

PROPOSED

SENATE AMENDMENTS TO S.B. 1117

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section. 1. Section 9-462.01, Arizona Revised Statutes, is amended
3 to read:

4 9-462.01. Zoning regulations; public hearing; definitions

5 A. Pursuant to this article, the legislative body of any
6 municipality by ordinance, in order to conserve and promote the public
7 health, safety and general welfare, may:

8 1. Regulate the use of buildings, structures and land as between
9 agriculture, residence, industry, business and other purposes.

10 2. Regulate signs and billboards.

11 3. Regulate the location, height, bulk, number of stories and size
12 of buildings and structures, the size and use of lots, yards, courts and
13 other open spaces, the percentage of a lot that may be occupied by a
14 building or structure, access to incident solar energy and the intensity of
15 land use.

16 4. Establish requirements for off-street parking and loading, **EXCEPT**
17 **IN AREAS ZONED FOR RESIDENTIAL USE.**

18 5. Establish and maintain building setback lines.

19 6. Create civic districts around civic centers, public parks, public
20 buildings or public grounds and establish regulations for the civic
21 districts.

22 7. Require as a condition of rezoning public dedication of
23 rights-of-way as streets, alleys, public ways, drainage and public
24 utilities as are reasonably required by or related to the effect of the
25 rezoning.

26 8. Establish floodplain zoning districts and regulations to protect
27 life and property from the hazards of periodic inundation. Regulations may
28 include variable lot sizes, special grading or drainage requirements, or
29 other requirements deemed necessary for the public health, safety or
30 general welfare.

31 9. Establish special zoning districts or regulations for certain
32 lands characterized by adverse topography, adverse soils, subsidence of the
33 earth, high water table, lack of water or other natural or man-made hazards

1 to life or property. Regulations may include variable lot sizes, special
2 grading or drainage requirements, or other requirements deemed necessary
3 for the public health, safety or general welfare.

4 10. Establish districts of historical significance provided that:

5 (a) The ordinances may require that special permission be obtained
6 for any development within the district if the legislative body has adopted
7 a plan for the preservation of districts of historical significance that
8 meets the requirements of subdivision (b) of this paragraph, and the
9 criteria contained in the ordinance are consistent with the objectives set
10 forth in the plan.

11 (b) A plan for the preservation of districts of historical
12 significance shall identify districts of special historical significance,
13 state the objectives to be sought concerning the development or
14 preservation of sites, area and structures within the district, and
15 formulate a program for public action, including providing public
16 facilities and regulating private development and demolition necessary to
17 realize these objectives.

18 (c) The ordinance establishing districts of historical significance
19 shall set forth standards necessary to preserve the historical character of
20 the area so designated.

21 (d) The ordinances may designate or authorize any committee,
22 commission, department or person to designate structures or sites of
23 special historical significance in accordance with criteria contained in
24 the ordinance, and no designation shall be made except after a public
25 hearing on notice of the owners of record of the property designated of
26 special historical significance. The ordinances may require that special
27 permission be obtained for any development respecting the structures or
28 sites.

29 11. Establish age-specific community zoning districts in which
30 residency is restricted to a head of a household or spouse who must be of a
31 specific age or older and in which minors are prohibited from living in the
32 home. Age-specific community zoning districts shall not be overlaid over
33 property without the permission of all owners of property included as part
34 of the district unless all of the property in the district has been
35 developed, advertised and sold or rented under specific age restrictions.
36 The establishment of age-specific community zoning districts is subject to
37 all of the public notice requirements and other procedures prescribed by
38 this article.

39 12. Establish procedures, methods and standards for the transfer of
40 development rights within its jurisdiction. Any proposed transfer of
41 development rights from the sending property or to the receiving property
42 shall be subject to the notice and hearing requirements of section 9-462.04

1 and shall be subject to the approval and consent of the property owners of
2 both the sending and receiving property. Before any transfer of
3 development rights, a municipality shall adopt an ordinance providing for:

4 (a) The issuance and recordation of the instruments necessary to
5 sever development rights from the sending property and to affix development
6 rights to the receiving property. These instruments shall be executed by
7 the affected property owners and lienholders.

8 (b) The preservation of the character of the sending property and
9 assurance that the prohibitions against the use and development of the
10 sending property shall bind the landowner and every successor in interest
11 to the landowner.

12 (c) The severance of transferable development rights from the
13 sending property and the delayed transfer of development rights to a
14 receiving property.

15 (d) The purchase, sale, exchange or other conveyance of transferable
16 development rights before the rights being affixed to a receiving property.

17 (e) A system for monitoring the severance, ownership, assignment and
18 transfer of transferable development rights.

19 (f) The right of a municipality to purchase development rights and
20 to hold them for resale.

21 (g) The right of a municipality at its discretion to enter into an
22 intergovernmental agreement with another municipality or a county for the
23 transfer of development rights between jurisdictions. The transfer shall
24 comply with this paragraph, except that if the sending property is located
25 in an unincorporated area of a county, the approval of the development
26 rights to be sent to a municipality shall comply with section 11-817.

27 B. For the purposes of subsection A of this section, the legislative
28 body may divide a municipality, or portion of a municipality, into zones of
29 the number, shape and area it deems best suited to carry out the purpose of
30 this article and articles 6, 6.2 and 6.3 of this chapter.

31 C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, all zoning
32 regulations shall be uniform for each class or kind of building or use of
33 land throughout each zone. ~~, but~~ IN ANY ZONE THAT PERMITS SINGLE-FAMILY
34 RESIDENTIAL USES, A MUNICIPALITY MAY NOT PROHIBIT THE FOLLOWING:

- 35 1. LOTS FOUR THOUSAND SQUARE FEET IN AREA OR GREATER.
- 36 2. LOT WIDTHS FORTY FEET OR GREATER.
- 37 3. FRONT SETBACKS TEN FEET OR GREATER, EXCEPT FOR PORTIONS OF A
38 DWELLING THAT ARE OCCUPIED BY A GARAGE, IN WHICH THE FRONT SETBACK MAY BE
39 TWENTY FEET.
- 40 4. SIDE YARD SETBACKS FIVE FEET OR GREATER.

1 D. A MUNICIPALITY SHALL PROVIDE ADDITIONAL RESIDENTIAL ZONES THAT
2 ALLOW FOR CONSTRUCTION OF DUPLEXES, TRIPLEXES, LOTS SMALLER THAN FOUR
3 THOUSAND SQUARE FEET AND OTHER HOUSING TYPES PROPOSED BY APPLICANTS.

4 E. The regulations in one type of zone may differ from those in
5 other types of zones as follows:

6 1. Within individual zones, there may be uses permitted on a
7 conditional basis under which additional requirements must be met,
8 including requiring site plan review and approval by the planning agency.
9 The conditional uses are generally characterized by any of the following:

10 (a) Infrequency of use.

11 (b) High degree of traffic generation.

12 (c) Requirement of large land area.

13 2. Within residential zones, the regulations may permit
14 modifications to minimum ~~yard lot area and~~ height requirements.

15 ~~F.~~ F. To carry out the purposes of this article and articles 6 and
16 6.2 of this chapter, the legislative body may adopt overlay zoning
17 districts and regulations applicable to particular buildings, structures
18 and land within individual zones. For the purposes of this subsection,
19 "overlay zoning district" means a special zoning district that includes
20 regulations that modify regulations in another zoning district with which
21 the overlay zoning district is combined. Overlay zoning districts and
22 regulations shall be adopted pursuant to section 9-462.04.

23 ~~F.~~ G. The legislative body may approve a change of zone conditioned
24 on a schedule for development of the specific use or uses for which
25 rezoning is requested. If, at the expiration of this period, the property
26 has not been improved for the use for which it was conditionally approved,
27 the legislative body, after notification by certified mail to the owner and
28 applicant who requested the rezoning, shall schedule a public hearing to
29 take administrative action to extend, remove or determine compliance with
30 the schedule for development or take legislative action to cause the
31 property to revert to its former zoning classification.

32 ~~F.~~ H. All zoning and rezoning ordinances or regulations adopted
33 under this article shall be consistent with and conform to the adopted
34 general plan of the municipality, if any, as adopted under article 6 of
35 this chapter. In the case of uncertainty in construing or applying the
36 conformity of any part of a proposed rezoning ordinance to the adopted
37 general plan of the municipality, the ordinance shall be construed in a
38 manner that will further the implementation of, and not be contrary to, the
39 goals, policies and applicable elements of the general plan. A rezoning
40 ordinance conforms with the land use element of the general plan if it
41 proposes land uses, densities or intensities within the range of identified

1 uses, densities and intensities of the land use element of the general
2 plan.

3 ~~I.~~ I. A regulation or ordinance under this section may not prevent
4 or restrict:

5 1. SINGLE-ROOM OCCUPANCIES.

6 2. Agricultural composting on farmland that is five or more
7 contiguous acres and that meets the requirements of this subsection. An
8 agricultural composting operation shall notify in writing the legislative
9 body of the municipality and the nearest fire department of the location of
10 the composting operation. If the nearest fire department is located in a
11 different municipality from the agricultural composting operation, the
12 agricultural composting operation shall also notify in writing the fire
13 department of the municipality in which the operation is located.
14 Agricultural composting is subject to sections 3-112 and 49-141.
15 Agricultural composting may not be conducted within one thousand three
16 hundred twenty feet of an existing residential use, unless the operations
17 are conducted on farmland or land leased in association with farmland. Any
18 disposal of manure shall comply with section 49-247. For the purposes of
19 this ~~subsection~~ PARAGRAPH:

20 ~~I.~~ (a) "Agricultural composting" means the controlled biological
21 decomposition of organic solid waste under in-vessel anaerobic or aerobic
22 conditions where all or part of the materials are generated on the farmland
23 or will be used on the farmland associated with the agricultural composting
24 operation.

25 ~~J.~~ (b) "Farmland" has the same meaning prescribed in section 3-111
26 and is subject to regulation under section 49-247.

27 ~~K.~~ J. A municipality may not adopt a land use regulation or impose
28 any condition for issuance of a building or use permit or other approval
29 that violates section 9-461.16.

30 ~~L.~~ K. In accordance with article II, sections 1 and 2, Constitution
31 of Arizona, the legislative body of a municipality shall consider the
32 individual property rights and personal liberties of the residents of the
33 municipality before adopting any zoning ordinance.

34 ~~M.~~ L. Before adopting any zoning ordinance or zoning ordinance text
35 amendment of general applicability, the legislative body of a municipality
36 shall consider the probable impact of the proposed zoning ordinance or text
37 amendment on the cost to construct housing for sale or rent.

38 ~~N.~~ M. A municipality may not adopt or enforce a land use regulation
39 that requires the property on which a nongovernmental primary or secondary
40 school operates to be larger than one acre.

41 N. THIS SECTION DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF
42 PRIVATE COVENANTS OR OTHER CONTRACTUAL ELEMENTS AMONG PROPERTY OWNERS

1 RELATING TO DWELLING DESIGN ELEMENTS BY PARTIES OTHER THAN THE
2 MUNICIPALITY.

3 ~~4.~~ 0. For the purposes of this section:

4 1. "Development rights" means the maximum development that would be
5 allowed on the sending property under any general or specific plan and
6 local zoning ordinance of a municipality in effect on the date the
7 municipality adopts an ordinance pursuant to subsection A, paragraph 12 of
8 this section respecting the permissible use, area, bulk or height of
9 improvements made to the lot or parcel. Development rights may be
10 calculated and allocated in accordance with factors including dwelling
11 units, area, floor area, floor area ratio, height limitations, traffic
12 generation or any other criteria that will quantify a value for the
13 development rights in a manner that will carry out the objectives of this
14 section.

15 2. "Receiving property" means a lot or parcel within which
16 development rights are increased pursuant to a transfer of development
17 rights. Receiving property shall be appropriate and suitable for
18 development and shall be sufficient to accommodate the transferable
19 development rights of the sending property without substantial adverse
20 environmental, economic or social impact to the receiving property or to
21 neighboring property.

22 3. "Sending property" means a lot or parcel with special
23 characteristics, including farmland, woodland, desert land, mountain land,
24 floodplain, natural habitats, recreation or parkland, including golf course
25 area, or land that has unique aesthetic, architectural or historic value
26 that a municipality desires to protect from future development.

27 4. "SINGLE-ROOM OCCUPANCIES":

28 (a) MEANS DWELLING UNITS IN WHICH RESIDENTS RENT A PRIVATE BEDROOM
29 WITH SHARED KITCHEN AND BATHROOM FACILITIES.

