

REFERENCE TITLE: city; county; planning; aggregate resources

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1496

Introduced by
Senator Allen

AN ACT

AMENDING SECTIONS 9-461, 9-461.05 AND 9-461.06, ARIZONA REVISED STATUTES;
AMENDING SECTIONS 11-801, 11-802 AND 11-804, ARIZONA REVISED STATUTES, AS
ADDED BY LAWS 2010, CHAPTER 244, SECTION 7; RELATING TO CITY AND COUNTY
PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-461, Arizona Revised Statutes, is amended to
3 read:

4 9-461. Definitions

5 In this article, unless the context otherwise requires:

6 1. "AGGREGATE" MEANS CINDER, CRUSHED ROCK OR STONE, DECOMPOSED
7 GRANITE, GRAVEL, PUMICE, PUMICITE AND SAND.

8 ~~1.~~ 2. "General plan" means a municipal statement of land development
9 policies, which may include maps, charts, graphs and text ~~which~~ THAT set
10 forth objectives, principles and standards for local growth and redevelopment
11 enacted under the provisions of this article or any prior statute.

12 ~~2.~~ 3. "Municipal" or "municipality" means an incorporated city or
13 town.

14 ~~3.~~ 4. "Planning agency" means the official body designated by local
15 ordinance to carry out the purposes of this article and may be a planning
16 department, a planning commission, a hearing officer, the legislative body
17 itself, or any combination thereof.

18 ~~4.~~ 5. "Right-of-way" means any public right-of-way and includes any
19 area required for public use pursuant to any general or specific plan.

20 ~~5.~~ 6. "Specific plan" means a detailed element of the general plan
21 enacted under the provisions of this article or a prior statute.

22 ~~6.~~ 7. "Street" means streets, highways, freeways, expressways,
23 avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts,
24 subways, tunnels, bridges, public access easements and rights-of-way.

25 ~~7.~~ 8. "Subdivision regulations" means a municipal ordinance
26 regulating the design and improvement of subdivisions enacted under the
27 provisions of article 6.2 of this chapter, or any prior statute, regulating
28 the design and improvement of subdivisions.

29 ~~8.~~ 9. "Zoning ordinance" means a municipal ordinance regulating the
30 use of land, ~~OR~~ structures, or both, under the provisions of this article.

31 Sec. 2. Section 9-461.05, Arizona Revised Statutes, is amended to
32 read:

33 9-461.05. General plans; authority; scope

34 A. Each planning agency shall prepare and the governing body of each
35 municipality shall adopt a comprehensive, long-range general plan for the
36 development of the municipality. The planning agency shall coordinate the
37 production of its general plan with the creation of the state land department
38 conceptual land use plans under title 37, chapter 2, article 5.1 and shall
39 cooperate with the state land department regarding integrating the conceptual
40 state land use plans into the municipality's general land use plan. The
41 general plan shall include provisions that identify changes or modifications
42 to the plan that constitute amendments and major amendments. The plan shall
43 be adopted and readopted in the manner prescribed by section 9-461.06.

1 B. The general plan shall be so prepared that all or individual
2 elements of it may be adopted by the governing body and that it may be made
3 applicable to all or part of the territory of the municipality.

4 C. The general plan shall consist of a statement of community goals
5 and development policies. It shall include maps, any necessary diagrams and
6 text setting forth objectives, principles, standards and plan proposals. The
7 plan shall include the following elements:

8 1. A land use element that:

9 (a) Designates the proposed general distribution and location and
10 extent of such uses of the land for housing, business, industry, agriculture,
11 recreation, education, public buildings and grounds, open space and other
12 categories of public and private uses of land as may be appropriate to the
13 municipality.

14 (b) Includes a statement of the standards of population density and
15 building intensity recommended for the various land use categories covered by
16 the plan.

17 (c) Identifies specific programs and policies that the municipality
18 may use to promote infill or compact form development activity and locations
19 where those development patterns should be encouraged.

20 (d) Includes consideration of air quality and access to incident solar
21 energy for all general categories of land use.

22 (e) Includes policies that address maintaining a broad variety of land
23 uses, including the range of uses existing in the municipality when the plan
24 is adopted, readopted or amended.

25 (f) For cities and towns with territory in the vicinity of a military
26 airport or ancillary military facility as defined in section 28-8461,
27 includes consideration of military airport or ancillary military facility
28 operations. On or before December 31, 2005, if a city or town includes land
29 in a high noise or accident potential zone as defined in section 28-8461, the
30 city or town shall identify the boundaries of the high noise or accident
31 potential zone in its general plan for purposes of planning land uses in the
32 high noise or accident potential zone that are compatible with the operation
33 of the military airport or ancillary military facility pursuant to section
34 28-8481, subsection J.

