



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Municipal Center
Council Chambers
90 E. Civic Center Drive, Gilbert, AZ
October 4, 2023**

COMMISSION PRESENT:

Noah Mundt, Chairman
Anthony Bianchi, Vice-Chairman
Brian Andersen
Lesley Davis
William Fay
Lisa Gage
Jän Simon
Thomas Everett (Alternate)
Louis DeGravina (Alternate)

STAFF PRESENT:

Brigette Peterson, Mayor
Kyle Mieras, Development Services Director
Eva Cutro, Planning Manager
Veronica Gonzalez, Principal Planner
Keith Newman, Senior Planner
Kristen Devine, Planner II
Alena Jorquez, Assistant Town Attorney
Lauren Hixson, Water Resources Manager

COMMISSION ABSENT:

None

COUNCIL LIAISON ABSENT:

Scott Anderson

PLANNER	CASE	PAGE	VOTE
Kristen Devine	DR23-59	7	7-0
Keith Newman	Z23-05	7	7-0

1. OATH OF OFFICE

Mayor Peterson led the Oath of Office for the following Commission members:

- Noah Mundt
- Jan Simon
- Lisa Gage
- Thomas Everett
- Louis DeGravina

2. ELECT CHAIR AND VICE CHAIR

MOTION: Chair Simon moved to nominate Noah Mundt as Chair, seconded by Commissioner Fay.

Motion passed 6-0. Commissioner Andersen was absent.

MOTION: Chair Simon moved to nominate Anthony Bianchi as Vice-Chair, seconded by Commissioner Fay. **Motion passed 6-0.** Commissioner Andersen was absent.

CALL TO ORDER OF THE STUDY SESSION

Chair Mundt called the October 4, 2023, Study Session to order at 5:24 p.m.

STUDY SESSION

3. WATER RESOURCES – Discussion of assured water supply from Lauren Hixson, Water Resources Manager

Lauren Hixson reported that the Water Resources Department’s main purpose is to ensure that Gilbert’s water supply is protected and used efficiently through sound water resource management, effective water savings strategies, timely communications, and compliance with state regulations. The department is located in the Town Manager’s Office.

Lauren Hixson reports directly to the Assistant Town Manager and oversees the Water and Energy Resources Planning Advisor and the Water Conservation Coordinator, who oversees the Water Conservation Team. The team has three main components, water portfolio management to ensure compliance with state requirements and sufficient supplies; water resources and conservation policies; and the implementation of the conservation programs.

Lauren Hixson reviewed Gilbert’s potable water supply, including sustainable supply, to meet potable demand. She noted that all the reclaim that is generated and used directly gets met, and what remains gets recharged and becomes a component of the sustainable supply going forward. Lauren Hixson noted that safe yield groundwater refers to the percentage of demand that is assumed to naturally infiltrate. Local studies have confirmed that that percentage does infiltrate through dry wells, etc., throughout the area from stormwater. In 2022, Gilbert met demand with 37% Salt River supplies directly from the treatment plant, 39% from CAP, and about 24% pumped from wells.

Lauren Hixson provided some historical context and referred to the *1980 Groundwater Management Act*. In order to get congressional approval to build the CAP canal, Arizona was required to have a plan to mitigate groundwater depletion. There are limits for groundwater pumping in the Phoenix active management area, including not being permitted to pump 1,000 feet below the land surface, and pumping per specific groundwater rights.

The Assured and Adequate Water Supply program went into effect in 1995. The program requires either developers or water providers within these active management areas (AMAs) to prove a 100-year water supply prior to development. If the developer is getting the assured water supply, it is called a certificate of assured water supply. If the water provider is getting the assured water supply, it is called a designation of assured water supply.

Whether it is a certificate of assured water supply holder or a designated provider, you must meet seven criteria in order to obtain the certificate or designation. The seven criteria include physical availability of the water for 100 years, legal availability of the water for 100 years, continuous availability, water quality, financial capability, meeting the management plan, and meeting the management goal, all of which are tied to aquifer management and sustainability.

The management plan puts conservation measures into effect; therefore, the initial development of the town's conservation programs was to meet that management plan. Approximately every five to 10 years, a new management plan goes into effect, the management plan is currently on its fourth iteration, and the latest plan goes into effect in 2025.

In terms of meeting the management goal, every AMA has its own goal. Phoenix's AMA goal is safe yield, which means the same amount of water pumped out is put back into the aquifer on an annual basis. As a region, this has not been met; however, Gilbert, does meet that and is required to in order to meet the assured water supply requirements. Many entities join the CAGR, the Central Arizona Groundwater Replenishment District, to meet that management goal.