30 (b) DOES NOT INCLUDE SOBER LIVING HOMES AS DEFINED IN SECTION
31 36-2061 OR ASSISTED LIVING FACILITIES REGULATED BY THE DEPARTMENT OF HEALTH
32 SERVICES.

33 ~~4.~~ 5. "Transfer of development rights" means the process by which
34 development rights from a sending property are affixed to one or more
35 receiving properties.

36 6. "VALUE" MEANS THE TAXABLE OR INITIAL SALES VALUE OF THE NEW
37 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-CODE MANUFACTURED
38 HOME AND THE LOT AFTER INSTALLATION OF THE HOUSING.

39 Sec. 2. Section 9-462.03, Arizona Revised Statutes, is amended to
40 read:

41 9-462.03. Amendment procedure

1 A. The governing body of the municipality shall adopt by ordinance a
2 citizen review process that applies to all rezoning and specific plan
3 applications that require a public hearing. The citizen review process
4 shall include at least the following requirements:

5 1. Adjacent landowners and other potentially affected citizens will
6 be notified of the application.

7 2. The municipality will inform adjacent landowners and other
8 potentially affected citizens of the substance of the proposed rezoning.

9 3. Adjacent landowners and other potentially affected citizens will
10 be provided an opportunity to express any issues or concerns that they may
11 have with the proposed rezoning before the public hearing.

12 B. EXCEPT FOR MODIFICATIONS MADE PURSUANT TO SECTION 9-462.10, a
13 zoning ordinance that changes any property from one zone to another, that
14 imposes any regulation not previously imposed or that removes or modifies
15 any such regulation previously imposed must be adopted following the
16 procedure prescribed in the citizen review process and in the manner set
17 forth in section 9-462.04.

18 Sec. 3. Section 9-462.04, Arizona Revised Statutes, is amended to
19 read:

20 9-462.04. Public hearing required; applicability; definition

21 A. If the municipality has a planning commission or a hearing
22 officer, the planning commission or hearing officer shall hold a public
23 hearing on any zoning ordinance. Notice of the time and place of the
24 hearing, including a general explanation of the matter to be considered
25 and ~~including~~ a general description of the area affected, shall be given
26 at least fifteen days before the hearing in the following manner:

27 1. The notice shall be published at least once in a newspaper of
28 general circulation published or circulated in the municipality, or if
29 there is none, it shall be posted on the affected property in such a
30 manner as to be legible from the public right-of-way and in at least ten
31 public places in the municipality. A posted notice shall be printed so
32 that the following are visible from a distance of one hundred feet: the
33 word "zoning", the present zoning district classification, the proposed
34 zoning district classification and the date and time of the hearing.

35 2. In proceedings involving rezoning of land that abuts other
36 municipalities or unincorporated areas of the county or a combination of a
37 municipality and an unincorporated area, copies of the notice of public
38 hearing shall be transmitted to the planning agency of the governmental
39 unit abutting such land. In proceedings involving rezoning of land that
40 is located within the territory in the vicinity of a military airport or
41 ancillary military facility as defined in section 28-8461, the
42 municipality shall send copies of the notice of public hearing by first

1 class mail to the military airport. In addition to notice by publication,
2 a municipality may give notice of the hearing in any other manner that the
3 municipality deems necessary or desirable.

4 3. In proceedings that are not initiated by the property owner
5 involving rezoning of land that may change the zoning classification,
6 notice by first class mail shall be sent to each real property owner, as
7 shown on the last assessment of the property, of the area to be rezoned
8 and all property owners, as shown on the last assessment of the property,
9 within three hundred feet of the property to be rezoned.

10 4. In proceedings involving one or more of the following proposed
11 changes or related series of changes in the standards governing land uses,
12 notice shall be provided in the manner prescribed by paragraph 5 of this
13 subsection:

14 (a) A ten percent or more increase or decrease in the number of
15 square feet or units that may be developed.

16 (b) A ten percent or more increase or reduction in the allowable
17 height of buildings.

18 (c) An increase or reduction in the allowable number of stories of
19 buildings.

20 (d) A ten percent or more increase or decrease in setback or open
21 space requirements.

22 (e) An increase or reduction in permitted uses.

23 5. In proceedings governed by paragraph 4 of this subsection, the
24 municipality shall provide notice to real property owners pursuant to at
25 least one of the following notification procedures:

26 (a) Notice shall be sent by first class mail to each real property
27 owner, as shown on the last assessment, whose real property is directly
28 governed by the changes.

29 (b) If the municipality issues utility bills or other mass mailings
30 that periodically include notices or other informational or advertising
31 materials, the municipality shall include notice of the changes with such
32 utility bills or other mailings.

33 (c) The municipality shall publish the changes before the first
34 hearing on such changes in a newspaper of general circulation in the
35 municipality. The changes shall be published in a "display ad" covering
36 not less than one-eighth of a full page.

37 6. If notice is provided pursuant to paragraph 5, subdivision (b)
38 or (c) of this subsection, the municipality shall also send notice by
39 first class mail to persons who register their names and addresses with
40 the municipality as being interested in receiving such notice. The
41 municipality may charge a fee not to exceed \$5 per year for providing this
42 service and may adopt procedures to implement this paragraph.

1 7. Notwithstanding the notice requirements in paragraph 4 of this
2 subsection, the failure of any person or entity to receive notice does not
3 constitute grounds for any court to invalidate the actions of a
4 municipality for which the notice was given.

5 B. If the matter to be considered applies to territory in a high
6 noise or accident potential zone as defined in section 28-8461, the notice
7 prescribed in subsection A of this section shall include a general
8 statement that the matter applies to property located in the high noise or
9 accident potential zone.

10 C. After the hearing, the planning commission or hearing officer
11 shall render a decision in the form of a written recommendation to the
12 governing body. The recommendation shall include the reasons for the
13 recommendation and be transmitted to the governing body in the form and
14 manner prescribed by the governing body.

15 D. If the planning commission or hearing officer has held a public
16 hearing, the governing body may adopt the recommendations of the planning
17 commission or hearing officer without holding a second public hearing if
18 there is no objection, request for public hearing or other protest. The
19 governing body shall hold a public hearing if requested by the party
20 aggrieved or any member of the public or of the governing body, or, in any
21 case, if a public hearing has not been held by the planning commission or
22 hearing officer. The governing body may consider the testimony of any
23 party aggrieved when making its decision. In municipalities with
24 territory in the vicinity of a military airport or ancillary military
25 facility as defined in section 28-8461, the governing body shall hold a
26 public hearing if, after notice is transmitted to the military airport
27 pursuant to subsection A of this section and before the public hearing,
28 the military airport provides comments or analysis concerning the
29 compatibility of the proposed rezoning with the high noise or accident
30 potential generated by military airport or ancillary military facility
31 operations that may have an adverse impact on public health and safety,
32 and the governing body shall consider and analyze the comments or analysis
33 before making a final determination. Notice of the time and place of the
34 hearing shall be given in the time and manner provided for ~~the giving of~~
35 notice of the hearing by the planning commission as specified in
36 subsection A of this section. A municipality may give additional notice
37 of the hearing in any other manner as the municipality deems necessary or
38 desirable. For the purposes of this subsection, "party aggrieved" means
39 any property owner within the notification area prescribed by subsection
40 A, paragraph 3 of this section.

41 E. A municipality may enact an ordinance authorizing county zoning
42 to continue in effect until municipal zoning is applied to land previously

1 zoned by the county and annexed by the municipality, but not longer than
2 six months after the annexation.

3 F. A municipality is not required to adopt a general plan before
4 ~~the adoption of~~ ADOPTING a zoning ordinance.

5 G. If there is no planning commission or hearing officer, the
6 governing body of the municipality shall perform the functions assigned to
7 the planning commission or hearing officer.

8 H. If the owners of twenty percent or more of the property by area
9 and number of lots, tracts and condominium units within the zoning area of
10 the affected property file a protest in writing against a proposed
11 amendment, the change shall not become effective except by the favorable
12 vote of three-fourths of all members of the governing body of the
13 municipality. If any members of the governing body are unable to vote on
14 such a question because of a conflict of interest, then the required
15 number of votes for passage of the question shall be three-fourths of the
16 remaining membership of the governing body, ~~provided that~~ IF such required
17 number of votes ~~shall~~ IS not ~~be~~ less than a majority of the full
18 membership of the legally established governing body. For the purposes of
19 this subsection, the vote shall be rounded to the nearest whole number. A
20 protest filed pursuant to this subsection shall be signed by the property
21 owners opposing the proposed amendment and filed in the office of the
22 clerk of the municipality not later than 12:00 noon one business day
23 before the date on which the governing body will vote on the proposed
24 amendment or on an earlier time and date established by the governing
25 body.

26 I. In applying an open space element or a growth element of a
27 general plan, a parcel of land shall not be rezoned for open space,
28 recreation, conservation or agriculture unless the owner of the land
29 consents to the rezoning in writing.

30 J. Notwithstanding section 19-142, subsection B, a decision by the
31 governing body involving rezoning ~~of~~ land that is not owned by the
32 municipality and that changes the zoning classification of such land may
33 not be enacted as an emergency measure and the change shall not be
34 effective for at least thirty days after final approval of the change in
35 classification by the governing body.

36 K. EXCEPT AS OTHERWISE PROVIDED, THIS SECTION DOES NOT APPLY TO ANY
37 ZONING ORDINANCE OR PART OF A ZONING ORDINANCE ADOPTED PURSUANT TO SECTION
38 9-462.10.

39 ~~K.~~ L. For the purposes of this section, "zoning area" means both
40 of the following:

1 1. The area within one hundred fifty feet, including all
2 rights-of-way, of the affected property subject to the proposed amendment
3 or change.

4 2. The area of the proposed amendment or change.

5 Sec. 4. Title 9, chapter 4, article 6.1, Arizona Revised Statutes,
6 is amended by adding section 9-462.10, to read:

7 9-462.10. Residential zoning districts; amendment; preemption;
8 applicability; definitions

9 A. HOUSING SUPPLY AND AFFORDABILITY IS A MATTER OF STATEWIDE
10 CONCERN. REGULATION OF HOUSING WITHIN RESIDENTIAL ZONING DISTRICTS AND
11 THROUGH AMENDMENTS TO OTHER ZONING DISTRICTS IS NOT SUBJECT TO FURTHER
12 REGULATION BY A CITY, TOWN OR POLITICAL SUBDIVISION OF THIS STATE,
13 INCLUDING A CHARTER CITY.

14 B. NOTWITHSTANDING ANY OTHER LAW, ON OR BEFORE JANUARY 1, 2024, A
15 MUNICIPALITY SHALL ADOPT AN AMENDMENT TO ITS ZONING ORDINANCE THAT REQUIRES
16 THE MUNICIPALITY TO DO ALL OF THE FOLLOWING ON ANY REZONING OF LAND TO A
17 RESIDENTIAL USE:

18 1. ADMINISTRATIVELY APPROVE THE APPLICATION WITHIN THIRTY DAYS IF
19 THE LAND BEING REZONED TO A RESIDENTIAL USE CONFORMS IN ALL MATERIAL
20 RESPECTS WITH THE LAND USE DESIGNATION CONTAINED IN THE MOST RECENT
21 VOTER-APPROVED GENERAL PLAN IN ACCORDANCE WITH SECTION 9-462.01, SUBSECTION
22 H.