35 (g) INCLUDES SOURCES OF CURRENTLY IDENTIFIED AGGREGATE RESOURCES,
36 MEASURES TO PROTECT AGGREGATE RESOURCES FROM INCOMPATIBLE USES AND
37 PRESERVATION OF AGGREGATE RESOURCES FOR FUTURE DEVELOPMENT.

38 2. A circulation element consisting of the general location and extent
39 of existing and proposed freeways, arterial and collector streets, bicycle
40 routes and any other modes of transportation as may be appropriate, all
41 correlated with the land use element of the plan.

42 D. For cities and towns having a population of more than two thousand
43 five hundred persons but less than ten thousand persons and whose population
44 growth rate exceeded an average of two per cent per year for the ten year
45 period before the most recent United States decennial census and for cities

1 and towns having a population of ten thousand or more persons according to
2 the most recent United States decennial census, the general plan shall
3 include, and for other cities and towns the general plan may include:

4 1. An open space element that includes:

5 (a) A comprehensive inventory of open space areas, recreational
6 resources and designations of access points to open space areas and
7 resources.

8 (b) An analysis of forecasted needs, policies for managing and
9 protecting open space areas and resources and implementation strategies to
10 acquire additional open space areas and further establish recreational
11 resources.

12 (c) Policies and implementation strategies designed to promote a
13 regional system of integrated open space and recreational resources and a
14 consideration of any existing regional open space plans.

15 2. A growth area element, specifically identifying those areas, if
16 any, that are particularly suitable for planned multimodal transportation and
17 infrastructure expansion and improvements designed to support a planned
18 concentration of a variety of uses, such as residential, office, commercial,
19 tourism and industrial uses. This element shall include policies and
20 implementation strategies that are designed to:

21 (a) Make automobile, transit and other multimodal circulation more
22 efficient, make infrastructure expansion more economical and provide for a
23 rational pattern of land development.

24 (b) Conserve significant natural resources and open space areas in the
25 growth area and coordinate their location to similar areas outside the growth
26 area's boundaries.

27 (c) Promote the public and private construction of timely and
28 financially sound infrastructure expansion through the use of infrastructure
29 funding and financing planning that is coordinated with development activity.

30 3. An environmental planning element that contains analyses, policies
31 and strategies to address anticipated effects, if any, of plan elements on
32 air quality, water quality and natural resources associated with proposed
33 development under the general plan. The policies and strategies to be
34 developed under this element shall be designed to have community-wide
35 applicability and shall not require the production of an additional
36 environmental impact statement or similar analysis beyond the requirements of
37 state and federal law.

38 4. A cost of development element that identifies policies and
39 strategies that the municipality will use to require development to pay its
40 fair share toward the cost of additional public service needs generated by
41 new development, with appropriate exceptions when in the public interest.
42 This element shall include:

43 (a) A component that identifies various mechanisms that are allowed by
44 law and that can be used to fund and finance additional public services
45 necessary to serve the development, including bonding, special taxing

1 districts, development fees, in lieu fees, facility construction, dedications
2 and service privatization.

3 (b) A component that identifies policies to ensure that any mechanisms
4 that are adopted by the municipality under this element result in a
5 beneficial use to the development, bear a reasonable relationship to the
6 burden imposed on the municipality to provide additional necessary public
7 services to the development and otherwise are imposed according to law.

8 5. A water resources element that addresses:

9 (a) The known legally and physically available surface water,
10 groundwater and effluent supplies.

11 (b) The demand for water that will result from future growth projected
12 in the general plan, added to existing uses.

13 (c) An analysis of how the demand for water that will result from
14 future growth projected in the general plan will be served by the water
15 supplies identified in subdivision (a) of this paragraph or a plan to obtain
16 additional necessary water supplies.

17 E. The general plan shall include for cities of fifty thousand persons
18 or more and may include for cities of less than fifty thousand persons the
19 following elements or any part or phase of the following elements:

20 1. A conservation element for the conservation, development and
21 utilization of natural resources, including forests, soils, rivers and other
22 waters, harbors, fisheries, wildlife, minerals and other natural resources.
23 The conservation element may also cover:

24 (a) The reclamation of land.

25 (b) Flood control.

26 (c) Prevention and control of the pollution of streams and other
27 waters.

28 (d) Regulation of the use of land in stream channels and other areas
29 required for the accomplishment of the conservation plan.

30 (e) Prevention, control and correction of the erosion of soils,
31 beaches and shores.

32 (f) Protection of watersheds.

33 2. A recreation element showing a comprehensive system of areas and
34 public sites for recreation, including the following and, if practicable,
35 their locations and proposed development:

36 (a) Natural reservations.

37 (b) Parks.

38 (c) Parkways and scenic drives.

39 (d) Beaches.

40 (e) Playgrounds and playfields.

41 (f) Open space.

42 (g) Bicycle routes.

43 (h) Other recreation areas.

