

Senate Engrossed

general plan; transportation; independent study

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1313

AN ACT

AMENDING SECTION 9-461.05, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL
GENERAL PLANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-461.05, Arizona Revised Statutes, is amended
3 to read:

4 9-461.05. General plans; authority; scope

5 A. Each planning agency shall prepare and the governing body of
6 each municipality shall adopt a comprehensive, long-range general plan for
7 the development of the municipality. The planning agency shall coordinate
8 the production of its general plan with the creation of the state land
9 department conceptual land use plans under title 37, chapter 2, article
10 5.1 and shall cooperate with the state land department regarding
11 integrating the conceptual state land use plans into the municipality's
12 general land use plan. The general plan shall include provisions that
13 identify changes or modifications to the plan that constitute amendments
14 and major amendments. The plan shall be adopted and readopted in the
15 manner prescribed by section 9-461.06.

16 B. The general plan shall be so prepared that all or individual
17 elements of the plan may be adopted by the governing body and that the
18 plan may be made applicable to all or part of the territory of the
19 municipality.

20 C. The general plan shall consist of a statement of community goals
21 and development policies. The plan shall include maps, any necessary
22 diagrams and text setting forth objectives, principles, standards and plan
23 proposals. The plan shall include the following elements:

24 1. A land use element that:

25 (a) Designates the proposed general distribution and location and
26 extent of such uses of the land for housing, business, industry,
27 agriculture, recreation, education, public buildings and grounds, open
28 space and other categories of public and private uses of land as may be
29 appropriate to the municipality.

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

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

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

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

41 (f) For cities and towns with territory in the vicinity of a
42 military airport or ancillary military facility as defined in section
43 28-8461, includes consideration of military airport or ancillary military
44 facility operations. If a city or town includes land in a high noise or
45 accident potential zone as defined in section 28-8461, the city or town

1 shall identify the boundaries of the high noise or accident potential zone
2 in its general plan for purposes of planning land uses in the high noise
3 or accident potential zone that are compatible with the operation of the
4 military airport or ancillary military facility pursuant to section
5 28-8481, subsection J.

6 (g) Includes sources of aggregates from maps that are available
7 from state agencies, information from the Arizona geological survey on how
8 to locate existing mines, consideration of existing mining operations and
9 suitable geologic resources, policies to preserve currently identified
10 aggregates sufficient for future development and policies to avoid
11 incompatible land uses, except that this subdivision ~~shall~~ DOES not ~~be~~
12 ~~construed to~~ affect any permitted underground storage facility or limit
13 any person's right to obtain a permit for an underground storage facility
14 pursuant to title 45, chapter 3.1.

15 2. A circulation element 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
18 appropriate, all correlated with the land use element of the plan.

19 D. For cities and towns with a population of more than two thousand
20 five hundred persons but less than ten thousand persons and whose
21 population growth rate exceeded an average of two percent per year for the
22 ten-year period before the most recent United States decennial census and
23 for cities and towns with a population of ten thousand or more persons
24 according to the most recent United States decennial census, the general
25 plan shall include, and for other cities and towns the general plan may
26 include:

27 1. An open space element that includes:

28 (a) A comprehensive inventory of open space areas, recreational
29 resources and designations of access points to open space areas and
30 resources.

31 (b) An analysis of forecasted needs, policies for managing and
32 protecting open space areas and resources and implementation strategies to
33 acquire additional open space areas and further establish recreational
34 resources.

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

38 2. A growth area element, specifically identifying those areas, if
39 any, that are particularly suitable for ~~planned multimodal transportation~~
40 ~~and~~ infrastructure expansion and improvements designed to support a
41 planned concentration of a variety of uses, such as residential, office,
42 commercial, tourism and industrial uses. This element shall include
43 policies and implementation strategies that are designed to:

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

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

7 (c) Promote the public and private construction of timely and
8 financially sound infrastructure expansion through the use of
9 infrastructure funding and financing planning that is coordinated with
10 development activity.

11 3. An environmental planning element that contains analyses,
12 policies and strategies to address anticipated effects, if any, of plan
13 elements on air quality, water quality and natural resources associated
14 with proposed development under the general plan. The policies and
15 strategies to be developed under this element shall be designed to have
16 community-wide applicability and shall not require the production of an
17 additional environmental impact statement or similar analysis beyond the
18 requirements of state and federal law.

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

24 (a) A component that identifies various mechanisms that are allowed
25 by law and that can be used to fund and finance additional public services
26 necessary to serve the development, including bonding, special taxing
27 districts, development fees, in lieu fees, facility construction,
28 dedications and service privatization.

29 (b) A component that identifies policies to ensure that any
30 mechanisms that are adopted by the municipality under this element result
31 in a beneficial use to the development, bear a reasonable relationship to
32 the burden imposed on the municipality to provide additional necessary
33 public services to the development and otherwise are imposed according to
34 law.