Gilbert is a member service area of the CAGR, but because Gilbert has sufficient renewable supplies to offset any pumping, Gilbert does not need to pay the CAGR to replenish on its behalf. Gilbert's management goal is to use renewable supplies, which is carried out through the designation. As designated water providers, we determine whether or not we can continue to serve new developments that come online and acquire the supplies on behalf of all the development that occurs within Gilbert, and then determine what can be built and what cannot be built depending on how our designation looks.

The designation was updated in 2010, the current one expires in 2025 and will be updated at the end of 2023 for the next 10 to 15 years. Lauren Hixson confirmed that the Water Resources Department has adequate resources within our portfolio to meet existing and projected demand.

A new Phoenix AMA groundwater model was released on June 1, 2023, which showed that all the physical available groundwater within the Phoenix AMA has already been allocated, either through existing designations, existing certificates, or existing water rights, putting a halt on new certificates of groundwater. However, for designated water providers, the groundwater needed is already secured, and there was only a minor deficit for meeting the needs of any designated providers for the groundwater modeling.

Five-million-acre feet of unmet demand was determined for all future projections, all issued designations, and also all existing agricultural pumping over 100 years. The five-million-acre feet is equivalent to about 4% of the total projected demand for the whole region over the next 100 years.

The key takeaways include:

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- Gilbert is a designated provider, and the town's allocation of groundwater is unaffected by these results.
- The assured water supply program is working.
- The pattern and rate of growth will likely change.
- Groundwater growth will likely be slowed.
- Innovation and adaptation will be required in water supply acquisition to continue to manage the aquifer in a sustainable manner.

The current conditions of the Colorado River have been temporarily improved with last year's hydrology and snowpack; however, we're still planning for the supply to be reduced over the long term. For 2023, the system has been operating on a Tier 2A shortage, which is a federal shortage established by the Bureau of Reclamation per the current existing guidelines; however, starting January 1, 2024, the system will be operating on a Tier 1 shortage, which is an improvement from Tier 2A because of the good winter hydrology, and because several entities have contributed to the elevation in Lake Mead.

A plan for additional Colorado River reductions through 2026 was announced in late May 2023. On January 1, 2027, the Post-2026 Environmental Impact Statement (EIS) will have new guidelines that have to be adopted and put into place for the operation of these reservoirs and are hoped to have more clarity to help stabilize the system. The plan includes that the lower basin states will conserve an additional three-million-acre feet in Lake Mead. Of this three-million-acre feet, 2.3 million acres is compensated by the federal government through the Inflation Reduction Act, and of that three-million-acre feet, Gilbert is leaving 1,200-acre feet in Lake Mead for 2023, and 800-acre feet for 2024, as per the agreement with Reclamation.

Arizona will experience a slight increase in water supply availability for 2024, but Gilbert will remain the same with a 3% cut because of the current rules on the river. Gilbert will continue to be able to meet water demands for the community and remain in the first stage of its Water Supply Reduction Management Plan, which was put into effect in June 2022, and includes municipal cutbacks and encourages increased conservation by residents.

Lauren Hixson highlighted the Water Resources Department's conservation efforts over 2023, including:

- Community Water Shortage Team launched in April 2023.
- New rebate programs for smart irrigation controllers, non-residential grass removal, and residential grass removal rebates.
- Awarded a \$3 million grant to help remove grass from municipal facilities.
- Seeking additional grant opportunities for additional conservation and infrastructure funding through the state as well as through the federal government.
- Working on several agreements to shore up supplies for 2024 and beyond.

The Integrated Water Resources Master Plan is updated at least every five years and categorizes system demands by Land Use Classification per the General Plan. Demand projections are generated for each Land Use Classification based on historical billing data and are also translated to the zoning category.

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Water demand growth of about 15% is projected but could be as high as 25% with increased water-intensive development. Lauren Hixson reported that, based on historical data on Gilbert's population versus water demand from 2018 to 2022, outdoor water use has a huge impact on water demand due to the variability of Gilbert's climate. There was a 3% water production increase from 2018 to 2022, but a 9% increase in population, indicating that there is no direct linear correlation between water use and population.