44 3. The circulation element provided for in subsection C, paragraph 2
45 of this section shall also include for cities of fifty thousand persons or

1 more and may include for cities of less than fifty thousand persons
2 recommendations concerning parking facilities, building setback requirements
3 and the delineations of such systems on the land, a system of street naming
4 and house and building numbering and other matters as may be related to the
5 improvement of circulation of traffic. The circulation element may also
6 include:

7 (a) A transportation element showing a comprehensive transportation
8 system, including locations of rights-of-way, terminals, viaducts and grade
9 separations. This element of the plan may also include port, harbor,
10 aviation and related facilities.

11 (b) A transit element showing a proposed system of rail or transit
12 lines or other mode of transportation as may be appropriate.

13 4. A public services and facilities element showing general plans for
14 police, fire, emergency services, sewage, refuse disposal, drainage, local
15 utilities, rights-of-way, easements and facilities for them.

16 5. A public buildings element showing locations of civic and community
17 centers, public schools, libraries, police and fire stations and other public
18 buildings.

19 6. A housing element consisting of standards and programs for the
20 elimination of substandard dwelling conditions, for the improvement of
21 housing quality, variety and affordability and for provision of adequate
22 sites for housing. This element shall contain an identification and analysis
23 of existing and forecasted housing needs. This element shall be designed to
24 make equal provision for the housing needs of all segments of the community
25 regardless of race, color, creed or economic level.

26 7. A conservation, rehabilitation and redevelopment element consisting
27 of plans and programs for:

28 (a) The elimination of slums and blighted areas.

29 (b) Community redevelopment, including housing sites, business and
30 industrial sites and public building sites.

31 (c) Other purposes authorized by law.

32 8. A safety element for the protection of the community from natural
33 and artificial hazards, including features necessary for such protection as
34 evacuation routes, peak load water supply requirements, minimum road widths
35 according to function, clearances around structures and geologic hazard
36 mapping in areas of known geologic hazards.

37 9. A bicycling element consisting of proposed bicycle facilities such
38 as bicycle routes, bicycle parking areas and designated bicycle street
39 crossing areas.

40 10. An energy element that includes:

41 (a) A component that identifies policies that encourage and provide
42 incentives for efficient use of energy.

43 (b) An assessment that identifies policies and practices that provide
44 for greater uses of renewable energy sources.

1 B. The general plan and any amendment to such plan shall be adopted or
2 readopted in the manner provided in this article.

3 C. The governing body shall:

4 1. Adopt written procedures to provide effective, early and continuous
5 public participation in the development and major amendment of general plans
6 from all geographic, ethnic and economic areas of the municipality. The
7 procedures shall provide for:

8 (a) The broad dissemination of proposals and alternatives.

9 (b) The opportunity for written comments.

10 (c) Public hearings after effective notice.

11 (d) Open discussions, communications programs and information
12 services.

13 (e) Consideration of public comments.

14 (f) THE RIGHT OF APPEAL FOR A VIOLATION OF NONDISCRETIONARY
15 REQUIREMENTS PRESCRIBED IN SECTION 9-461.05.

16 2. Consult with, advise and provide an opportunity for official
17 comment by public officials and agencies, the county, school districts,
18 associations of governments, public land management agencies, the military
19 airport if the municipality has territory in the vicinity of a military
20 airport or ancillary military facility as defined in section 28-8461, other
21 appropriate government jurisdictions, public utility companies, civic,
22 educational, professional and other organizations, property owners and
23 citizens generally to secure maximum coordination of plans and to indicate
24 properly located sites for all public purposes on the general plan.

25 D. At least sixty days before the general plan or an element or major
26 amendment of a general plan is noticed pursuant to subsection E of this
27 section, the planning agency shall transmit the proposal to the planning
28 commission, if any, and the governing body and shall submit a copy for review
29 and further comment to:

30 1. The planning agency of the county in which the municipality is
31 located.

32 2. Each county or municipality that is contiguous to the corporate
33 limits of the municipality or its area of extraterritorial jurisdiction.

34 3. The regional planning agency within which the municipality is
35 located.

36 4. The department of commerce or any other state agency that is
37 subsequently designated as the general planning agency for this state.

38 5. The department of water resources for review and comment on the
39 water resources element, if a water resources element is required.

40 6. If the general plan or an element or amendment of the general plan
41 is applicable to territory in the vicinity of a military airport or ancillary
42 military facility as defined in section 28-8461, the military airport.

43 7. If the general plan or an element or major amendment of the general
44 plan is applicable to property in the high noise or accident potential zone
45 of a military airport or ancillary military facility as defined in section

1 28-8461, the attorney general. For the purposes of this paragraph, "major
2 amendment" means a substantial alteration of the municipality's land use
3 mixture or balance as established in the municipality's existing general plan
4 land use element.

5 8. Any person or entity that requests in writing to receive a review
6 copy of the proposal.