23 2. DETERMINE WHETHER THE APPLICATION IS ADMINISTRATIVELY COMPLETE
24 WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION. IF THE MUNICIPALITY
25 DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, THE
26 MUNICIPALITY SHALL FOLLOW THE PROCEDURES IN SECTION 9-835, SUBSECTION E
27 UNTIL THE APPLICATION IS ADMINISTRATIVELY COMPLETE. THE MUNICIPALITY SHALL
28 DETERMINE WHETHER A RESUBMITTED APPLICATION IS ADMINISTRATIVELY COMPLETE
29 WITHIN FIFTEEN DAYS OF RECEIPT. AFTER A DETERMINATION THAT THE APPLICATION
30 IS ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL APPROVE THE
31 APPLICATION WITHIN NINETY DAYS, UNLESS A PROPERTY OWNER WITHIN THE ZONING
32 AREA DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT THE PROPOSED
33 HOUSING UNITS WILL CREATE AN OBJECTIVE EXTERNALITY TO THE PROPERTY OWNER
34 WHILE ON THE OWNER'S PROPERTY THAT HAS NOT BEEN MITIGATED. AN APPLICANT
35 SHALL BE DEEMED TO HAVE MITIGATED ANY OBJECTIVE EXTERNALITIES RELATED TO
36 WATER RUNOFF, TRAFFIC OR PARKING IF THE MUNICIPALITY HAS AN ADOPTED CODE,
37 ORDINANCE, STANDARD, REGULATION OR OTHER LEGAL REQUIREMENT FOR GRADING AND
38 DRAINAGE AND FOR REQUIRED STREET IMPROVEMENTS, INCLUDING STORMWATER AND
39 STREET IMPROVEMENT DEVELOPMENT FEES ADOPTED IN ACCORDANCE WITH SECTION 9-
40 463.05. THE MUNICIPALITY'S IDENTIFIED OBJECTIVE EXTERNALITIES, INCLUDING
41 ANY MITIGATION MEASURES PRESCRIBED BY CODE, ORDINANCE, STANDARD, REGULATION

1 OR OTHER LEGAL REQUIREMENT MAY NOT CREATE AN UNDUE BURDEN ON THE
2 DEVELOPMENT AND CONSTRUCTION OF NEW HOUSING UNITS.

3 C. THE APPLICATION FOR CHANGES TO THE MUNICIPALITY'S ZONING
4 ORDINANCE SHALL BE ADOPTED FOLLOWING A PUBLIC HEARING BEFORE THE GOVERNING
5 BOARD OF THE MUNICIPALITY. NOTICE AND PLACE OF THE PUBLIC HEARING,
6 INCLUDING A GENERAL EXPLANATION OF THE MATTER TO BE CONSIDERED, SHALL BE
7 PROVIDED IN ACCORDANCE WITH SECTION 9-462.04, SUBSECTION A. THE
8 MUNICIPALITY, AT ITS DISCRETION, MAY REQUIRE A PUBLIC HEARING BEFORE A
9 PLANNING AND ZONING COMMISSION IF THE REQUIRED HEARINGS TAKE PLACE WITHIN
10 THE TIME FRAMES REQUIRED BY THIS SECTION.

11 D. IF THE MUNICIPALITY FINDS THAT THE OWNER OF PROPERTY WITHIN THE
12 ZONING AREA PROVED BY CLEAR AND CONVINCING EVIDENCE AN OBJECTIVE
13 EXTERNALITY TO THE PROPERTY OWNER WHILE ON THE OWNER'S PROPERTY, THE
14 MUNICIPALITY SHALL SPECIFICALLY IDENTIFY THE LEAST RESTRICTIVE MEANS TO
15 SUFFICIENTLY MITIGATE THE IDENTIFIED OBJECTIVE EXTERNALITY AND
16 CONDITIONALLY APPROVE THE APPLICATION SUBJECT TO THE SPECIFICALLY
17 IDENTIFIED MITIGATION MEASURES.

18 E. FOLLOWING THE MUNICIPALITY'S FINDINGS, THE APPLICANT MAY BRING AN
19 ACTION IN SUPERIOR COURT TO CHALLENGE THE FINDINGS THAT THE OWNER OF
20 PROPERTY WITHIN THE ZONING AREA MET THE BURDEN OF SHOWING BY CLEAR AND
21 CONVINCING EVIDENCE THAT THE PROPOSED DEVELOPMENT WILL CREATE AN OBJECTIVE
22 EXTERNALITY TO THE PROPERTY OWNER WHILE ON THE OWNER'S PROPERTY AND THE
23 MUNICIPALITY'S SPECIFICALLY IDENTIFIED LEAST RESTRICTIVE MEANS OF
24 MITIGATING THE IDENTIFIED OBJECTIVE EXTERNALITY.

25 F. IN ANY JUDICIAL ACTION BROUGHT PURSUANT TO THIS SECTION, THE
26 TRIAL SHALL BE DE NOVO AND THE COURT MAY NOT USE ANY DEFERENTIAL STANDARD
27 TO THE FINDINGS OF THE MUNICIPALITY.

28 G. NOTWITHSTANDING ANY OTHER LAW, INCLUDING ANY ORDINANCE OR CHARTER
29 PROVISION, ON OR BEFORE JANUARY 1, 2024, A MUNICIPALITY SHALL ALLOW THE
30 FOLLOWING BY RIGHT:

31 1. IN ANY EXISTING COMMERCIAL, MIXED-USE OR MULTIFAMILY RESIDENTIAL
32 DISTRICT OR ANY LAND DESIGNATED BY THE MUNICIPALITY'S MOST RECENT GENERAL
33 PLAN AS SUPPORTING COMMERCIAL, MULTIFAMILY OR MIXED USES, THE CONSTRUCTION
34 OF MULTIFAMILY DWELLING UNITS WITH THE FOLLOWING DEVELOPMENT STANDARDS:

35 (a) THE GREATER OF THE HIGHEST ALLOWED HEIGHT FOR THE SITE OF THE
36 HOUSING DEVELOPMENT, THE HIGHEST ALLOWED HEIGHT FOR A COMMERCIAL OR
37 RESIDENTIAL USE WITHIN ONE MILE OF THE SITE OF THE HOUSING DEVELOPMENT OR
38 SIXTY FEET. IF THE HOUSING DEVELOPMENT IS LOCATED WITHIN TWO MILES OF A
39 RAIL STOP, THE MAXIMUM HEIGHT LIMIT MAY NOT BE LESS THAN EIGHTY FEET.

40 (b) THE DENSITY LIMIT APPLICABLE TO THE MULTIFAMILY DEVELOPMENT
41 SHALL BE AT LEAST THE GREATEST ALLOWED DENSITY FOR A PREVIOUSLY APPROVED
42 MIXED USE OR RESIDENTIAL USE WITHIN THE MUNICIPALITY.

1 2. AN APPLICANT TO CONSTRUCT HOUSING PURSUANT TO THIS SECTION
2 WITHOUT THE MUNICIPALITY REQUIRING A GENERAL PLAN AMENDMENT, USE PERMIT OR
3 REVIEW BY A BOARD OR COMMISSION.

4 H. THIS SECTION DOES NOT APPLY TO ANY LAND WITHIN THE IMMEDIATE
5 VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN
6 SECTION 28-8461 OR A MUNICIPALITY WITH A POPULATION OF LESS THAN
7 TWENTY-FIVE THOUSAND PERSONS.

8 I. FOR THE PURPOSES OF THIS SECTION:

9 1. "ADMINISTRATIVELY COMPLETE" MEANS THAT THE APPLICANT HAS PROVIDED
10 ALL NECESSARY INFORMATION AND COMPLETED ALL REQUIRED FORMS FOR THE
11 APPLICANT TO PROVIDE THE REQUIRED NOTICE TO PROPERTY OWNERS WITHIN THE
12 ZONING AREA AND THE MUNICIPALITY TO REVIEW AND APPROVE THE APPLICATION.

13 2. "DEVELOPMENT STANDARDS" MEANS LOT AREA, LOT WIDTH, BUILDING
14 SETBACKS, BUILDING HEIGHT, LOT COVERAGE, PERCENTAGE OF OPEN SPACE AND ANY
15 OTHER REGULATION PERTAINING TO MODIFICATIONS OF LAND, DESIGNATIONS OF LOTS
16 OR THE SIZE AND LOCATION OF A STRUCTURE RELATIVE TO A LOT.

17 3. "EXTERNALITY":

18 (a) MEANS THE EFFECT BEYOND THE PROPERTY LINES OF THE PROPOSED
19 DEVELOPMENT ON PROPERTY OWNERS WITHIN THE ZONING AREA WHILE ON THE OWNER'S
20 PROPERTY RELATED TO LIGHT, NOISE, ODOR, WATER RUNOFF, TRAFFIC AND PARKING.

21 (b) DOES NOT INCLUDE ANY OF THE EFFECTS PURSUANT TO SUBDIVISION
22 (a) OF THIS PARAGRAPH THAT ARE WHOLLY CONTAINED WITHIN THE PROPERTY LINES
23 OF THE AREA OF THE PROPOSED DEVELOPMENT.

24 4. "GREATEST ALLOWED DENSITY" MEANS THE MAXIMUM GROSS RESIDENTIAL
25 DENSITY, INCLUDING ANY DENSITY THAT REQUIRES CONDITIONAL APPROVAL,
26 ALLOWABLE PURSUANT TO THE MUNICIPALITY'S ADOPTED ZONING ORDINANCE OR ANY
27 SPECIFIC PLAN ADOPTED BY THE MUNICIPALITY'S GOVERNING BOARD THAT APPLIES TO
28 THE SITE OF THE HOUSING DEVELOPMENT, WHICHEVER IS GREATER.

29 5. "HIGHEST ALLOWED HEIGHT" MEANS THE TALLEST HEIGHT, INCLUDING ANY
30 HEIGHT THAT REQUIRES CONDITIONAL APPROVAL, ALLOWABLE PURSUANT TO THE
31 MUNICIPALITY'S ADOPTED ZONING ORDINANCE OR ANY SPECIFIC PLAN ADOPTED BY THE
32 MUNICIPALITY'S GOVERNING BOARD THAT APPLIES TO THE SITE OF THE HOUSING
33 DEVELOPMENT, WHICHEVER IS GREATER.

34 6. "LIGHT" MEANS THE PROPORTION OF NATURAL LIGHT THAT A BUILDING
35 SHOULD EXPECT TO RECEIVE.

36 7. "OBJECTIVE" MEANS INVOLVING NO PERSONAL OR SUBJECTIVE JUDGMENT BY
37 A MUNICIPAL EMPLOYEE OR OFFICIAL AND BEING UNIFORMLY VERIFIABLE BY
38 REFERENCE TO AN EXTERNAL AND UNIFORM BENCHMARK, STANDARD OR CRITERION THAT
39 IS AVAILABLE AND KNOWABLE BY BOTH AN APPLICANT OR PROPONENT AND A MUNICIPAL
40 EMPLOYEE OR OFFICIAL.

41 8. "ZONING AREA" HAS THE SAME MEANING PRESCRIBED IN SECTION
42 9-462.04.

1 Sec. 5. Section 9-463.01, Arizona Revised Statutes, is amended to
2 read:

3 9-463.01. Authority

4 A. Pursuant to this article, the legislative body of every
5 municipality shall regulate the subdivision of all lands within its
6 corporate limits.

7 B. The legislative body of a municipality shall exercise the
8 authority granted in subsection A of this section by ordinance prescribing:

9 1. Procedures to be followed in the preparation, submission, review
10 and ADMINISTRATIVE approval or rejection of all final plats.

11 2. Standards governing the design of subdivision plats.

12 3. Minimum requirements and standards for the installation of
13 subdivision streets, sewer and water utilities and improvements as a
14 condition of final plat approval.

15 C. By ordinance, the legislative body of any municipality shall:

16 1. Require the preparation, submission and approval of a preliminary
17 plat as a condition precedent to submission of a final plat.

18 2. Establish the procedures to be followed in the preparation,
19 submission, review and approval of preliminary plats.

20 3. Make requirements as to the form and content of preliminary
21 plats.

22 4. Either determine that certain lands may not be subdivided, by
23 reason of adverse topography, periodic inundation, adverse soils,
24 subsidence of the earth's surface, high water table, lack of water or other
25 natural or man-made hazard to life or property, or control the lot size,
26 establish special grading and drainage requirements and impose other
27 regulations deemed reasonable and necessary for the public health, safety
28 or general welfare on any lands to be subdivided affected by such
29 characteristics.

30 5. Require payment of a proper and reasonable fee by the subdivider
31 based ~~upon~~ ON the number of lots or parcels on the surface of the land to
32 defray municipal costs of plat review and site inspection.

33 6. Require the dedication of public streets, sewer and water utility
34 easements or rights-of-way, within the proposed subdivision.

35 7. Require the preparation and submission of acceptable engineering
36 plans and specifications for the installation of required street, sewer,
37 electric and water utilities, drainage, flood control, adequacy of water
38 and improvements as a condition precedent to recordation of an approved
39 final plat.

40 8. Require the posting of performance bonds, assurances or such
41 other security as may be appropriate and necessary to assure the
42 installation of required street, sewer, electric and water utilities,

1 drainage, flood control and improvements meeting established minimum
2 standards of design and construction.

