

TO: PINAL COUNTY BOARD OF SUPERVISORS

MEETING DATE: September 2, 2009

CASE NO.: **PZ-C-002-09 (Comprehensive Plan Update)**

PUBLIC HEARING /DISCUSSION on PZ-C-002-09 on 2009 Pinal County Comprehensive Plan as recommended by the Pinal County Planning and Zoning Commission on May 21, 2009, focusing on Chapter 7: Environmental Stewardship and ACTION on proposed changes to the proposed Comprehensive Plan. [continued from August 19, 2009]

ITEM TO BE COVERED AT THIS HEARING

At the September 2 hearing the Board will be focusing on Chapter 7 of the Comprehensive Plan. The Board will also be hearing the issue area related to this Chapter: water supply analysis at zoning. The report will discuss this issue, and then will provide information for the proposed changes that Board members have transmitted individually to Staff, or that Staff is proposing.

WATER SUPPLY ANALYSIS AT ZONING

Objective 7.2.6.1 of the Comprehensive Plan would ask the County to explore making a policy that would require a demonstration of physically available water supplies prior to approving an application for zoning or rezoning. This would be in addition to the State requirement for an Assured Water Supply for all subdivisions within Active Management Areas.

This policy was designed to allow the County to understand how much water is available to a proposed development before zoning is approved. In Arizona, there are many property rights given to properties through zoning. This policy will allow the County to understand, before property owners are given these zoning rights, if there will be adequate water in that area to serve the development.

This policy would have advantages to property owners and potential buyers. For the owners it would provide proof to a potential purchaser that this land could be developed in the future. It would also prevent owners from spending money to achieve rezoning without having the ability to actually develop the property.

Having this study in place prior to rezoning would also benefit potential buyers: it would provide certainty that they are buying a property that could be developed consistent with the zoning. One of the concerns that has arisen is how does someone doing property research in a distant locale would understand what they may be buying. Enacting this policy would provide greater certainty that the zoning they are buying is the zoning they can develop.

Having owners go through this process would not prevent projects with economic development potential from coming into that area. The Department of Water Resource only looks at subdivisions with commercial or industrial zoning if they are part of residential subdivisions. The vast majority of economic development projects would not be part of residential subdivisions and could move forward even if water had been tied down by residential subdivisions.

Options

Passage of the Comprehensive Plan with this policy would not mandate that the County create a process for the analysis of physically available water supplies. If the County were to create this process, there would be a number of options for setting it up. These options include: the type of analysis, timing of the analysis, who authors the analysis, and who would review the analysis.

The first option is the type of analysis. The two types are those that are based on existing

information, and those that are done with a physical availability study. There are information sources available that will show the depth to ground water. This information can be very good where there are working wells, and much less precise in areas without existing wells. Requiring the physical analysis in areas without existing data would ensure that the County has the best possible information.

The second option is timing of the analysis. These studies can be done before zoning, which would mean that they would need to be submitted with zoning applications. They can also be done after conditional zoning is granted. Under conditional zoning, an applicant would list the water analysis as part of their proposed schedule of development, and the Board would decide if that schedule was appropriate.

The third option is who would author the study. The study could be done by a staff Hydrologist or a Consultant hired by the County. The study could also be done by a Consultant who would be hired by the applicant.

The fourth option is who would review the report once it is completed. The report could be reviewed by a staff Hydrologist or a Consultant hired by the County. It could also be reviewed and approved by the Arizona Department of Water Resources (ADWR).

Comparisons to other Counties

One of the ways that staff reviews potential policy or ordinance amendments is to compare our proposal with the procedures of other Counties in Arizona, especially Pima and Maricopa Counties since they are facing many of the same issue we face.

Maricopa County does not get information about physical supply of water at time of zoning because they process all of their zoning cases along with tentative plats and site plan reviews. To develop a tentative plat application, the landowner would need to understand how much water is available so that he would know how many units to plan for. The costs of creating a tentative plat are high enough that an applicant would try to do it only once.

Pima County has Hydrologists on staff that review existing information and create reports for Comprehensive Plan amendments as well as zoning cases. This approach saves cost for the landowner, but does add Staff costs for the County. Water that is identified by Staff as available to a certain project could be counted by an adjacent project because the water is not tied to a property through the Comprehensive Plan or zoning process. Only a process that involves ADWR can tie water to a property.

Potential Staff Compromise

Members of the development community have expressed two major concerns about the water analysis proposal as outlined in the draft Comprehensive Plan. The first concern is if they would need to produce a water analysis before they apply for zoning, they might need to spend a potentially large amount of money on a study with no guarantee that the rezoning will be granted. The second issue is that if we require ADWR to approve the report prior to rezoning, the ADWR approval process could add up to 7 months to the rezoning process.

To address these issues, staff has developed a potential compromise. This compromise would allow the water supply analysis to be done after conditional zoning has been granted to a property. The analysis would become part of the schedule of development for the case, and the applicant could build in time for the ADWR review. This compromise would also allow the applicant to finance the analysis with the greater level of certainty that conditional zoning would provide.

TEXT COMMENTS



26 Sept 2	260	Supervisor Snider revising a Planning Commission Recommendation	REVISE Policy 7.2.3.3 7.2.3.3 Consider adopting a requirement that petitioners for special districts (such as Community Facilities Districts and Domestic Water Improvement Districts) that will develop, produce, and distribute water for potable purposes, with the exception of water systems that pump less than 250 acre feet per year, shall apply for and receive a Designation of 100 Year Assured Water Supply within AMAs, and a Demonstration of 100 Year Adequate Water Supply outside AMAs.	Supervisor Snider	
27 Sept 2	262	Staff	REVISE Objective 7.2.6, second paragraph, replace last sentence with: Conditional zoning could be granted, with one of the conditions requiring that a favorable determination is issued to the applicant from the Department of Water Resources.	Staff	
28 Sept 2	262	Staff	REVISE Objective 7.2.6, third paragraph, modify first sentence: In order to ensure at the time that , as a condition of zoning, that there are sufficient supplies of groundwater to meet a proposed.....	Staff	
28 Sept 2	263	Staff	REVISE Policy 7.2.6.1 7.2.6.1 Explore making policy that will require a demonstration of physically available water supplies prior to approving an application for zoning or rezoning as a condition of conditional zoning within the unincorporated areas of Pinal County. If allowable under law, the County Board of Supervisors should consider incorporating this requirement into its zoning application process.	Staff	