Lauren Hixson reported on the resources and conservation policies that are currently in place. Rezoning reviews are conducted, and there will be an update where text is added to the Staff Report to provide details on changes in water use, and the relative impact on water supply for the town on a high level. Alternatively, the Sustainable Water Allocation Policy looks at specific use and addresses only non-residential water users that use a three-inch or larger meter, two or more meters, or greater than 100,000 gallons per day. The policy allocates a base water volume for every type of non-residential zoning throughout the town based on historical review of the Master Plan. The policy helps to determine whether the recommendation should be for entities to receive that supply or go out and acquire their own supply, which would require an agreement that goes to the Mayor and Town Council for approval.

COMMISSION QUESTIONS/COMMENTS

Vice-Chair Bianchi asked for the impact on the percentage of sources by taking a reduction in Colorado River water allocation, and whether it is achieved through conservation or larger percentages taken from other sources.

Lauren Hixson responded that demand would have to be reduced through conservation measures or increased supply and would be increasing groundwater pumping. There are reserve long-term storage credits from previous years where water was recharged beyond existing demand that can be accessed to help; however, reducing demand will help mitigate and make the reserve supplies last longer.

Vice-Chair Bianchi asked if the data center water usage ties into an economic development plan.

Lauren Hixson reported that a water strategy report was adopted with the Sustainable Water Allocation Policy and is available through the water conservation website. The report details the types of industries that the Water Resources Department would typically consider for the different tiers of water supply availability. Lauren Hixson noted technological innovations with data centers are decreasing use, and these types of policies help industries innovate to maintain operations but limit their impacts on resources.

4. UPDATE FROM STAFF ON SECONDARY DWELLING UNITS

Planning Manager Cutro reported an increase in demand for guest homes, secondary dwellings, and larger accessory structures. In 2021, the town received six administrative use permits for guest homes and secondary dwellings compared to 20 year-to-date for 2023, in addition to hundreds of accessory structures permitted every year.

Phoenix updated its ordinance based on the 2020 Housing Phoenix Plan with the goal to increase residential units by 50,000 before 2030, and passed an ordinance to help attain this goal that would allow accessory dwelling units (ADUs) on all single-family lots. The ADUs would have to be in the rear yard, lot coverage could be increased to accommodate the ADU of up to 10%, and a use permit would be needed for the ADU.

The ADU would have to be subordinate to the primary dwelling unit. The standards in Phoenix's ordinance to ensure this include:

- For lots under 10,000 square feet, the ADU could not exceed 1,000 square feet.
- For lots larger than 10,000 square feet, the ADU could not exceed 3,000 square feet.
- No ADU could exceed .75% of the square footage of the primary.
- The height of ADUs is limited to one story and no more than 15 feet.

In addition, Phoenix placed a Restrictive Covenant that would have to be signed by the owner applicant who was requesting this ADU that either the ADU or the primary dwelling unit would remain owner-occupied to prevent short-term rental units or two rental units on a single-family property.

Gilbert currently allows incidental dwelling units on single-family lots in the SF-6 to SF-43 zoning categories. These are all single-family zoning categories, except for single-family detached, which are too small to accommodate. A use permit for both guest homes and secondary dwelling units is required; however, Gilbert allows more than Phoenix, which allows one ADU per lot. Gilbert allows one guest home and one secondary dwelling unit, in addition to the primary dwelling unit per lot. The guest homes cannot be rented, but secondary dwelling units can be rented. Gilbert does have language that the incidental dwelling units shall be subordinate to the primary dwelling, but there are no standards to define subordinate.

Revisions to Gilbert's ordinance are needed as the multiple terms used are confusing to staff and applicants. The ordinance also states that accessory structures have no living quarters, and incidental dwelling units have living quarters, but living quarters is not defined. The acronym ADU is also used but is not spelled out or defined in the code.

Additional terms may also need to be added due to a recent trend in town for large structures that are not primary structures and are not guest homes (because they have no overnight bedrooms but are larger than what would typically be considered an accessory structure).

Design criteria should also be explored, including types of restrictions for subordinate structures, a size restriction in comparison to the primary residence, and the placement on the lot. Staff will look at the terms and delete or add terms as necessary, and draft criteria to discuss what defines subordinate, to be presented at the next meeting. The ordinance currently states that guest homes and secondary dwellings all require a use permit, but only secondary dwelling units required a use permit prior to the ordinance refresh. This is likely

due to an error in the refresh and will be removed. Other code cleanup items will be presented as part of the text initiation.

5. DISCUSSION OF REGULAR MEETING AGENDA

Item 10 DR23-59 L.I.F.E. Adult Education Expansion was moved from the Non-Consent to the Consent Agenda.