3 D. The legislative body of any municipality may require by ordinance
4 that land areas within a subdivision be reserved for parks, recreational
5 facilities, school sites and fire stations subject to the following
6 conditions:

7 1. The requirement may only be made ~~upon~~ ON preliminary plats filed
8 at least thirty days after the adoption of a general or specific plan
9 affecting the land area to be reserved.

10 2. The required reservations are in accordance with definite
11 principles and standards adopted by the legislative body.

12 3. The land area reserved shall be of such a size and shape as to
13 permit the remainder of the land area of the subdivision within which the
14 reservation is located to develop in an orderly and efficient manner.

15 4. The land area reserved shall be in such multiples of streets and
16 parcels as to permit an efficient division of the reserved area in the
17 event that it is not acquired within the prescribed period.

18 E. The public agency for whose benefit an area has been reserved
19 shall have a period of one year after recording the final subdivision plat
20 to enter into an agreement to acquire such reserved land area. The
21 purchase price shall be the fair market value of the reserved land area at
22 the time of the filing of the preliminary subdivision plat plus the taxes
23 against such reserved area from the date of the reservation and any other
24 costs incurred by the subdivider in the maintenance of such reserved area,
25 including the interest cost incurred on any loan covering such reserved
26 area.

27 F. If the public agency for whose benefit an area has been reserved
28 does not exercise the reservation agreement set forth in subsection E of
29 this section within such ~~one year~~ ONE-YEAR period or such extended period
30 as may be mutually agreed ~~upon~~ ON by such public agency and the subdivider,
31 the reservation of such area shall terminate.

32 G. The legislative body of every municipality shall comply with this
33 article and applicable state statutes pertaining to the hearing, approval
34 or rejection, and recordation of:

35 1. Final subdivision plats.

36 2. Plats filed for the purpose of reverting to acreage of land
37 previously subdivided.

38 3. Plats filed for the purpose of vacating streets or easements
39 previously dedicated to the public.

40 4. Plats filed for the purpose of vacating or redescribing lot or
41 parcel boundaries previously recorded.

1 H. Approval of every preliminary and final plat ~~by a legislative~~
2 ~~body~~ is conditioned ~~upon~~ ON compliance by the subdivider with:

3 1. Rules as may be established by the department of transportation
4 relating to provisions for the safety of entrance ~~upon~~ ON and departure
5 from abutting state primary highways.

6 2. Rules as may be established by a county flood control district
7 relating to the construction or prevention of construction of streets in
8 land established as being subject to periodic inundation.

9 3. Rules as may be established by the department of health services
10 or a county health department relating to the provision of domestic water
11 supply and sanitary sewage disposal.

12 I. If the subdivision is ~~comprised~~ COMPOSED of subdivided lands, as
13 defined in section 32-2101, and is within an active management area, as
14 defined in section 45-402, the final plat shall not be approved unless it
15 is accompanied by a certificate of assured water supply issued by the
16 director of water resources, or unless the subdivider has obtained a
17 written commitment of water service for the subdivision from a city, town
18 or private water company designated as having an assured water supply by
19 the director of water resources pursuant to section 45-576 or is exempt
20 from the requirement pursuant to section 45-576. The ~~legislative body of~~
21 ~~the~~ municipality shall note on the face of the final plat that a
22 certificate of assured water supply has been submitted with the plat or
23 that the subdivider has obtained a written commitment of water service for
24 the proposed subdivision from a city, town or private water company
25 designated as having an assured water supply, pursuant to section 45-576,
26 or is exempt from the requirement pursuant to section 45-576.

27 J. Except as provided in subsections K and P of this section, if the
28 subdivision is composed of subdivided lands as defined in section 32-2101
29 outside of an active management area and the director of water resources
30 has given written notice to the municipality pursuant to section 45-108,
31 subsection H, the final plat shall not be approved unless one of the
32 following applies:

33 1. The director of water resources has determined that there is an
34 adequate water supply for the subdivision pursuant to section 45-108 and
35 the subdivider has included the report with the plat.

36 2. The subdivider has obtained a written commitment of water service
37 for the subdivision from a city, town or private water company designated
38 as having an adequate water supply by the director of water resources
39 pursuant to section 45-108.

40 K. ~~The legislative body of~~ A municipality that has received written
41 notice from the director of water resources pursuant to section 45-108,
42 subsection H or that has adopted an ordinance pursuant to subsection O of

1 this section may provide by ordinance an exemption from the requirement in
2 subsection J or O of this section for a subdivision that the director of
3 water resources has determined will have an inadequate water supply because
4 the water supply will be transported to the subdivision by motor vehicle or
5 train if all of the following apply:

6 1. The legislative body determines that there is no feasible
7 alternative water supply for the subdivision and that the transportation of
8 water to the subdivision will not constitute a significant risk to the
9 health and safety of the residents of the subdivision.

10 2. If the water to be transported to the subdivision will be
11 withdrawn or diverted in the service area of a municipal provider as
12 defined in section 45-561, the municipal provider has consented to the
13 withdrawal or diversion.

14 3. If the water to be transported is groundwater, the transportation
15 complies with the provisions governing the transportation of groundwater in
16 title 45, chapter 2, article 8.

17 4. The transportation of water to the subdivision meets any
18 additional conditions imposed by the legislative body.

19 L. A municipality that adopts the exemption authorized by subsection
20 K of this section shall give written notice of the adoption of the
21 exemption, including a certified copy of the ordinance containing the
22 exemption, to the director of water resources, the director of
23 environmental quality and the state real estate commissioner. If the
24 municipality later rescinds the exemption, the municipality shall give
25 written notice of the rescission to the director of water resources, the
26 director of environmental quality and the state real estate commissioner. A
27 municipality that rescinds an exemption adopted pursuant to subsection K of
28 this section shall not readopt the exemption for at least five years after
29 the rescission becomes effective.

30 M. If the legislative body of a municipality approves a subdivision
31 plat pursuant to subsection J, paragraph 1 or 2 or subsection O of this
32 section, the legislative body shall note on the face of the plat that the
33 director of water resources has reported that the subdivision has an
34 adequate water supply or that the subdivider has obtained a commitment of
35 water service for the proposed subdivision from a city, town or private
36 water company designated as having an adequate water supply pursuant to
37 section 45-108.

38 N. If the legislative body of a municipality approves a subdivision
39 plat pursuant to an exemption authorized by subsection K of this section or
40 granted by the director of water resources pursuant to section 45-108.02 or
41 45-108.03:

1 1. The legislative body shall give written notice of the approval to
2 the director of water resources and the director of environmental quality.

3 2. The legislative body shall include on the face of the plat a
4 statement that the director of water resources has determined that the
5 water supply for the subdivision is inadequate and a statement describing
6 the exemption under which the plat was approved, including a statement that
7 the legislative body or the director of water resources, whichever applies,
8 has determined that the specific conditions of the exemption were met. If
9 the director subsequently informs the legislative body that the subdivision
10 is being served by a water provider that has been designated by the
11 director as having an adequate water supply pursuant to section 45-108, the
12 legislative body shall record in the county recorder's office a statement
13 disclosing that fact.

14 0. If a municipality has not been given written notice by the
15 director of water resources pursuant to section 45-108, subsection H, the
16 legislative body of the municipality, to protect the public health and
17 safety, may provide by ordinance that, except as provided in subsections K
18 and P of this section, the final plat of a subdivision located in the
19 municipality and outside of an active management area will not be approved
20 ~~by the legislative body~~ unless the director of water resources has
21 determined that there is an adequate water supply for the subdivision
22 pursuant to section 45-108 or the subdivider has obtained a written
23 commitment of water service for the subdivision from a city, town or
24 private water company designated as having an adequate water supply by the
25 director of water resources pursuant to section 45-108. Before holding a
26 public hearing to consider whether to enact an ordinance pursuant to this
27 subsection, a municipality shall provide written notice of the hearing to
28 the board of supervisors of the county in which the municipality is
29 located. A municipality that enacts an ordinance pursuant to this
30 subsection shall give written notice of the enactment of the ordinance,
31 including a certified copy of the ordinance, to the director of water
32 resources, the director of environmental quality, the state real estate
33 commissioner and the board of supervisors of the county in which the
34 municipality is located. If a municipality enacts an ordinance pursuant to
35 this subsection, water providers may be eligible to receive monies in a
36 water supply development fund, as otherwise provided by law.

37 P. Subsections J and O of this section do not apply to:

38 1. A proposed subdivision that the director of water resources has
39 determined will have an inadequate water supply pursuant to section 45-108
40 if the director grants an exemption for the subdivision pursuant to section
41 45-108.02 and the exemption has not expired or if the director grants an
42 exemption pursuant to section 45-108.03.

1 2. A proposed subdivision that received final plat approval from the
2 municipality before the requirement for an adequate water supply became
3 effective in the municipality if the plat has not been materially changed
4 since it received the final plat approval. If changes were made to the
5 plat after the plat received the final plat approval, the director of water
6 resources shall determine whether the changes are material pursuant to the
7 rules adopted by the director to implement section 45-108. If the
8 municipality approves a plat pursuant to this paragraph and the director of
9 water resources has determined that there is an inadequate water supply for
10 the subdivision pursuant to section 45-108, the municipality shall note
11 this on the face of the plat.

12 Q. If the subdivision is composed of subdivided lands as defined in
13 section 32-2101 outside of an active management area and the municipality
14 has not received written notice pursuant to section 45-108, subsection H
15 and has not adopted an ordinance pursuant to subsection O of this section:

16 1. If the director of water resources has determined that there is
17 an adequate water supply for the subdivision pursuant to section 45-108 or
18 if the subdivider has obtained a written commitment of water service for
19 the subdivision from a city, town or private water company designated as
20 having an adequate water supply by the director of water resources pursuant
21 to section 45-108, the municipality shall note this on the face of the plat
22 if the plat is approved.

23 2. If the director of water resources has determined that there is
24 an inadequate water supply for the subdivision pursuant to section 45-108,
25 the municipality shall note this on the face of the plat if the plat is
26 approved.

27 R. Every municipality is responsible for the recordation of all
28 **APPROVED** final plats ~~approved by the legislative body~~ and shall receive
29 from the subdivider and transmit to the county recorder the recordation fee
30 established by the county recorder.

31 S. Pursuant to provisions of applicable state statutes, the
32 legislative body of any municipality may itself prepare or have prepared a
33 plat for the subdivision of land under municipal ownership.

34 T. The legislative bodies of cities and towns may regulate by
35 ordinance land splits within their corporate limits. Authority granted
36 under this section refers to the determination of division lines, area and
37 shape of the tracts or parcels and does not include authority to regulate
38 the terms or condition of the sale or lease nor does it include the
39 authority to regulate the sale or lease of tracts or parcels that are not
40 the result of land splits as defined in section 9-463.

41 U. For any subdivision that consists of ten or fewer lots, tracts or
42 parcels, each of which is of a size as prescribed by the legislative body,

1 the legislative body of each municipality may expedite the processing of or
2 waive the requirement to prepare, submit and receive approval of a
3 preliminary plat as a condition precedent to submitting a final plat and
4 may waive or reduce infrastructure standards or requirements proportional
5 to the impact of the subdivision. Requirements for dust-controlled access
6 and drainage improvements shall not be waived.

