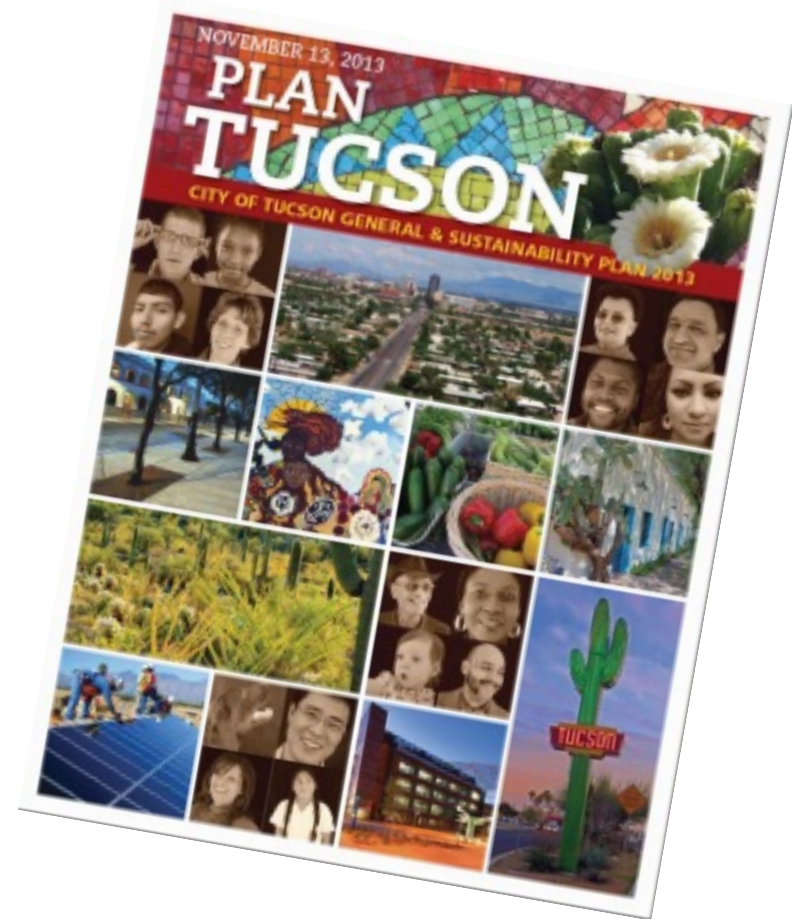
Provides direction for the City to adapt and evolve

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

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MAYOR & COUNCIL ROLES

PLANNING COMMISSION

STAFF

PUBLIC

# Responsibilities of Mayor & Council

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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

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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
- **Does not review rezonings / special exceptions** 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

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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

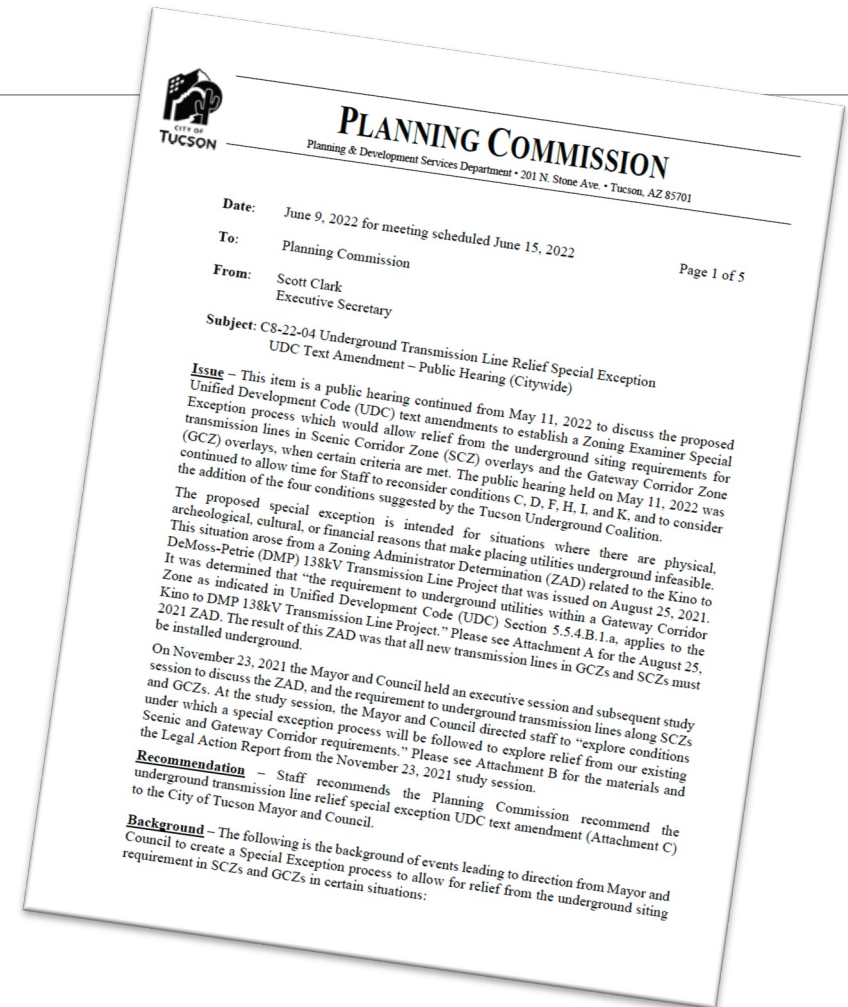
Prepare draft plans (General Plan, area plans, neighborhood plans, etc.)