7 E. If the municipality has a planning commission, after considering
8 any recommendations from the review required under subsection D of this
9 section the planning commission shall hold at least one public hearing before
10 approving a general plan or any amendment to such plan. When the general
11 plan or any major amendment is being adopted, planning commissions in
12 municipalities having populations over twenty-five thousand persons shall
13 hold two or more public hearings at different locations within the
14 municipality to promote citizen participation. Notice of the time and place
15 of a hearing and availability of studies and summaries related to the hearing
16 shall be given at least fifteen and not more than thirty calendar days before
17 the hearing by:

18 1. Publication at least once in a newspaper of general circulation
19 published or circulated in the municipality, or if there is none, the notice
20 shall be posted in at least ten public places in the municipality.

21 2. Such other manner in addition to publication as the municipality
22 may deem necessary or desirable.

23 F. Action by the planning commission on the general plan or any
24 amendment to the plan shall be transmitted to the governing body of the
25 municipality.

26 G. Before adopting the general plan, or any amendment to it, the
27 governing body shall hold at least one public hearing. Notice of the time
28 and place of the hearing shall be given in the time and manner provided for
29 the giving of notice of the hearing by the planning commission as specified
30 in subsection E of this section.

31 H. The adoption or readoption of the general plan or any amendment to
32 such plan shall be by resolution of the governing body of the municipality,
33 after notice as provided for in subsection E of this section. The adoption
34 or readoption of or a major amendment to the general plan shall be approved
35 by affirmative vote of at least two-thirds of the members of the governing
36 body of the municipality. All major amendments to the general plan proposed
37 for adoption by the governing body of a municipality shall be presented at a
38 single public hearing during the calendar year the proposal is made. The
39 general plan, or any amendment to the plan, shall be endorsed in the manner
40 provided by the governing body to show that it has been adopted by the
41 governing body. If the municipality includes property in the high noise or
42 accident potential zone of a military airport or ancillary military facility
43 as defined in section 28-8461, the governing body of the municipality shall
44 send notice of the approval, adoption or readoption of the general plan or
45 major amendment to the general plan to the attorney general by certified

1 mail, return receipt requested, within three business days after the
2 approval, adoption or readoption. If the attorney general determines the
3 approval, adoption or readoption of the general plan or major amendment to
4 the general plan is not in compliance with section 28-8481, subsection J, the
5 attorney general shall notify the municipality by certified mail, return
6 receipt requested, of the determination of noncompliance. The municipality
7 shall receive the notice from the attorney general within twenty-five days
8 after the notice from the municipality to the attorney general is mailed
9 pursuant to this subsection. The effective date of any approval, adoption or
10 readoption of, or major amendment to, the general plan shall be thirty days
11 after the governing body's receipt of the attorney general's determination of
12 noncompliance. Within thirty days after the receipt of a determination of
13 noncompliance by the attorney general as prescribed by this section, the
14 governing body of the municipality shall reconsider any approval, adoption or
15 readoption of, or major amendment to, the general plan that impacts property
16 in the high noise or accident potential zone of a military airport or
17 ancillary military facility as defined in section 28-8461. If the governing
18 body reaffirms a prior action subject to an attorney general's determination
19 of noncompliance pursuant to this section, the attorney general may institute
20 a civil action pursuant to section 28-8481, subsection L. If the governing
21 body timely sends notice pursuant to this subsection and the attorney general
22 fails to timely notify the governing body of a determination of
23 noncompliance, the general plan or major amendment to the general plan shall
24 be deemed to comply with section 28-8481, subsection J. If the motion to
25 adopt or readopt a general plan or an amendment to the general plan fails to
26 pass, the governing body may reconsider the motion in any manner allowed by
27 the governing body's rules of procedure, but any subsequent motion for the
28 adoption or readoption of the general plan or a major amendment to the
29 general plan must be approved by an affirmative vote of at least two-thirds
30 of the members of the governing body. For the purposes of this subsection,
31 "major amendment" means a substantial alteration of the municipality's land
32 use mixture or balance as established in the municipality's existing general
33 plan land use element. The municipality's general plan shall define the
34 criteria to determine if a proposed amendment to the general plan effects a
35 substantial alteration of the municipality's land use mixture or balance as
36 established in the municipality's existing general plan land use element.

37 I. If the municipality does not have a planning commission, the only
38 procedural steps required for the adoption of the general plan, or any
39 amendment to such plan, shall be those provided in this article for action by
40 the governing body.

41 J. A copy of the adopted general plan of a municipality shall be sent
42 to the planning agency of the county within which the municipality is
43 located, and such plan or any portion of the plan may be adopted as a part of
44 the county general plan.

1 K. A general plan, with any amendments, is effective for up to ten
2 years from the date the plan was initially adopted and ratified pursuant to
3 subsection M of this section, or until the plan is readopted pursuant to this
4 subsection and ratified pursuant to subsection M of this section or a new
5 plan is adopted pursuant to this subsection and ratified pursuant to
6 subsection M of this section, and becomes effective. On or before the tenth
7 anniversary of the plan's most recent adoption, the governing body of the
8 municipality shall either readopt the existing plan for an additional term of
9 up to ten years or shall adopt a new general plan as provided by this
10 article.