7 V. AT THE APPLICANT'S REQUEST, AFTER PRELIMINARY PLAT SUBMITTAL AND
8 AFTER THE APPLICANT RECEIVES ANY REQUIRED APPROVAL FROM THE DEPARTMENT OF
9 ENVIRONMENTAL QUALITY, THE MUNICIPALITY SHALL ISSUE AN AT-RISK PERMIT FOR
10 GRADING, EARTHMOVING AND INFRASTRUCTURE CONSTRUCTION THAT RELATES TO THE
11 PROPERTY THAT IS THE SUBJECT OF THE PRELIMINARY PLAT. THE AT-RISK PERMIT
12 SHALL GRANT THE APPLICANT THE RIGHT TO ENTER, REMAIN ON AND CROSS OVER ANY
13 MUNICIPAL EASEMENTS OR RIGHTS-OF-WAY TO THE EXTENT REASONABLY NECESSARY TO
14 ALLOW CONSTRUCTION, MAINTENANCE OR REPAIR OF THE INFRASTRUCTURE IF THE
15 APPLICANT'S USE OF THE EASEMENTS AND RIGHTS-OF-WAY DO NOT MATERIALLY IMPEDE
16 OR ADVERSELY AFFECT THE MUNICIPALITY'S USE AND ENJOYMENT OF THE EASEMENTS
17 AND RIGHTS-OF-WAY. THE MUNICIPALITY MAY REQUIRE THE APPLICANT TO RESTORE
18 THE EASEMENTS AND RIGHTS-OF-WAY TO THE CONDITION THE EASEMENTS AND
19 RIGHTS-OF-WAY WERE IN BEFORE THE APPLICANT'S ENTRY, SUBJECT TO ORDINARY
20 WEAR AND TEAR, CASUALTY DAMAGE AND DAMAGE CAUSED BY THIRD PARTIES NOT
21 ENGAGED OR AFFILIATED WITH THE APPLICANT. THE MUNICIPALITY ISSUING AN AT-
22 RISK PERMIT DOES NOT CONSTITUTE FINAL PRELIMINARY PLAT APPROVAL OR FINAL
23 APPROVAL OF ANY GRADING, DRAINAGE OR INFRASTRUCTURE CONSTRUCTION PLANS.
24 ANY WORK, SERVICES OR MATERIALS ACCOMPLISHED OR ACQUIRED BY THE APPLICANT
25 OR ITS AGENTS IS DONE AT THE FINANCIAL RISK OF THE APPLICANT. THE
26 MUNICIPALITY MAY REQUIRE THAT ALL GRADING, EARTHMOVING AND CONSTRUCTION BE
27 DONE IN COMPLIANCE WITH ALL MUNICIPAL CODES, ORDINANCES AND STANDARDS AND
28 OTHER LEGAL REQUIREMENTS.

29 Sec. 6. Title 9, chapter 4, article 6.4, Arizona Revised Statutes,
30 is amended by adding section 9-469, to read:

31 9-469. Municipal housing needs assessment; annual report

32 A. BEGINNING JANUARY 1, 2024 AND EVERY FIVE YEARS THEREAFTER, A
33 MUNICIPALITY SHALL PUBLISH A HOUSING NEEDS ASSESSMENT THAT INCLUDES AT
34 LEAST THE FOLLOWING:

35 1. THE TOTAL POPULATION GROWTH PROJECTED FOR THE SUBSEQUENT
36 FIVE-YEAR PERIOD.

37 2. THE TOTAL JOB GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR
38 PERIOD.

39 3. THE TOTAL NEED FOR ADDITIONAL RESIDENTIAL HOUSING UNITS FOR RENT
40 AND FOR SALE IN THE MUNICIPALITY TO MEET ANY DEFICIENCIES IN HOUSING THE
41 EXISTING POPULATION.

1 GUIDELINE, STIPULATION OR OTHER LEGAL REQUIREMENT RELATED TO OR REGULATING
2 RESIDENTIAL HOUSING DESIGN ELEMENTS.

3 B. ANY APPLICANT FOR AN APPROVAL THAT IS NECESSARY TO OBTAIN A
4 BUILDING PERMIT TO CONSTRUCT A SINGLE-FAMILY, TWO-FAMILY OR MULTIFAMILY
5 BUILDING OR ANY HOUSING ORGANIZATION MAY BRING AN ACTION IN THE SUPERIOR
6 COURT TO ENFORCE THE REQUIREMENTS OF THIS SECTION.

7 C. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY ORDINANCE,
8 CODE, STANDARD, REGULATION, GUIDELINE, AGREEMENT, STIPULATION OR OTHER
9 LEGAL REQUIREMENT THAT IS:

10 1. A REQUIREMENT OF AN ADOPTED MINIMUM STANDARD BUILDING CODE,
11 INCLUDING ANY LOCAL AMENDMENTS THAT ARE LESS RESTRICTIVE THAN THE UNAMENDED
12 MINIMUM STANDARD BUILDING CODE.

13 2. APPLICABLE SOLELY TO STRUCTURES LOCATED IN AN AREA DESIGNATED AS
14 A LOCAL DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01 OR
15 AN AREA DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES.

16 3. APPLICABLE SOLELY TO STRUCTURES INDIVIDUALLY DESIGNATED AS LOCAL,
17 STATE OR NATIONAL HISTORIC LANDMARKS.

18 4. APPLIED TO MANUFACTURED HOMES IN A MANNER CONSISTENT WITH TITLE
19 41, CHAPTER 37, ARTICLE 3 OR APPLICABLE FEDERAL LAW.

20 5. REQUIRED AS A CONDITION OF PARTICIPATING IN THE NATIONAL FLOOD
21 INSURANCE PROGRAM.

22 6. A STIPULATION ON A RECORDED SUBDIVISION PLAT ADOPTED BY THE
23 MUNICIPALITY BEFORE THE EFFECTIVE DATE OF THIS SECTION.

24 D. THIS SECTION DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF
25 PRIVATE COVENANTS OR OTHER CONTRACTUAL ELEMENTS AMONG PROPERTY OWNERS
26 RELATING TO DWELLING DESIGN ELEMENTS BY PARTIES OTHER THAN THE
27 MUNICIPALITY.

28 E. THIS SECTION DOES NOT APPLY TO A MUNICIPALITY WITH A POPULATION
29 OF LESS THAN TWENTY-FIVE THOUSAND PERSONS.

30 F. FOR THE PURPOSES OF THIS SECTION:

31 1. "DESIGN ELEMENTS" MEANS:

32 (a) THE NUMBER AND VARIATIONS OF FLOOR PLANS AND EXTERIOR
33 ELEVATIONS, INCLUDING THE SELECTION OF THE FLOOR PLAN AND ELEVATION TO BE
34 BUILT ON EACH LOT.

35 (b) THE SIZE AND NUMBER OF STORIES OF THE DWELLING, EXCEPT THAT THE
36 HEIGHT OF THE DWELLING MAY BE REGULATED PURSUANT TO SECTIONS 9-462.01 AND
37 9-462.10.

38 (c) THE EXTERIOR BUILDING COLOR AND MATERIALS.

39 (d) THE TYPE OF STYLE OF EXTERIOR CLADDING MATERIALS.

40 (e) THE STYLE, MATERIALS, SHAPE, PITCH AND ARTICULATION OF THE ROOF
41 STRUCTURE.

1 (f) THE STYLE, MATERIALS, SIZE, SHAPE AND INCLUSION OF PORCHES AND
2 PATIOS.

3 (g) THE EXTERIOR NONSTRUCTURAL ARCHITECTURAL ORNAMENTATION.

4 (h) THE LOCATION, ARCHITECTURAL STYLING, MATERIALS AND SIZES OF
5 GARAGES, GARAGE DOORS AND DRIVEWAYS.

6 (i) PLACEMENT AND ORIENTATION OF GARAGE DOORS RELATIVE TO THE FRONT
7 FAÇADE OF THE LIVING SPACE.

8 (j) THE INTERIOR LAYOUT AND SIZE OF ROOMS, INCLUDING THE INTERIOR OF
9 THE GARAGE, HALLWAYS AND FLOOR PLANS.

10 (k) LANDSCAPING AND LANDSCAPING MAINTENANCE REQUIREMENTS, INCLUDING
11 COMMON AREAS AND AREAS MAINTAINED BY THE PROPERTY OWNER, AN ASSOCIATION OR
12 THE MEMBERS OF AN ASSOCIATION, EXCEPT THAT A MUNICIPALITY MAY LIMIT
13 LANDSCAPING MATERIALS TO DROUGHT-TOLERANT TREES, PLANTS AND SHRUBS.

14 (l) THE LOCATION, SIZE AND DESIGN OF OPEN SPACE AND AMENITIES,
15 INCLUDING AMENITIES IN COMMON AREAS MAINTAINED BY THE PROPERTY OWNER, AN
16 ASSOCIATION OR THE MEMBERS OF AN ASSOCIATION, EXCEPT THE LOCATION AND SIZE
17 OF OPEN SPACE MAY BE REGULATED TO THE EXTENT REQUIRED BY THE MUNICIPALITY
18 SOLELY FOR STORMWATER RETENTION AS OF THE EFFECTIVE DATE OF THIS SECTION.

19 (m) SIDEWALK PLACEMENT AND DESIGN, INCLUDING REQUIRING DETACHED
20 SIDEWALKS, EXCEPT AS REQUIRED BY TITLE 41, CHAPTER 9, ARTICLE 8 AND
21 APPLICABLE FEDERAL LAW.

22 (n) THE DESIGN, DECORATION AND LANDSCAPING OF THE REAR YARD, SIDE
23 YARD AND ANY AREA THAT IS NOT VISIBLE OR ACCESSIBLE TO THE PUBLIC.

24 (o) ANY OTHER ARCHITECTURAL OR AESTHETIC ELEMENT THAT DOES NOT
25 DIRECTLY AFFECT AN OBJECTIVE AND IDENTIFIED HEALTH OR SAFETY CONDITION.

26 2. "HOUSING ORGANIZATION" MEANS A TRADE OR INDUSTRY GROUP WHOSE
27 MEMBERS ARE ENGAGED IN THE DEVELOPMENT OR CONSTRUCTION OF SINGLE-FAMILY,
28 TWO-FAMILY OR MULTIFAMILY HOUSING UNITS.

29 3. "MINIMUM STANDARD BUILDING CODE" MEANS AN UNAMENDED MODEL
30 BUILDING CODE, INCLUDING THE INTERNATIONAL BUILDING CODE AND INTERNATIONAL
31 RESIDENTIAL CODE, HOWEVER DENOMINATED.

32 4. "OBJECTIVE" MEANS INVOLVING NO PERSONAL OR SUBJECTIVE JUDGMENT BY
33 A MUNICIPAL EMPLOYEE OR OFFICIAL AND BEING UNIFORMLY VERIFIABLE BY
34 REFERENCE TO AN EXTERNAL AND UNIFORM BENCHMARK, STANDARD OR CRITERION THAT
35 IS AVAILABLE AND KNOWABLE BY BOTH AN APPLICANT OR PROPONENT AND A MUNICIPAL
36 EMPLOYEE OR OFFICIAL.

37 5. "RESIDENTIAL HOUSING" MEANS A SINGLE-FAMILY, TWO-FAMILY OR
38 MULTIFAMILY BUILDING DESIGNED FOR RESIDENTIAL USE AND COMMON AREAS AND
39 IMPROVEMENTS THAT ARE OWNED OR MAINTAINED BY THE OWNER, AN ASSOCIATION OR
40 THE MEMBERS OF AN ASSOCIATION.

41 Sec. 8. Section 9-831, Arizona Revised Statutes, is amended to read:
42 9-831. Definitions

1 In this article, unless the context otherwise requires:

2 1. "Fire and life safety inspection" means an inspection of a
3 regulated person or facility conducted to ensure fire safety compliance.

4 2. "Food and swimming pool inspection" means an inspection of a
5 regulated person or facility conducted to ensure the safety of food
6 services, swimming pools and other bathing places.

7 3. "License":

8 (a) Includes the whole or part of any municipal permit, certificate,
9 approval, registration, charter or similar form of permission required by
10 law. ~~License~~

11 (b) Does not include a transaction privilege tax license.

12 4. "Licensing" includes the municipal process respecting the grant,
13 denial, renewal, revocation, suspension, annulment, withdrawal or amendment
14 of a license.

15 5. "Municipal" or "municipality" means an incorporated city or town.

16 6. "OBJECTIVE" MEANS INVOLVING NO PERSONAL OR SUBJECTIVE JUDGMENT BY
17 A MUNICIPAL EMPLOYEE OR OFFICIAL AND BEING UNIFORMLY VERIFIABLE BY
18 REFERENCE TO AN EXTERNAL AND UNIFORM BENCHMARK, STANDARD OR CRITERION THAT
19 IS AVAILABLE AND KNOWABLE BY BOTH AN APPLICANT OR PROPONENT AND A MUNICIPAL
20 EMPLOYEE OR OFFICIAL.

21 ~~6.~~ 7. "Person" means an individual, partnership, corporation,
22 association, governmental subdivision or unit of a governmental subdivision
23 or a public or private organization of any character.

24 ~~7.~~ 8. "Request for corrections" means a request for technical or
25 clarifying corrections from an applicant who has submitted an
26 administratively complete application for a license.

27 ~~8.~~ 9. "Substantive policy statement":

28 (a) Means a written expression that is only advisory and that
29 informs the general public of a municipality's current approach to, or
30 opinion of, the requirements of the ordinances or codes, including, if
31 appropriate, the municipality's current practice, procedure or method of
32 action based on that approach or opinion. ~~A substantive policy statement~~

33 (b) Does not include internal procedural documents that only affect
34 the internal procedures of the municipality and that do not impose
35 additional requirements or penalties on regulated parties or confidential
36 information.