35 5. A water resources element that addresses:

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

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

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

44 E. The general plan shall include, for cities with a population of
45 fifty thousand persons or more, and may include, for cities with a

1 population of less than fifty thousand persons, the following elements or
2 any part or phase of the following elements:

3 1. A conservation element for the conservation, development and
4 ~~utilization~~ USE of natural resources, including forests, soils, rivers and
5 other waters, harbors, fisheries, wildlife, minerals and other natural
6 resources. The conservation element may also cover:

7 (a) The reclamation of land.

8 (b) Flood control.

9 (c) Prevention and control of the pollution of streams and other
10 waters.

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

13 (e) Prevention, control and correction of the erosion of soils,
14 beaches and shores.

15 (f) Protection of watersheds.

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

19 (a) Natural reservations.

20 (b) Parks.

21 (c) Parkways and scenic drives.

22 (d) Beaches.

23 (e) Playgrounds and playfields.

24 (f) Open space.

25 (g) Bicycle routes.

26 (h) Other recreation areas.

27 3. The circulation element provided for in subsection C, paragraph
28 2 of this section shall also include, for cities with a population of
29 fifty thousand persons or more, and may include, for cities with a
30 population of less than fifty thousand persons, recommendations concerning
31 parking facilities, building setback requirements and the delineations of
32 such systems on the land, a system of street naming and house and building
33 numbering and other matters as may be related to the improvement of
34 circulation of traffic. The circulation element may also include:

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

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

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

1 5. A public buildings element showing locations of civic and
2 community centers, public schools, libraries, police and fire stations and
3 other public buildings.

4 6. A housing element consisting of standards and programs for the
5 elimination of substandard dwelling conditions, for the improvement of
6 housing quality, variety and affordability and for provision of adequate
7 sites for housing. This element shall contain an identification and
8 analysis of existing and forecasted housing needs. This element shall be
9 designed to make equal provision for the housing needs of all segments of
10 the community regardless of race, color, creed or economic level.

11 7. A conservation, rehabilitation and redevelopment element
12 consisting of plans and programs for:

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

14 (b) Community redevelopment, including housing sites, business and
15 industrial sites and public building sites.

16 (c) Other purposes authorized by law.

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

22 ~~9. A bicycling element consisting of proposed bicycle facilities~~
23 ~~such as bicycle routes, bicycle parking areas and designated bicycle~~
24 ~~street crossing areas.~~

25 ~~10.~~ 9. An energy element that includes:

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

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

30 ~~11.~~ 10. A neighborhood preservation and revitalization element,
31 including:

32 (a) A component that identifies city programs that promote home
33 ownership, that provide assistance for improving the appearance of
34 neighborhoods and that promote maintenance of both commercial and
35 residential buildings in neighborhoods.

36 (b) A component that identifies city programs that provide for the
37 safety and security of neighborhoods.

38 F. The water resources element of the general plan does not
39 require:

40 1. New independent hydrogeologic studies.

41 2. The city or town to be a water service provider.

42 G. The land use element of a general plan of a city with a
43 population of more than one million persons shall include protections from
44 encroaching development for any shooting range that is owned by this state
45 and that is located within or adjacent to the exterior municipal

1 boundaries ~~on or before January 1, 2004~~. The general plan shall establish
2 land use categories within at least one-half mile from the exterior
3 boundaries of the shooting range that are consistent with the continued
4 existence of the shooting range and that exclude incompatible uses such as
5 residences, schools, hotels, motels, hospitals or churches except that
6 land zoned to permit these incompatible uses on August 25, 2004 are exempt
7 from this exclusion. For the purposes of this subsection, "shooting
8 range" means a permanently located and improved area that is designed and
9 operated for the use of rifles, shotguns, pistols, silhouettes, skeet,
10 trap, black powder or any other similar sport shooting in an outdoor
11 environment. Shooting range does not include:

- 12 1. Any area for the exclusive use of archery or air guns.
- 13 2. An enclosed indoor facility that is designed to offer a totally
14 controlled shooting environment and that includes impenetrable walls,
15 floor and ceiling, adequate ventilation, lighting systems and acoustical
16 treatment for sound attenuation suitable for the range's approved use.
- 17 3. A national guard facility located in a city or town with a
18 population of more than one million persons.
- 19 4. A facility that was not owned by this state before January 1,
20 2002.

21 H. THE GENERAL PLAN FOR EACH MUNICIPALITY MAY NOT INCLUDE
22 TRANSPORTATION OR LAND USE POLICIES OR PROJECTS THAT REDUCE OVERALL SYSTEM
23 CAPACITY OF MOTOR VEHICLE TRAFFIC.

24 I. IF THE GENERAL PLAN INCLUDES A REDUCTION IN THE LEVEL OF SERVICE
25 OF ANY ARTERIAL STREET, INCLUDING REDUCING THE SPEED OR CAPACITY OF THE
26 ARTERIAL STREET, THE MUNICIPALITY SHALL CONDUCT AN INDEPENDENT STUDY ON
27 THE IMPACT ON EMERGENCY VEHICLE RESPONSE TIMES.

28 ~~H.~~ J. The policies and strategies to be developed under these
29 elements shall be designed to have community-wide applicability. ~~and~~ This
30 section does not authorize the imposition of dedications, exactions, fees
31 or other requirements that are not otherwise authorized by law.