11 L. Except for general plans that are required to be submitted to the
12 voters for ratification pursuant to subsection M of this section, the
13 adoption or readoption of a general plan, and any amendment to a general
14 plan, shall not be enacted as an emergency measure and is subject to
15 referendum as provided by article IV, part 1, section 1, subsection (8),
16 Constitution of Arizona, and title 19, chapter 1, article 4.

17 M. The governing body of a city or town having a population of more
18 than two thousand five hundred persons but less than ten thousand persons and
19 whose population growth rate exceeded an average of two per cent per year for
20 the ten year period before the most recent United States decennial census,
21 and any city or town having a population of ten thousand or more persons,
22 shall submit each new general plan adopted pursuant to subsection K of this
23 section to the voters for ratification at the next regularly scheduled
24 municipal election or at a special election scheduled at least one hundred
25 twenty days after the governing body adopted the plan pursuant to section
26 16-204. The governing body shall include a general description of the plan
27 and its elements in the municipal election pamphlet and shall provide public
28 copies of the plan in at least two locations that are easily accessible to
29 the public and may include posting on the municipality's official internet
30 ~~web-site~~ WEBSITE. If a majority of the qualified electors voting on the
31 proposition approves the new plan, it shall become effective as provided by
32 law. If a majority of the qualified electors voting on the proposition fails
33 to approve the new plan, the current plan remains in effect until a new plan
34 is approved by the voters pursuant to this subsection. The governing body
35 shall either resubmit the proposed new plan, or revise the new plan as
36 provided by this section, for subsequent submission to the voters at the next
37 regularly scheduled municipal election or at a special election scheduled at
38 least one hundred twenty days after the governing body readopted the new or
39 revised new plan. All subsequent adoptions and submissions of the new plan
40 or revised plans must comply with the procedures prescribed by this section
41 until the plan is ratified.

42 N. In applying an open space element or a growth element of a general
43 plan a municipality shall not designate private land or state trust land as
44 open space, recreation, conservation or agriculture unless the municipality
45 receives the written consent of the landowner or provides an alternative,

1 economically viable designation in the general plan or zoning ordinance,
2 allowing at least one residential dwelling per acre. If the landowner is the
3 prevailing party in any action brought to enforce this subsection, a court
4 shall award fees and other expenses to the landowner. A municipality may
5 designate land as open space without complying with the requirements of this
6 subsection if the land was zoned as open space and used as a golf course
7 pursuant to a zoning ordinance adopted pursuant to article 6.1 of this
8 chapter before May 1, 2000 and the designation does not impose additional
9 conditions, limitations or restrictions on the golf course, unless the land
10 is state trust land that was not planned and zoned as open space pursuant to
11 title 37, chapter 2, article 5.1.

12 0. A PERSON WHO IS AGGRIEVED BY A DECISION OF THE PLANNING AGENCY OR
13 GOVERNING BODY FOR A VIOLATION OF THE NONDISCRETIONARY REQUIREMENTS
14 PRESCRIBED IN SECTION 9-461.05 MAY FILE A PETITION FOR SPECIAL ACTION IN THE
15 SUPERIOR COURT TO REVIEW THE DECISION WITHIN THIRTY DAYS AFTER THE PLANNING
16 AGENCY OR GOVERNING BODY HAS RENDERED ITS DECISION. THE COURT MAY AFFIRM,
17 MODIFY OR REVERSE, IN WHOLE OR IN PART, THE DECISION REVIEWED.

18 Sec. 4. Section 11-801, Arizona Revised Statutes, as added by Laws
19 2010, chapter 244, section 7, is amended to read:

20 11-801. Definitions

21 In this chapter, unless the context otherwise requires:

22 1. "AGGREGATE" MEANS CINDER, CRUSHED ROCK OR STONE, DECOMPOSED
23 GRANITE, GRAVEL, PUMICE, PUMICITE AND SAND.

24 ~~1-~~ 2. "Area of jurisdiction" means that part of the county outside
25 the corporate limits of any municipality.

26 ~~2-~~ 3. "Board" means the board of supervisors.

27 ~~3-~~ 4. "Commission" means the county planning and zoning commission.

28 ~~4-~~ 5. "Indian reservation" means all lands that are held in trust by
29 the United States for the exclusive use and occupancy of Indian tribes by
30 treaty, law or executive order and that are currently recognized as Indian
31 reservations by the United States department of the interior.

32 ~~5-~~ 6. "Inspector" means the county zoning inspector.

33 ~~6-~~ 7. "Newspaper of general circulation in the county seat" means a
34 daily or weekly newspaper if any is published in the county seat.