37 ~~9.~~ 10. "Working day" means a ~~twenty-four hour~~ TWENTY-FOUR-HOUR
38 period excluding weekends and THE legal holidays ENUMERATED IN SECTION
39 1-301.

40 Sec. 9. Section 9-832, Arizona Revised Statutes, is amended to read:

41 9-832. Regulatory bill of rights

42 To ensure fair and open regulation by municipalities, a person:

1 1. Is eligible for reimbursement of fees and other expenses if the
2 person prevails by adjudication on the merits against a municipality in a
3 court proceeding regarding a municipality decision as provided in section
4 12-348.

5 2. Is entitled to receive information and notice regarding
6 inspections as provided in section 9-833.

7 3. Is entitled to have a municipality not base a licensing decision
8 in whole or in part on licensing conditions or requirements that are not
9 **OBJECTIVE AND** specifically authorized as provided in section 9-834,
10 subsection A.

11 4. May have a municipality approve or deny the person's license
12 application within a predetermined period of time as provided in section
13 9-835.

14 5. Is entitled to receive written or electronic notice from a
15 municipality on denial of a license application that:

16 (a) Justifies the denial with references to the statute, ordinance,
17 code or authorized substantive policy statements on which the denial is
18 based as provided in section 9-835.

19 (b) Explains the applicant's right to appeal the denial as provided
20 in section 9-835.

21 6. Is entitled to receive information regarding the license
22 application process at the time the person obtains an application for a
23 license as provided in section 9-836.

24 7. May inspect all ordinances, codes and substantive policy
25 statements of a municipality, including a directory of documents, at the
26 office of the municipality or on the municipality's website as provided in
27 section 9-837.

28 8. Unless specifically authorized, may expect municipalities to
29 avoid duplication of other laws that do not enhance regulatory clarity and
30 to avoid dual permitting to the maximum extent practicable as provided in
31 section 9-834.

32 9. May file a complaint with the municipality concerning an
33 ordinance, code or substantive policy statement that fails to comply with
34 this section.

35 10. As provided in section 9-834, is entitled to have a municipality
36 not request or initiate discussions about waiving any of the rights
37 prescribed in this section.

38 Sec. 10. Section 9-834, Arizona Revised Statutes, is amended to
39 read:

40 9-834. Prohibited acts by municipalities and employees;
41 enforcement; notice

1 A. A municipality shall not base a licensing decision in whole or in
2 part on a licensing requirement or condition that is not **OBJECTIVE AND**
3 specifically authorized by statute, rule, ordinance or code. A general
4 grant of authority does not constitute a basis for imposing a licensing
5 requirement or condition unless the authority specifically authorizes the
6 requirement or condition.

7 B. Unless specifically authorized, a municipality shall avoid
8 duplication of other laws that do not enhance regulatory clarity and shall
9 avoid dual permitting to the maximum extent practicable.

10 C. This section does not prohibit municipal flexibility to issue
11 licenses or adopt ordinances or codes.

12 D. A municipality shall not request or initiate discussions with a
13 person about waiving that person's rights.

14 E. This section may be enforced in a private civil action and relief
15 may be awarded against a municipality. The court may award reasonable
16 attorney fees, damages and all fees associated with the license application
17 to a party that prevails in an action against a municipality for a
18 violation of this section.

19 F. A municipal employee may not intentionally or knowingly violate
20 this section. A violation of this section is cause for disciplinary action
21 or dismissal pursuant to the municipality's adopted personnel policy.

22 G. This section does not abrogate the immunity provided by section
23 12-820.01 or 12-820.02.

24 H. A municipality shall prominently print the provisions of
25 subsections A, B, C, D, E, F and G of this section on all license
26 applications.

27 I. The ~~licensing~~ **LICENSE** application may be in either print or
28 electronic format.

29 Sec. 11. Section 9-835, Arizona Revised Statutes, is amended to
30 read:

31 9-835. Licensing time frames; compliance; consequence for
32 failure to comply with time frame; exemptions;
33 definition

34 A. For any new ordinance or code requiring a license, a municipality
35 shall have in place an overall time frame during which the municipality
36 will either grant or deny each type of license that it issues. The overall
37 time frame for each type of license shall state separately the
38 administrative completeness review time frame and the substantive review
39 time frame and shall be posted on the municipality's website or the website
40 of an association of cities and towns if the municipality does not have a
41 website.

1 B. ~~On or before December 31, 2012,~~ A municipality that issues
2 licenses required under existing ordinances or codes shall have in place an
3 overall time frame during which the municipality will either grant or deny
4 each type of license that it issues. The overall time frame for each type
5 of license shall state separately the administrative completeness review
6 time frame and the substantive review time frame and shall be posted on the
7 municipality's website or the website of an association of cities and towns
8 if the municipality does not have a website. Municipalities shall
9 prioritize the establishment of time frames for those licenses that have
10 the greatest impact on the public.

11 C. In establishing time frames, municipalities shall consider all of
12 the following:

- 13 1. The complexity of the licensing subject matter.
- 14 2. The resources of the municipality.
- 15 3. The economic impact of delay on the regulated community.
- 16 4. The impact of the licensing decision on public health and safety.
- 17 5. The possible use of volunteers with expertise in the subject
18 matter area.

19 6. The possible increased use of general licenses for similar types
20 of licensed businesses or facilities.

21 7. The possible increased cooperation between the municipality and
22 the regulated community.

23 8. Increased municipal flexibility in structuring the licensing
24 process and personnel including:

25 (a) Adult businesses and other licenses that are related to the
26 first amendment.

27 (b) Master planned communities.

28 (c) Suspension of the substantive and overall time frames for
29 purposes including delays caused by the need for public hearings, state or
30 federal licenses or approvals from public utilities on residential or
31 commercial development projects.

32 9. That the substantive review time frames and overall time frames
33 do not include the time required for an applicant to obtain other
34 nonmunicipal licenses or to participate in meetings as required by law.

35 10. **THE IMPACT ON THE SUPPLY AND COST OF HOUSING FROM UNNECESSARY**
36 **DELAYS IN THE APPROVAL AND PERMITTING PROCESSES.**

37 D. A municipality shall issue a written or electronic notice of
38 administrative completeness or deficiencies to an applicant for a license
39 within the administrative completeness review time frame. If the permit
40 sought requires approval of more than one department of the municipality,
41 each department may issue a written or electronic notice of administrative
42 completeness or deficiencies.

1 E. If a municipality determines that an application for a license is
2 not administratively complete, the municipality shall include a
3 comprehensive list of the specific deficiencies in the written or
4 electronic notice provided pursuant to subsection D of this section. If
5 the municipality issues a written or electronic notice of deficiencies
6 within the administrative completeness time frame, the administrative
7 completeness review time frame and the overall time frame are suspended
8 from the date the notice is issued until the date that the municipality
9 receives the missing information from the applicant. The municipality may
10 issue an additional written or electronic notice of administrative
11 completeness or deficiencies based on the applicant's submission of missing
12 information. If the permit sought requires approval of more than one
13 department of the municipality, each department may issue an additional
14 written or electronic notice of administrative completeness or deficiencies
15 based on the applicant's submission of missing information.

16 F. If a municipality does not issue a written or electronic notice
17 of administrative completeness or deficiencies within the administrative
18 completeness review time frame, the application is deemed administratively
19 complete. If a municipality issues a timely written or electronic notice
20 of deficiencies, an application ~~shall~~ IS not ~~be~~ complete until all
21 requested information has been received by the municipality. A
22 municipality may consider an application withdrawn if, by fifteen days or
23 more after the date of notice, as established by the municipality, the
24 applicant does not supply the documentation or information requested or an
25 explanation of why the information cannot be provided within the
26 established time period.

27 G. During the substantive review time frame, a municipality may make
28 one comprehensive written or electronic request for corrections. If the
29 municipality identifies legal requirements that were not included in the
30 comprehensive request for corrections, the municipality may amend the
31 comprehensive request for corrections once to include the legal
32 requirements and the legal authority for the requirements. **WITHIN FIVE
33 WORKING DAYS FOLLOWING A REQUEST BY THE APPLICANT, THE MUNICIPALITY SHALL
34 MEET OR DISCUSS WITH THE APPLICANT THE REQUEST FOR CORRECTIONS AND PROVIDE
35 SUFFICIENT INFORMATION AND INSTRUCTION TO ALLOW THE APPLICANT TO PROVIDE
36 THE REQUESTED CORRECTIONS.** If the permit sought requires approval of more
37 than one department of the municipality, each department may issue a
38 comprehensive written or electronic request for corrections. If the
39 applicant fails to resolve an issue identified in a request for
40 corrections, the municipality may make supplemental written or electronic
41 requests for corrections that are limited to issues previously identified
42 in a comprehensive request for corrections. If a municipality issues a

1 comprehensive written or electronic request or a supplemental request for
2 corrections, the substantive review time frame and the overall time frame
3 are suspended from the date the request is issued until the date that the
4 municipality receives the corrections from the applicant. If an applicant
5 requests significant changes, alterations, additions or amendments to an
6 application that are consistent with the purposes of the original
7 application and that are not in response to the request for corrections, a
8 municipality may make one additional comprehensive written or electronic
9 request for corrections and may have ~~no~~ NOT more than an additional fifty
10 ~~per cent~~ PERCENT of the substantive review time frame as established by the
11 municipality for that license to grant or deny the license. Nothing shall
12 prevent communication between a municipality and an applicant regarding a
13 comprehensive written or electronic request for corrections or a
14 supplemental request for corrections. EXCEPT FOR AN APPLICATION SUBMITTED
15 FOR A CHANGE IN ZONING PURSUANT TO CHAPTER 4, ARTICLE 6.1 OF THIS TITLE, A
16 MUNICIPALITY MAY NOT DENY A LICENSE APPLICATION THAT IS NECESSARY FOR LAND
17 DEVELOPMENT OR BUILDING CONSTRUCTION UNLESS THE MUNICIPALITY CONSIDERS THE
18 APPLICATION WITHDRAWN. A municipality may consider an application
19 withdrawn if, by thirty days or more after the date of notice, as
20 established by the municipality, the applicant does not supply the
21 documentation or information requested or an explanation of why the
22 information cannot be provided within the established time period.

23 H. Nothing shall prevent the municipality from continuing to process
24 the application during the suspension of the substantive review time frame
25 and overall time frame.

26 I. By mutual written or electronic agreement, a municipality and an
27 applicant for a license may extend the substantive review time frame and
28 the overall time frame. An extension of the substantive review time frame
29 and the overall time frame may not exceed fifty ~~per cent~~ PERCENT of the
30 overall time frame.

31 J. Unless a municipality and an applicant for a license mutually
32 agree to extend the substantive review time frame and the overall time
33 frame pursuant to subsection I of this section, a municipality shall issue
34 a written or electronic notice granting or denying a license to an
35 applicant. If a municipality denies or withdraws an application for a
36 license, the municipality shall include in the written or electronic notice
37 at least the following information:

38 1. Justification for the denial or withdrawal with references to the
39 statutes, ordinances, codes or substantive policy statements on which the
40 denial or withdrawal is based.

41 2. An explanation of the applicant's right to appeal the denial or
42 withdrawal. The explanation shall include the number of working days in

1 which the applicant must file a protest challenging the denial or
2 withdrawal and the name and telephone number of a municipal contact person
3 who can answer questions regarding the appeals process.

4 3. An explanation of the applicant's right to resubmit the
5 application, the total amount of fees that will be assessed if the
6 applicant resubmits the application and the method in which those fees were
7 calculated.