ADJOURN STUDY SESSION

Chair Mundt adjourned the Study Session at 6:02 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Mundt called the October 4, 2023, Regular Meeting of the Planning Commission to order at 6:11 p.m.

PLEDGE OF ALLEGIANCE

Chair Mundt led the Pledge of Allegiance.

ROLL CALL

Planning Manager Cutro called roll and determined that a quorum was present.

6. APPROVAL OF AGENDA

Chair Mundt called for a motion to approve the agenda.

MOTION: Vice-Chair Bianchi moved to approve the agenda as amended, seconded by Commissioner Fay. **Motion passed 7-0.**

COMMUNICATIONS

7. COMMUNICATIONS FROM CITIZENS

At this time, members of the public may comment on matters within the Town’s jurisdiction but not on the agenda. Therefore, the Commission’s response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

There were no communications from citizens.

8. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

There was no report from the Council Liaison.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission may, by a single motion, approve any number of items where, after opening the public hearing, no person requests the item be removed from the consent calendar. If such a request is made, the Commission shall then withdraw the item from the public hearing consent calendar for public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

9. **DR23-59 L.I.F.E. ADULT EDUCATION EXPANSION: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, colors, and materials for approximately 9.92 acres, generally located on Gilbert Road between Ray Road and Civic Center Drive, and zoned Single Family-35.**

Kristen Devine (480) 503-6742.

MOTION: Vice-Chair Bianchi moved to approve Item 6 DR23-59 L.I.F.E. Adult Education Expansion, seconded by Commissioner Simon.

Motion passed 7-0.

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and acted upon by the Commission by a separate motion. Anyone wishing to comment in support of or in opposition to a Public Hearing item may do so during the Public Hearings. If you wish to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

10. **Z23-05 TRAX AT COOLEY STATION: Request to amend Ordinance No. 1900 and No. 2179 to amend the development plan and add new deviations to increase permitted building heights and reduce building and landscape setbacks on Parcel 4 within the Cooley Station-Residential, Office, and Shopping Center Planned Area Development (PAD) for approximately 25.12 acres, generally located west of the southwest corner of Williams Field Road and Verde Drive, and zoned Multi-Family/Medium (MF/M).**

Keith Newman (480) 503-6812.

Planner Newman stated that staff and applicants are requesting a continuance of this project to the November 1, 2023, Planning Commission hearing to work through last-minute changes to the conditions of approval and the development plan. Planner Newman offered to provide more information if desired.

MOTION: Vice-Chair Bianchi moved to approve the continuance of Item 11 Z23-05 Trax at Cooley Station to the Planning Commission hearing on November 1, 2023, seconded by Commissioner Fay.
Motion passed 7-0.

ADMINISTRATIVE ITEMS

Administrative Items are for the Commission discussion and action. It is at the discretion of the majority of the Commission regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a public comment form indicating the Item Number. The Commission may or may not accept public comment.

There were no Administrative Items.

COMMUNICATIONS

11. REPORT FROM CHAIRMAN AND MEMBERS OF THE COMMISSION ON CURRENT EVENTS

Commissioner Andersen asked the staff for a status update on the mixed-use development at the Heritage District.

Development Services Director Mieras stated that the applicant is working through changes to the site plan due to issues with the western power line trail and SRP lines. There were also requests for changes to parking and phasing. A revised development agreement will be presented to Town Council in the next month or so, and then a new rezoning request will be presented to the Rezoning Commission, Planning Commission, and then to Town Council to make changes to ordinances and phasing. The project is still moving forward.

Commissioner Andersen expressed concern regarding the request for parking changes and asked about the status of applications coming to the Town.

Development Services Director Mieras reported several applications still coming forward to the Planning Department; however, several are administrative in nature. Commercial building remains strong, but there is a decrease in residential building. It was noted that building permits have declined because of land costs, construction costs, mortgage rates, etc.

Chair Mundt recognized the service of former Chair Simon.

12. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

Planning Manager Cutro recognized former Chair Simon and former Commissioner Johnson for their service. Planning Manager Cutro congratulated Chair Mundt, Vice-Chair Bianchi, and Commissioner Gage for their appointments, and welcomed Alternates Thomas Everett and Louis DeGravina.

ADJOURNMENT

Chair Mundt adjourned the meeting at 6:29 p.m.

Noah Mundt, Chairman

ATTEST:

Tracey Asher

DRAFT