35 ~~7-~~ 8. "Rezoning" means a change in the zoning ordinance changing the
36 zoning district boundaries within an area previously zoned.

37 ~~8-~~ 9. "Zoning district" means any portion of a county in which the
38 same set of zoning regulations applies.

39 ~~9-~~ 10. "Zoning ordinance" means an ordinance that is adopted by the
40 board of supervisors and that contains zoning regulations together with a map
41 setting forth the precise boundaries of zoning districts within which the
42 various zoning regulations are effective.

43 ~~10-~~ 11. "Zoning regulations" means provisions that govern the use of
44 land or buildings, or both, the height and location of buildings, the size of
45 yards, courts and open spaces, the establishment of setback lines and such

1 other matters as may otherwise be authorized under this chapter and that the
2 board deems suitable and proper.

3 ~~11-~~ 12. "Zoning regulations amendment" means a change in the zoning
4 ordinance that modifies, adds to, transfers or repeals one or more zoning
5 regulations or that adds one or more zoning regulations.

6 Sec. 5. Section 11-802, Arizona Revised Statutes, as added by Laws
7 2010, chapter 244, section 7, is amended to read:

8 11-802. County planning and zoning commissions

9 A. The board of supervisors of a county, in order to conserve and
10 promote the public health, safety, convenience and general welfare and
11 pursuant to this chapter, shall plan and provide for the future growth and
12 improvement of its area of jurisdiction, coordinate all public improvements
13 pursuant to the plan, form a planning and zoning commission to consult with
14 and advise it regarding matters of planning, zoning and subdivision platting
15 and, in the manner provided in this chapter, adopt and enforce those rules,
16 regulations, ordinances and plans as may apply to the development of its area
17 of jurisdiction.

18 B. The commission shall act in an advisory capacity to the board and
19 may or, if requested by the board, shall make a report or recommendation in
20 connection with any matter relating to the development of the county under
21 the jurisdiction of the board. The commission shall make those
22 investigations, maps, reports and recommendations in connection with those
23 investigations, maps and reports as seem desirable within the limits of the
24 monies available.

25 C. In the counties having three supervisorial districts, each county
26 planning and zoning commission shall consist of nine members who shall be
27 qualified electors of the county. Three members shall be appointed from each
28 supervisorial district by the supervisor from that district, and not more
29 than one of the three may be a resident of an incorporated municipality.
30 Members of the commission shall serve without compensation except for
31 reasonable travel expenses.

32 D. Except as provided in subsection E of this section, in the counties
33 having five supervisorial districts, each county planning and zoning
34 commission shall consist of ten members who shall be qualified electors of
35 the county. Two members shall be appointed from each supervisorial district
36 by the supervisor from that district. Members shall be residents of the
37 district from which they are appointed. Members of the commission shall
38 serve without compensation except for reasonable travel expenses.

39 E. If any supervisorial district is at least ninety per cent Indian
40 reservation and at least ninety per cent of the district is not subject to
41 county zoning regulations, the supervisor from the district may appoint some
42 or all of the members to the commission from any supervisorial district in
43 the county if there is no appointee who is willing to serve within the
44 supervisorial district. These appointments are subject to the limitations on
45 residency required by subsections C and D of this section. Members appointed

1 to the commission pursuant to this subsection require the approval of the
2 board.

3 F. In counties with a population of less than one hundred seventy-nine
4 thousand persons, an alternate member may be appointed by the appointing
5 supervisor for each commission member appointed pursuant to subsections C, D
6 and E of this section to serve in the absence of that member. Alternate
7 members may be appointed from any supervisorial district in the county.
8 During any meeting of the commission, if the regularly appointed member
9 becomes available, the alternate member shall conclude any action on the
10 agenda item under consideration and the regularly appointed member shall be
11 seated for the remaining items.

12 G. The terms of the members of the commissions shall be for four years
13 except for those initially appointed. Of those members initially appointed
14 pursuant to subsection C of this section, five members shall be appointed to
15 a two year term and four members shall be appointed to a four year term. Of
16 those members initially appointed pursuant to subsection D of this section,
17 five members shall be appointed to a two year term and five members shall be
18 appointed to a four year term. Thereafter, each term shall be four years.
19 If a vacancy occurs otherwise than by expiration of term, the vacancy shall
20 be filled by appointment for the unexpired portion of the term. The board
21 may remove members of the commission for cause.

22 H. On a conversion from three to five supervisorial districts pursuant
23 to section 11-212, the board of supervisors, on expiration of the terms of
24 members of the commission serving on the date of the conversion, shall make
25 those appointments to fill the vacancies to conform to subsection D of this
26 section as soon as is practicable.

27 I. The county assessor, county engineer, county health officer and
28 county attorney shall serve in an advisory capacity to the commission and to
29 the boards of adjustment.

30 J. The commission shall:

31 1. Elect a chairperson from among its members for a term of one year
32 and those other officers as it determines.