8 K. If a municipality does not issue the applicant the written or
9 electronic notice granting, **CONDITIONALLY GRANTING** or denying a license
10 within the overall time frame or within the mutually agreed on time frame
11 extension, the municipality shall refund to the applicant all fees charged
12 for reviewing and acting on the application for the license and shall
13 excuse payment of any fees that have not yet been paid. The municipality
14 shall not require an applicant to submit an application for a refund
15 pursuant to this subsection. The refund shall be made within thirty
16 working days after the expiration of the overall time frame or the time
17 frame extension. The municipality shall continue to process the
18 application. Notwithstanding any other statute, the municipality shall
19 make the refund from the fund in which the application fees were originally
20 deposited. The right to receive a refund of fees charged for reviewing and
21 acting on the application for the license may not be waived by an
22 applicant. **EXCEPT FOR A FINAL CERTIFICATE OF OCCUPANCY OR A FINAL**
23 **INSPECTION FOR LAND DEVELOPMENT OR BUILDING CONSTRUCTION, IF THE**
24 **APPLICATION IS FOR A LICENSE OR APPROVAL THAT IS NECESSARY FOR LAND**
25 **DEVELOPMENT OR BUILDING CONSTRUCTION, THE APPLICATION SHALL BE DEEMED**
26 **APPROVED IF THE MUNICIPALITY DOES NOT ISSUE THE APPLICANT THE WRITTEN OR**
27 **ELECTRONIC NOTICE GRANTING OR CONDITIONALLY GRANTING THE LICENSE OR**
28 **APPROVAL WITHIN THE OVERALL TIME FRAME OR WITHIN THE MUTUALLY AGREED ON**
29 **TIME FRAME EXTENSION. THE MUNICIPALITY MAY RETAIN ALL FEES CHARGED FOR**
30 **REVIEWING AND ACTING ON THE APPLICATION.**

31 L. If an application for a license is denied and the applicant
32 resubmits the application for the same purposes with only revisions or
33 corrections to the original application, the municipality shall not assess
34 any additional application fees that exceed the cost of processing the
35 resubmitted revisions or corrections. This subsection does not apply to
36 license applications that were denied for disqualifying criminal
37 convictions or that were submitted fraudulently.

38 M. If an application for a license is withdrawn and the applicant
39 resubmits the application for the same purpose, the municipality shall not
40 assess any additional application fees that exceed fifty ~~per cent~~ **PERCENT**
41 of the original ~~applicant~~ **APPLICATION** fees that have not been refunded to
42 the applicant. This subsection does not apply to license applications that

1 were denied for disqualifying criminal convictions or that were submitted
2 fraudulently.

3 N. This section does not apply to a license that is ~~either:~~
4 ~~1.~~ issued within seven working days after receipt of the initial
5 application or a permit that expires within twenty-one working days after
6 issuance.

7 ~~2. Necessary for the construction or development of a residential~~
8 ~~lot, including swimming pools, hardscape and property walls, subdivisions~~
9 ~~or master planned community.~~

10 O. For the purposes of this section, ~~:-~~

11 ~~1.~~ "master planned community" means development by one or more
12 developers of real estate that consists of residential, commercial,
13 education, health care, open space and recreational components and that is
14 developed pursuant to a long-range, multiphase master plan providing
15 comprehensive land use planning and staged implementation and development.

16 ~~2. "Subdivision" means improved or unimproved land or lands divided~~
17 ~~for the purposes of financing, sale or lease, whether immediate or future,~~
18 ~~into four or more lots, tracts or parcels of land, or, if a new street is~~
19 ~~involved, any such property that is divided into two or more lots, tracts~~
20 ~~or parcels of land, or, any such property, the boundaries of which have~~
21 ~~been fixed by a recorded plat, which is divided into more than two parts.~~
22 ~~Subdivision includes any condominium, cooperative, community apartment,~~
23 ~~townhouse or similar project containing four or more parcels, in which an~~
24 ~~undivided interest in the land is coupled with the right of exclusive~~
25 ~~occupancy of any unit located thereon, but plats of such projects need not~~
26 ~~show the buildings or the manner in which the buildings or airspace above~~
27 ~~the property shown on the plat are to be divided.~~

28 Sec. 12. Section 11-812, Arizona Revised Statutes, is amended to
29 read:

30 11-812. Restriction on regulation; exceptions; aggregate
31 mining regulation; definitions

32 A. ~~Nothing contained in~~ Any ordinance authorized by this chapter
33 shall NOT:

34 1. Affect existing uses of property or the right to its continued
35 use or the reasonable repair or alteration of the property for the purpose
36 for which used at the time the ordinance affecting the property takes
37 effect.

38 2. Prevent, restrict or otherwise regulate the use or occupation of
39 land or improvements for railroad, mining, metallurgical, grazing or
40 general agricultural purposes, if the tract concerned is five or more
41 contiguous commercial acres. For the purposes of this paragraph:

1 (a) "General agricultural purposes" includes agritourism as defined
2 in section 3-111, but does not include any of the following:

3 (i) Food establishments THAT ARE under the authority of the
4 department of health services pursuant to section 36-136, subsection I AND
5 that are associated with an agritourism business.

6 (ii) Rodeo events that are open to the general public and that sell
7 tickets for admission. For the purposes of this item, rodeo events do not
8 include generally accepted agricultural practices associated with livestock
9 and equine operations.

10 (iii) The cultivation of cannabis as defined in section 13-3401 or
11 marijuana as defined in section 13-3401 or 36-2801.

12 (b) "Mining" has the same meaning prescribed in section 27-301.

13 3. Prevent, restrict or otherwise regulate the use or occupation of
14 land or improvements for agricultural composting, if the tract is five or
15 more contiguous commercial acres. An agricultural composting operation
16 shall notify in writing the board of supervisors and the nearest fire
17 department of the location of the composting operation. If the nearest
18 fire department is located in a city, town or fire district where the
19 agricultural composting is not located, the agricultural composting
20 operation shall also notify in writing the fire district in which the
21 operation is located. Agricultural composting is subject to sections 3-112
22 and 49-141. For the purposes of this paragraph, "agricultural composting"
23 has the same meaning prescribed in section 9-462.01, subsection ~~6~~ I.

24 4. Prevent, restrict or otherwise regulate the otherwise lawful
25 discharge of a firearm or air gun or use of archery equipment on a private
26 lot or parcel of land that is not open to the public on a commercial or
27 membership basis.

28 B. A nonconforming business use within a district may expand if the
29 expansion does not exceed one hundred ~~per cent~~ PERCENT of the area of the
30 original business.

31 C. For the purposes of subsection A, paragraph 2 of this section,
32 mining does not include aggregate mining operations in an aggregate mining
33 operations zoning district established pursuant to this section. The board
34 of supervisors of any county with a population of more than two million
35 persons shall designate and establish the boundaries of an aggregate mining
36 operations zoning district on the petition of at least one hundred persons
37 who reside within one-half mile of an existing aggregate mining operation.
38 In addition, the board of supervisors of any county may establish, in its
39 discretion and on the board's initiative, one or more aggregate mining
40 operations zoning districts. Aggregate mining operations zoning districts
41 may only be located in areas that are inventoried and mapped as areas of
42 known reserves or in areas with existing aggregate mining operations.

1 Subject to subsections E and F of this section, a county and the state mine
2 inspector may jointly adopt, as internal administrative regulations,
3 reasonable aggregate mining operations zoning district standards limited to
4 permitted uses, procedures for approval of property development plans and
5 site development standards for dust control, height regulations, setbacks,
6 days and hours of operation, off-street parking, screening, noise,
7 vibration and air pollution control, signs, roadway access lanes, arterial
8 highway protection and property reclamation for which aggregate mining
9 operations are not otherwise subject to federal, state or local regulation
10 or a governmental contractual obligation. Regulations jointly adopted
11 pursuant to this subsection by the county and the state mine inspector
12 shall not prohibit the activities included in the definition of mine
13 pursuant to section 27-301, paragraph 8 or duplicate, conflict with or be
14 more stringent than applicable federal, state or local laws.

15 D. The board of supervisors of any county that establishes an
16 aggregate mining operations zoning district shall appoint an aggregate
17 mining operations recommendation committee for the district. The committee
18 consists of not more than seven operators, or representatives of operators,
19 of active aggregate mining operations in any district within the county and
20 an equal number of private citizens, who are not operators, who are not
21 employed by operators and who do not represent operators, residing within
22 three miles of the boundaries of aggregate mining operations or a proposed
23 aggregate mining operation in the district for which the committee is
24 established. The initial members appointed to the committee shall be
25 deemed the primary members, and the board of supervisors shall appoint not
26 more than five alternate members who represent operators and shall appoint
27 not more than five alternate members who are private citizens. Alternate
28 members may serve at meetings of the committee when a primary member is
29 unable to attend. An aggregate mining operator may serve on more than one
30 committee in the same county. The board of supervisors shall determine the
31 length of terms of members of the committee and shall stagger the initial
32 appointments so that not all members' terms expire at the same time.
33 Members of the committee who no longer qualify for membership as provided
34 by this subsection are subject to removal and replacement by the board of
35 supervisors. The committee shall elect a member who is an aggregate mining
36 operator to serve as chairperson for the first year in which the committee
37 is created. For each year thereafter, the chairperson shall be elected by
38 the members of the committee with a member who is a private citizen and a
39 member who is an aggregate mining operator serving as chairperson in
40 alternate years. The committee is subject to the open meeting requirements
41 of title 38, chapter 3, article 3.1.

1 E. Within ninety days after an aggregate mining operations
2 recommendation committee is established, the committee shall notify all
3 existing aggregate mining operators in the district of the application of
4 this section and title 27, chapter 3, article 6 to the aggregate mining
5 operation. In addition, the committee shall:

6 1. By a majority vote of all members make recommendations to the
7 board of supervisors for aggregate mining zoning districts and
8 administrative regulations as provided in this section. The board of
9 supervisors may adopt or reject the recommendations but may not make any
10 modifications to the recommendations unless the modification is approved by
11 a majority of the members of the recommendation committee.

12 2. Serve as a forum for mediation of disputes between members of the
13 public and aggregate mining owners or operators. If the committee is
14 unable to resolve a dispute, the committee shall transmit the matter to the
15 state mine inspector, with written findings and recommendations, for
16 further action.

17 3. Hear written complaints filed with the state mine inspector
18 regarding alleged material deviations from approved community notices for
19 aggregate mining operations and make written recommendations to the state
20 mine inspector pursuant to section 27-446.

21 F. Any administrative regulations adopted by a board of supervisors
22 pursuant to this section are not effective until the regulations are
23 approved by the state mine inspector. The STATE MINE inspector may
24 disapprove the administrative regulations adopted by the board of
25 supervisors only if they duplicate, conflict with or are more stringent
26 than applicable federal, state or local laws, rules or regulations. If the
27 STATE MINE inspector disapproves the administrative regulations, the STATE
28 MINE inspector must provide written reasons for the disapproval. The STATE
29 MINE inspector shall not make any modification to the administrative
30 regulations as adopted by the board of supervisors unless the modification
31 is approved by a majority of the members of the board of supervisors.

32 G. A person or entity is subject to this chapter if the use or
33 occupation of land or improvements by the person or entity consists of or
34 includes changing, remanufacturing or treating human sewage or sludge for
35 distribution or resale. These activities are not exempt from this chapter
36 under subsection A, paragraph 2 of this section.

37 H. A county shall not require as a condition for a permit or for any
38 approval, or otherwise cause, an owner or possessor of property to waive
39 the right to continue an existing nonconforming outdoor advertising use or
40 structure without acquiring the use or structure by purchase or
41 condemnation and paying just compensation unless the county, at its option,
42 allows the use or structure to be relocated to a comparable site in the

1 county with the same or a similar zoning classification, or to another site
2 in the county acceptable to both the county and the owner of the use or
3 structure, and the use or structure is relocated to the other site. The
4 county shall pay for relocating the outdoor advertising use or structure
5 including the cost of removing and constructing the new use or structure
6 that is at least the same size and height. This subsection does not apply
7 to county rezoning of property at the request of the property owner to a
8 more intensive zoning district.

9 I. For the purposes of this section:

10 1. "Aggregate" has the same meaning prescribed in section 27-441.

11 2. "Aggregate mining" has the same meaning prescribed in section
12 27-441.

13 3. "Aggregate mining operation" means property that is owned,
14 operated or managed by the same person for aggregate mining.

15 4. "Operators" means persons who are actively engaged in aggregate
16 mining operations within the zoning district or proposed zoning district
17 and who have given notice to the state mine inspector pursuant to section
18 27-303.

19 Sec. 13. Section 41-3955, Arizona Revised Statutes, is amended to
20 read:

21 41-3955. Housing trust fund; purposes; annual report

22 A. The housing trust fund is established, and the director shall
23 administer the fund. The fund consists of monies from unclaimed property
24 deposited in the fund pursuant to section 44-313, monies transferred
25 pursuant to ~~section~~ SECTIONS 35-751 AND 41-5352 and investment earnings.

26 B. On notice from the department, the state treasurer shall invest
27 and divest monies in the fund as provided by section 35-313, and monies
28 earned from investment shall be credited to the fund.