Make recommendations

Answer technical questions

Facilitate public review process

Provide technical policy perspective



# Role of the Planning Commissioners

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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

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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](http://www.westerncity.com)

# Planning Framework

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

Zoning

Special Exceptions & Variances

Permit processing streamlining requirements

Subdivision requirements

Environmental review



# Land Use Hierarchy

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Federal Constitution and laws

State Constitution and laws

**City General plan**

**City area, neighborhood and specific plans**

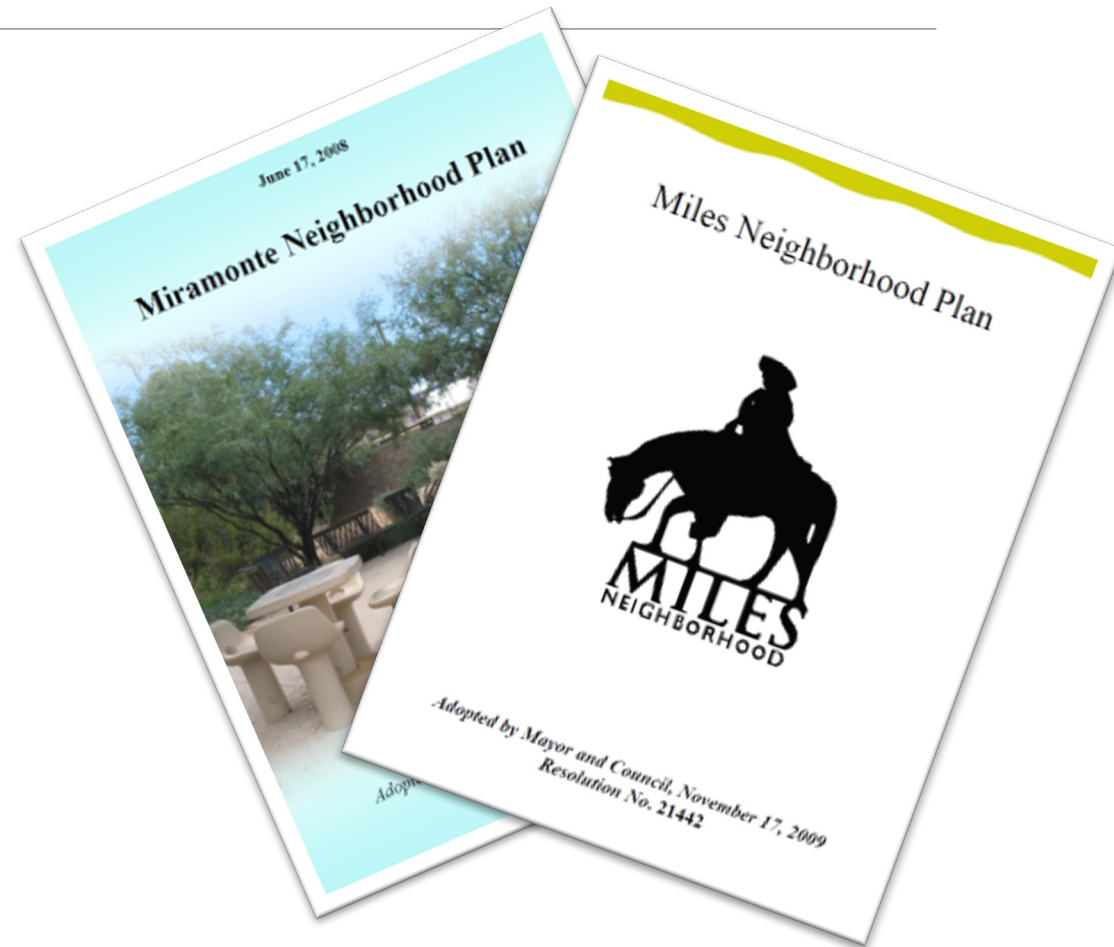
**Unified Development Code**

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

Development package

Subdivision plats

Building permits



# Decision Making Process

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DUE PROCESS

PUBLIC HEARINGS

FINDINGS

# Due Process

## Legislative vs. Quasi-Judicial Actions

**Legislative** actions must be reasonable and nondiscriminatory

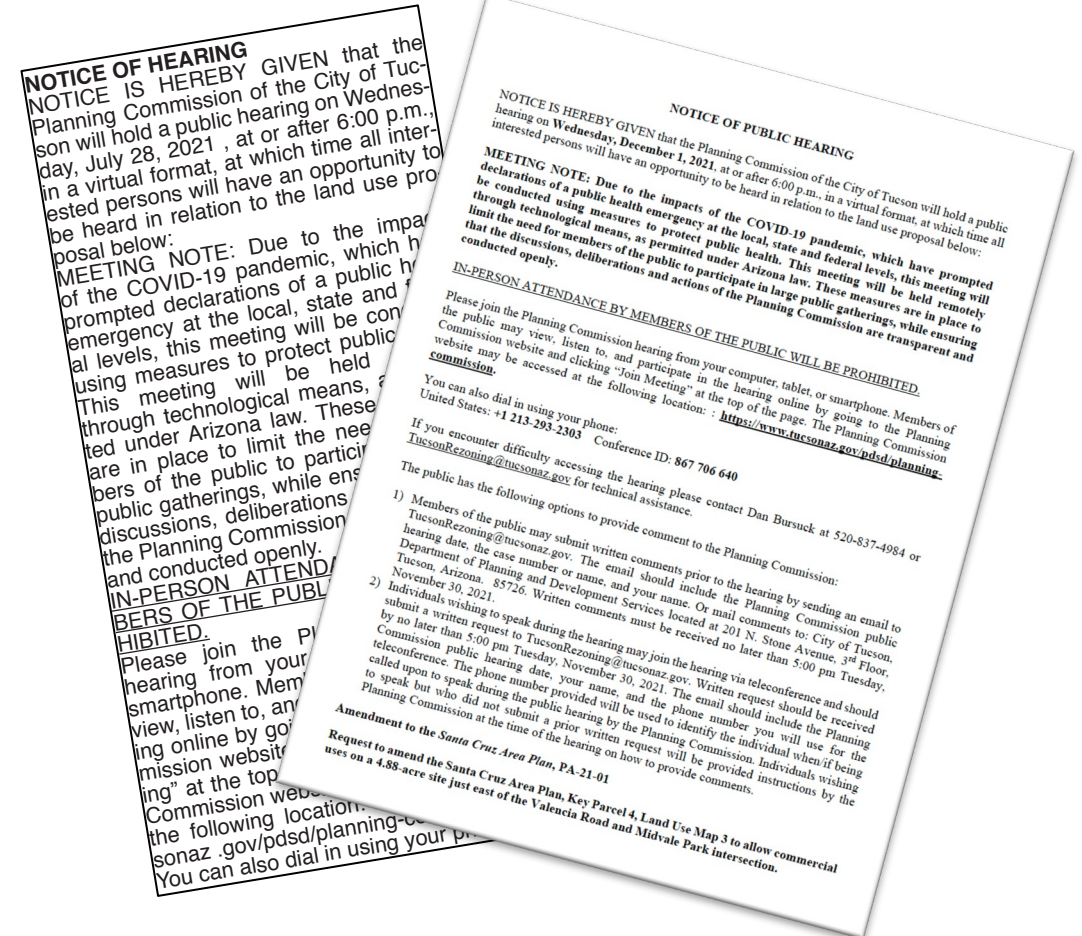
**Quasi-judicial** decisions must be supported by substantial evidence in the record

Notice

Newspapers (legislative)

Affected owners (quasi-judicial)

Signs/notices



# Effective Public Hearings

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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](http://participedia.net)



# Skill in Making Decisions

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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

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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

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## 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

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WHAT IS OPEN MEETING LAW?

ELEMENTS OF OPEN MEETING LAW

CONFLICTS OF INTEREST

# What is open meeting law?

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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
2. 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


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- Public must be permitted to attend and listen – 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**

1. Roll Call	
2. Approval of Minutes/Legal Action Report – August 21, 2019	Action
3. <u>Alvernon</u> -Broadway Area Plan Amendment	Public Hearing
4. Concurrent Plan Amendment / Rezoning Text Amendment	Study Session
5. Notification Text Amendment	Study Session
6. PSDS Staff Announcements	Information Only
7. Future Agenda Items	Information Only
8. Call to the Audience	
9. 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 [coplanningcommission@tucsonaz.gov](mailto:coplanningcommission@tucsonaz.gov) or Dan Bursuck, Planning and Development Services, at 837-4984 at least five business days in advance.

# Conflicts of Interest

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



# Declaring a Conflict of Interest

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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, *refrain from participating in any manner*, 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!

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Thank you for your service to the community