33 2. By resolution fix the time and place within the district of regular
34 meetings, hold at least one regular meeting each month and hold additional
35 meetings as the chairperson or a majority of the commission deems necessary.

36 3. Adopt rules for the transaction of business and keep a record of
37 its resolutions, transactions, findings and determinations, which record
38 shall be a public record and be open to public inspection.

39 4. Transmit all of its recommendations, decisions, findings, reports
40 and official actions, regardless of vote, to the board of supervisors.

41 5. PROVIDE A RIGHT OF APPEAL FOR A VIOLATION OF NONDISCRETIONARY
42 REQUIREMENTS PRESCRIBED IN SECTION 11-804.

43 K. A majority of the commission constitutes a quorum for the
44 transaction of business and a majority vote of the quorum is required for any
45 official action.

1 L. A PERSON WHO IS AGGRIEVED BY A DECISION OF THE COMMISSION OR BOARD
2 OF SUPERVISORS FOR A VIOLATION OF THE NONDISCRETIONARY REQUIREMENTS
3 PRESCRIBED IN SECTION 11-804 MAY FILE A PETITION FOR SPECIAL ACTION IN THE
4 SUPERIOR COURT TO REVIEW THE DECISION WITHIN THIRTY DAYS AFTER THE COMMISSION
5 OR BOARD HAS RENDERED ITS DECISION. THE COURT MAY AFFIRM, MODIFY OR REVERSE,
6 IN WHOLE OR IN PART, THE DECISION REVIEWED.

7 Sec. 6. Section 11-804, Arizona Revised Statutes, as added by Laws
8 2010, chapter 244, section 7, is amended to read:

9 11-804. Comprehensive plan; contents

10 A. The commission shall formulate and the board of supervisors shall
11 adopt or readopt a long-term comprehensive plan for the development of the
12 area of jurisdiction in the manner prescribed by this article. The
13 comprehensive plan, with the accompanying maps, plats, charts and descriptive
14 matter, shall show the commission's recommendations for the development of
15 the area of jurisdiction. The comprehensive plan shall be made with the
16 general purpose of guiding and accomplishing a coordinated, adjusted and
17 harmonious development of the area of jurisdiction pursuant to the present
18 and future needs of the county. The comprehensive plan shall be developed so
19 as to conserve the natural resources of the county, to ensure efficient
20 expenditure of public monies and to promote the health, safety, convenience
21 and general welfare of the public. The comprehensive plan may include
22 studies and recommendations relative to the location, character and extent of
23 highways, railroads, bus and other transportation routes, bicycle facilities,
24 bridges, public buildings, public services, schools, parks, open space,
25 housing quality, variety and affordability, parkways, hiking and riding
26 trails, airports, forests, wildlife areas, dams, projects affecting
27 conservation of natural resources, air quality, water quality and floodplain
28 zoning. In the preparation of the comprehensive plan, the commission shall
29 make surveys and studies of the present conditions and prospective future
30 growth of the area of the jurisdiction. The comprehensive plan shall be a
31 public record, but its purpose and effect shall be primarily as an aid to the
32 county planning and zoning commission and to the board of supervisors in the
33 performance of their duties. The comprehensive plan shall include provisions
34 that identify changes or modifications that constitute amendments and major
35 amendments to the plan.

36 B. In addition to the other matters that are required or authorized
37 under this section and this article, for counties with a population of more
38 than one hundred twenty-five thousand persons, the comprehensive plan shall
39 include, and for other counties the comprehensive plan may include:

40 1. Planning for land use that designates the proposed general
41 distribution and location and extent of uses of the land for housing,
42 business, industry, agriculture, recreation, education, public buildings and
43 grounds, open space and other categories of public and private uses of land
44 appropriate to the county. The land use plan shall include:

1 (a) A statement of the standards of population density and building
2 intensity recommended for the various land use categories covered by the
3 plan.

4 (b) Specific programs and policies that the county may use to promote
5 compact form development activity and locations where those development
6 patterns should be encouraged.

7 (c) Consideration of air quality and access to incident solar energy
8 for all general categories of land use.

9 (d) Policies that address maintaining a broad variety of land uses,
10 including the range of uses existing in the county at the time the plan is
11 adopted, readopted or amended.

12 (e) CURRENTLY IDENTIFIED SOURCES OF AGGREGATE RESOURCES, MEASURES TO
13 PROTECT AGGREGATE RESOURCES FROM INCOMPATIBLE USES AND PRESERVATION OF
14 AGGREGATE RESOURCES FOR FUTURE DEVELOPMENT.

15 2. Planning for circulation consisting of the general location and
16 extent of existing and proposed freeways, arterial and collector streets,
17 bicycle routes and any other modes of transportation as may be appropriate,
18 all correlated with the land use plan under paragraph 1 of this subsection.