29 C. Except as provided in subsection D of this section, fund monies
30 shall be spent on approval of the department for developing projects and
31 programs connected with providing housing opportunities for low and
32 moderate income households, ~~and~~ for housing affordability programs AND TO
33 FUND THE RURAL HOUSING INFRASTRUCTURE GRANT PROGRAM ESTABLISHED BY SECTION
34 41-3958. ~~Pursuant to section 44-313, subsection A,~~ A portion of fund
35 monies shall be used exclusively for housing in rural areas.

36 D. Fund monies may be spent on constructing or renovating
37 facilities and on housing assistance, including support services, for
38 persons who have been determined to be seriously mentally ill and to be
39 chronically resistant to treatment.

40 E. For the purposes of subsection C of this section, in approving
41 the expenditure of monies, the director shall give priority to funding
42 projects that provide for operating, constructing or renovating facilities

1 for housing for low-income families and that provide housing and shelter
2 to families that have children.

3 F. The director shall report annually to the legislature on the
4 status of the housing trust fund. The report shall include a summary of
5 facilities for which funding was provided during the preceding fiscal year
6 and shall show the cost and geographic location of each facility and the
7 number of individuals benefiting from the operation, construction or
8 renovation of the facility. The report shall also include the number of
9 individuals who benefit from housing assistance pursuant to subsection D
10 of this section. The report shall be submitted to the president of the
11 senate and the speaker of the house of representatives, and a copy
12 provided to the secretary of state, not later than September 1 of each
13 year.

14 G. Monies in the housing trust fund are exempt from the provisions
15 of section 35-190 relating to lapsing of appropriations.

16 H. An amount not to exceed ten percent of the housing trust fund
17 monies may be appropriated annually by the legislature to the department
18 for administrative costs in providing services relating to the housing
19 trust fund.

20 I. For any construction project financed by the department pursuant
21 to this section, the department shall notify a city, town, county or tribal
22 government that a project is planned for its jurisdiction and, before
23 proceeding, shall seek comment from the governing body of the city, town,
24 county or tribal government or an official authorized by the governing body
25 of the city, town, county or tribal government. The department shall not
26 interfere with or attempt to override the local jurisdiction's planning,
27 zoning or land use regulations.

28 Sec. 14. Title 41, chapter 37, article 2, Arizona Revised Statutes,
29 is amended by adding section 41-3958, to read:

30 41-3958. Rural housing infrastructure grant program;
31 administration; annual report; definitions

32 A. THE RURAL HOUSING INFRASTRUCTURE GRANT PROGRAM IS ESTABLISHED TO
33 FACILITATE THE CONSTRUCTION OF NEW RESIDENTIAL HOUSING UNITS AND TO PROVIDE
34 FOR DIVERSITY OF HOUSING TYPES NEEDED IN RURAL AREAS. THE DEPARTMENT SHALL
35 ADMINISTER THE GRANT PROGRAM.

36 B. GRANT RECIPIENTS MAY USE MONIES TO CONSTRUCT LIMITED NECESSARY
37 PUBLIC SERVICES OR FACILITY EXPANSION THAT WILL PREDOMINANTLY SERVE
38 RESIDENTIAL HOUSING UNITS IN CITY, TOWN OR COUNTY SERVICE AREAS.

39 C. APPLICANTS SHALL SUBMIT AN APPLICATION FOR GRANT MONIES TO THE
40 DEPARTMENT IN A MANNER PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT SHALL
41 ESTABLISH AN APPLICATION FORM, PROCESS AND PROCEDURE BY WHICH GRANT MONIES
42 ARE AWARDED.

1 D. TO BE ELIGIBLE TO RECEIVE A GRANT, AN APPLICANT MUST DEMONSTRATE
2 TO THE DEPARTMENT THAT IT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

3 1. IS A CITY OR TOWN WITH A POPULATION OF LESS THAN TWENTY-FIVE
4 THOUSAND PERSONS OR A COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED
5 THOUSAND PERSONS.

6 2. THE CITY, TOWN OR COUNTY HAS AN IDENTIFIED HOUSING SHORTAGE.

7 3. THE CITY, TOWN OR COUNTY HAS IDENTIFIED A SHORTAGE OF LIMITED
8 NECESSARY PUBLIC SERVICES OR FACILITY EXPANSION AS A BARRIER TO
9 CONSTRUCTING NEW HOUSING UNITS.

10 4. THE INFRASTRUCTURE TO BE CONSTRUCTED IS A LIMITED NECESSARY
11 PUBLIC SERVICE OR FACILITY EXPANSION.

12 5. THE INFRASTRUCTURE TO BE CONSTRUCTED PREDOMINANTLY SERVES NEW
13 RESIDENTIAL HOUSING UNITS REGARDLESS OF HOUSING TYPE.

14 6. THE COUNTY, CITY OR TOWN HAS REMOVED ANY CODES, ORDINANCES,
15 STANDARDS OR OTHER LEGAL REQUIREMENTS THAT WOULD RESTRICT THE CONSTRUCTION
16 OF NEW HOUSING UNITS OF ANY TYPE.

17 E. THE RURAL HOUSING DEVELOPMENT GRANT PROGRAM SHALL BE FUNDED
18 THROUGH THE HOUSING TRUST FUND ESTABLISHED BY SECTION 41-3955.

19 F. IF THE INFRASTRUCTURE FOR WHICH THE GRANT WAS AWARDED IS
20 IDENTIFIED IN AN INFRASTRUCTURE IMPROVEMENTS PLAN ADOPTED PURSUANT TO
21 SECTION 9-463.05 OR 11-1102, THE CITY, TOWN OR COUNTY SHALL AMEND THE
22 ADOPTED INFRASTRUCTURE IMPROVEMENTS PLAN WITHIN SIXTY DAYS AFTER
23 NOTIFICATION OF THE AWARD. A CITY, TOWN OR COUNTY MAY NOT ASSESS A
24 DEVELOPMENT FEE PURSUANT TO SECTION 9-463.05 OR 11-1102 FOR ANY
25 INFRASTRUCTURE PROJECT FOR WHICH A GRANT WAS AWARDED PURSUANT TO THIS
26 SECTION.

27 G. THE DEPARTMENT MAY NOT REQUIRE THE CONSTRUCTION OF A SPECIFIC
28 HOUSING TYPE OR HOUSING PROJECT AS A CONDITION OF GRANT APPROVAL.

29 H. ON OR BEFORE DECEMBER 31, 2024 AND EACH YEAR THEREAFTER, THE
30 DEPARTMENT SHALL PROVIDE THE LEGISLATURE AND THE GOVERNOR WITH A REPORT ON
31 THE FOLLOWING INFORMATION AND SHALL PROVIDE A COPY OF THE REPORT TO THE
32 SECRETARY OF STATE:

33 1. THE AMOUNT OF GRANT PROGRAM MONIES THAT WERE PROVIDED TO RURAL
34 CITIES, TOWNS AND COUNTIES.

35 2. THE AMOUNT OF RESIDENTIAL HOUSING UNITS THAT WERE BUILT USING
36 GRANT PROGRAM MONIES.

37 3. WHICH RURAL AREAS RECEIVED GRANT PROGRAM MONIES.

38 I. FOR THE PURPOSES OF THIS SECTION:

39 1. "FACILITY EXPANSION":

40 (a) MEANS THE EXPANSION OF THE CAPACITY OF AN EXISTING FACILITY THAT
41 SERVES THE SAME FUNCTION AS AN OTHERWISE NEW LIMITED NECESSARY PUBLIC
42 SERVICE IN ORDER FOR THE EXISTING FACILITY TO SERVE NEW DEVELOPMENT.

1 (b) DOES NOT INCLUDE THE REPAIR, MAINTENANCE, MODERNIZATION OR
2 EXPANSION OF AN EXISTING FACILITY TO BETTER SERVE EXISTING DEVELOPMENT.

3 2. "LIMITED NECESSARY PUBLIC SERVICE" MEANS ANY OF THE FOLLOWING
4 FACILITIES THAT HAVE A LIFE EXPECTANCY OF THREE OR MORE YEARS AND THAT ARE
5 OWNED OR OPERATED BY OR ON BEHALF OF THE CITY, TOWN OR COUNTY:

6 (a) WATER FACILITIES, INCLUDING THE SUPPLY, TRANSPORTATION,
7 TREATMENT, PURIFICATION AND DISTRIBUTION OF WATER, AND ANY APPURTENANCES
8 FOR THOSE FACILITIES.

9 (b) WASTEWATER FACILITIES, INCLUDING THE COLLECTION, INTERCEPTION,
10 TRANSPORTATION, TREATMENT AND DISPOSAL OF WASTEWATER, AND ANY APPURTENANCES
11 FOR THOSE FACILITIES.

12 (c) STORMWATER DRAINAGE AND FLOOD CONTROL FACILITIES, INCLUDING ANY
13 APPURTENANCES FOR THOSE FACILITIES.

14 (d) STREET FACILITIES LOCATED IN THE SERVICE AREA, INCLUDING
15 ARTERIAL OR COLLECTOR STREETS OR ROADS THAT HAVE BEEN DESIGNATED ON AN
16 OFFICIAL ADOPTED PLAN OF THE CITY, TOWN OR COUNTY, AND RIGHTS-OF-WAY AND
17 IMPROVEMENTS THEREON.

18 3. "SERVICE AREA" MEANS ANY SPECIFIED AREA WITHIN THE BOUNDARIES OF
19 A CITY, TOWN OR COUNTY IN WHICH DEVELOPMENT WILL BE SERVED BY LIMITED
20 NECESSARY PUBLIC SERVICES OR FACILITY EXPANSIONS.

21 Sec. 15. Section 41-5352, Arizona Revised Statutes, is amended to
22 read:

23 41-5352. Arizona finance authority: fund

24 A. The Arizona finance authority is established in the office of
25 economic opportunity.

26 B. The governor shall appoint the director of the authority to serve
27 at the pleasure of the governor.

28 C. The Arizona finance authority operations fund is established
29 consisting of monies deposited pursuant to section 41-5355. The authority
30 shall administer the fund. Monies in the fund are continuously
31 appropriated.

32 D. At the end of the fiscal year, the authority shall transfer all
33 unencumbered monies in the fund in excess of the authority's operating
34 costs to the ~~economic development fund established by section 41-5302~~
35 HOUSING TRUST FUND ESTABLISHED BY SECTION 41-3955.

36 Sec. 16. Section 44-313, Arizona Revised Statutes, is amended to
37 read:

38 44-313. Deposit of monies

39 A. Except as otherwise provided in this section or section 44-314,
40 the department shall deposit, pursuant to sections 35-146 and 35-147, in
41 the state general fund all monies received pursuant to this chapter,

1 including the proceeds from the sale of abandoned property pursuant to
2 section 44-312, except that:

3 1. FIFTY-FIVE PERCENT OF THE MONIES SHALL BE DEPOSITED IN THE
4 HOUSING TRUST FUND ESTABLISHED BY SECTION 41-3955.

5 ~~1. 2. The first two million dollars~~ \$2,000,000 of the monies shall
6 be deposited each fiscal year in the seriously mentally ill housing trust
7 fund established by section 41-3955.01.

8 ~~2. The second two million five hundred thousand dollars of the~~
9 ~~monies shall be deposited in the housing trust fund established by section~~
10 ~~41-3955.~~

11 3. ~~The next twenty-four million five hundred thousand dollars~~
12 \$24,500,000 of the monies shall be deposited each fiscal year in the
13 department of revenue administrative fund established by section
14 42-1116.01.

15 B. The department shall deposit monies from unclaimed shares and
16 dividends of any corporation incorporated under the laws of this state in
17 the permanent state school fund pursuant to article XI, section 8,
18 Constitution of Arizona.

19 C. The department shall deposit monies from unclaimed victim
20 restitution payments in the victim compensation and assistance fund
21 established by section 41-2407 for the purpose of establishing, maintaining
22 and supporting programs that compensate and assist victims of crime.

23 D. The department shall retain in a separate trust fund at least ~~one~~
24 ~~hundred thousand dollars~~ \$100,000 from which the department shall pay
25 claims.

26 E. Before making the deposit, the department shall record the name
27 and last known address of each person who appears from the holders' reports
28 to be entitled to the property and the name and last known address of each
29 insured person or annuitant and beneficiary. The department shall also
30 record the policy or contract number of each policy or contract of an
31 insurance company that is listed in the report, the name of the company and
32 the amount due. The department shall make the record available for public
33 inspection during reasonable business hours."

34 Amend title to conform

STEVE KAISER

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S: JT/sr