19 3. Planning for water resources that addresses:

20 (a) The known legally and physically available surface water,
21 groundwater and effluent supplies.

22 (b) The demand for water that will result from future growth projected
23 in the comprehensive plan, added to existing uses.

24 (c) An analysis of how the demand for water that will result from
25 future growth projected in the comprehensive plan will be served by the water
26 supplies identified in subdivision (a) of this paragraph or a plan to obtain
27 additional necessary water supplies.

28 4. Planning for energy use that:

29 (a) Encourages and provides incentives for efficient use of energy.

30 (b) Identifies policies and practices for greater use of renewable
31 energy.

32 C. In addition to the other matters that are required or authorized
33 under this section and this article, for counties with a population of more
34 than two hundred thousand persons, the comprehensive plan shall include, and
35 for other counties the comprehensive plan may include:

36 1. Planning for open space acquisition and preservation. The open
37 space plan shall include:

38 (a) A comprehensive inventory of open space areas, recreational
39 resources and designations of access points to open space areas and
40 resources.

41 (b) An analysis of forecasted needs, policies for managing and
42 protecting open space areas and resources and implementation strategies to
43 acquire additional open space areas and further establish recreational
44 resources.

1 (c) Policies and implementation strategies designed to promote a
2 regional system of integrated open space and recreational resources and a
3 consideration of any existing regional open space plan.

4 2. Planning for growth areas, specifically identifying those areas, if
5 any, that are particularly suitable for planned multimodal transportation and
6 infrastructure expansion and improvements designed to support a planned
7 concentration of a variety of uses, such as residential, office, commercial,
8 tourism and industrial uses. The mixed use planning shall include policies
9 and implementation strategies that are designed to:

10 (a) Make automobile, transit and other multimodal circulation more
11 efficient, make infrastructure expansion more economical and provide for a
12 rational pattern of land development.

13 (b) Conserve significant natural resources and open areas in the
14 growth area and coordinate their location to similar areas outside the growth
15 area's boundaries.

16 (c) Promote the public and private construction of timely and
17 financially sound infrastructure expansion through the use of infrastructure
18 funding and financing planning that is coordinated with development activity.

19 3. An environmental planning element that contains analyses, policies
20 and strategies to address anticipated effects, if any, of plan elements on
21 air quality, water quality and natural resources associated with proposed
22 development under the comprehensive plan. The policies and strategies to be
23 developed under this element shall be designed to have countywide
24 applicability and shall not require the production of an additional
25 environmental impact statement or similar analysis beyond the requirements of
26 state and federal law.

27 4. A cost of development element that identifies policies and
28 strategies that the county will use to require development to pay its fair
29 share toward the cost of additional public facility needs generated by new
30 development, with appropriate exceptions when in the public interest. This
31 element shall include:

32 (a) A component that identifies various mechanisms that are allowed by
33 law and that can be used to fund and finance additional public services
34 necessary to serve the development, including bonding, special taxing
35 districts, development fees, in lieu fees and facility construction,
36 dedications and privatization.

37 (b) A component that identifies policies to ensure that any mechanisms
38 that are adopted by the county under this element result in a beneficial use
39 to the development, bear a reasonable relationship to the burden imposed on
40 the county to provide additional necessary public facilities to the
41 development and otherwise are imposed pursuant to law.

42 D. The water resources element of the comprehensive plan does not
43 require:

- 44 1. New independent hydrogeologic studies.
- 45 2. The county to be a water service provider.

1 E. In applying an open space element or a growth element of a
2 comprehensive plan, a county shall not designate private or state land as
3 open space, recreation, conservation or agriculture unless the county
4 receives the written consent of the landowner or provides an alternative,
5 economically viable designation in the comprehensive plan or zoning
6 ordinance, allowing at least one residential dwelling per acre. If the
7 landowner is the prevailing party in any action brought to enforce this
8 subsection, a court shall award fees and other expenses to the landowner.
9 Each county shall incorporate this subsection into its comprehensive plan and
10 provide a process for a landowner to resolve discrepancies relating to this
11 subsection.

12 F. The policies and strategies to be developed under these elements
13 shall be designed to have regional applicability.

14 G. For counties with territory in the vicinity of a military airport
15 or ancillary military facility as defined in section 28-8461, the commission
16 shall also consider military airport or ancillary military facility
17 operations and, on or before December 31, 2005, shall identify the boundaries
18 of any high noise or accident potential zone as defined in section 28-8461 in
19 its comprehensive plan for purposes of planning land uses in the high noise
20 or accident potential zone that are compatible with the operation of the
21 military airport or ancillary military facility pursuant to section 28-8481,
22 subsection J.

23 Sec. 7. Effective date

24 Sections 11-801, 11-802 and 11-804, Arizona Revised Statutes, as added
25 by Laws 2010, chapter 244, section 7 and as amended by this act, are
26 effective from and after September 30, 2011.