

House Engrossed
municipal general plan; adoption

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2023

AN ACT

AMENDING SECTION 9-461.06, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-461.06, Arizona Revised Statutes, is amended
3 to read:

4 9-461.06. Adoption and amendment of general plan; expiration
5 and readoption

6 A. In municipalities that have territory in a high noise or
7 accident potential zone as defined in section 28-8461, the legislature
8 finds that in general plans and amendments to general plans land use
9 compatibility with the continued operation of a military airport or
10 ancillary military facility as defined in section 28-8461 is a matter of
11 statewide concern.

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

14 C. The governing body shall:

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

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

20 (b) The opportunity for written comments.

21 (c) Public hearings after effective notice.

22 (d) Open discussions, communications programs and information
23 services.

24 (e) Consideration of public comments.

25 2. Consult with, advise and provide an opportunity for official
26 comment by public officials and agencies, the county, school districts,
27 associations of governments, public land management agencies, the military
28 airport if the municipality has territory in the vicinity of a military
29 airport or ancillary military facility as defined in section 28-8461, a
30 military installation OR range or Arizona national guard site as defined
31 in section 9-500.50, if applicable, other appropriate government
32 jurisdictions, public utility companies, civic, educational, professional
33 and other organizations, property owners and citizens generally to secure
34 maximum coordination of plans and to indicate properly located sites for
35 all public purposes on the general plan.

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

41 1. The planning agency of the county in which the municipality is
42 located.

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

1 3. The regional planning agency within which the municipality is
2 located.

3 4. The Arizona commerce authority or any other state agency that is
4 subsequently designated as the general planning agency for this state.

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

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

11 7. If the general plan or an element or major amendment of the
12 general plan is applicable to property in the high noise or accident
13 potential zone of a military airport or ancillary military facility as
14 defined in section 28-8461, the attorney general. For the purposes of
15 this paragraph, "major amendment" means a substantial alteration of the
16 municipality's land use mixture or balance as established in the
17 municipality's existing general plan land use element.

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

20 E. If the municipality has a planning commission, after considering
21 any recommendations from the review required under subsection D of this
22 section, the planning commission shall hold at least one public hearing
23 before approving a general plan or any amendment to such plan. When the
24 general plan or any major amendment is being adopted, planning commissions
25 in municipalities with populations of more than twenty-five thousand
26 persons shall hold two or more public hearings at different locations
27 within the municipality to promote citizen participation. Notice of the
28 time and place of a hearing and availability of studies and summaries
29 related to the hearing shall be given at least fifteen and not more than
30 thirty calendar days before the hearing by:

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

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

36 F. Action by the planning commission on the general plan or any
37 amendment to the plan shall be transmitted to the governing body of the
38 municipality.

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

1 H. The adoption or readoption of the general plan or any amendment
2 to such plan shall be by resolution of the governing body of the
3 municipality, after notice as provided for in subsection E of this
4 section. The adoption or readoption of or a major amendment to the
5 general plan shall be approved by affirmative vote of at least two-thirds
6 of the members of the governing body of the municipality. All major
7 amendments to the general plan proposed for adoption by the governing body
8 of a municipality shall be presented at a public hearing held within
9 twelve months after the proposal is made. The general plan, or any
10 amendment to the plan, shall be endorsed in the manner provided by the
11 governing body to show that it has been adopted by the governing body. If
12 the municipality includes property in the high noise or accident potential
13 zone of a military airport or ancillary military facility as defined in
14 section 28-8461, the governing body of the municipality shall send notice
15 of the approval, adoption or readoption of the general plan or major
16 amendment to the general plan to the attorney general by certified mail,
17 return receipt requested, within three business days after the approval,
18 adoption or readoption. If the attorney general determines the approval,
19 adoption or readoption of the general plan or major amendment to the
20 general plan is not in compliance with section 28-8481, subsection J, the
21 attorney general shall notify the municipality by certified mail, return
22 receipt requested, of the determination of noncompliance. The
23 municipality shall receive the notice from the attorney general within
24 twenty-five days after the notice from the municipality to the attorney
25 general is mailed pursuant to this subsection. The effective date of any
26 approval, adoption or readoption of, or major amendment to, the general
27 plan shall be thirty days after the governing body's receipt of the
28 attorney general's determination of noncompliance. Within thirty days
29 after the receipt of a determination of noncompliance by the attorney
30 general as prescribed by this section, the governing body of the
31 municipality shall reconsider any approval, adoption or readoption of, or
32 major amendment to, the general plan that impacts property in the high
33 noise or accident potential zone of a military airport or ancillary
34 military facility as defined in section 28-8461. If the governing body
35 reaffirms a prior action subject to an attorney general's determination of
36 noncompliance pursuant to this section, the attorney general may institute
37 a civil action pursuant to section 28-8481, subsection L. If the
38 governing body timely sends notice pursuant to this subsection and the
39 attorney general fails to timely notify the governing body of a
40 determination of noncompliance, the general plan or major amendment to the
41 general plan shall be deemed to comply with section 28-8481,
42 subsection J. If the motion to adopt or readopt a general plan or an
43 amendment to the general plan fails to pass, the governing body may
44 reconsider the motion in any manner allowed by the governing body's rules

1 of procedure, but any subsequent motion for the adoption or readoption of
2 the general plan or a major amendment to the general plan must be approved
3 by an affirmative vote of at least two-thirds of the members of the
4 governing body. For the purposes of this subsection, "major amendment"
5 means a substantial alteration of the municipality's land use mixture or
6 balance as established in the municipality's existing general plan land
7 use element. The municipality's general plan shall define the criteria to
8 determine if a proposed amendment to the general plan effects a
9 substantial alteration of the municipality's land use mixture or balance
10 as established in the municipality's existing general plan land use
11 element.

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

16 J. A copy of the adopted general plan of a municipality shall be
17 sent to the planning agency of the county within which the municipality is
18 located, and such plan or any portion of the plan may be adopted as a part
19 of the county general plan.

20 K. A general plan, with any amendments, is effective for up to ten
21 years after the date the plan was initially adopted and ratified pursuant
22 to subsection M of this section, or until the plan is readopted pursuant
23 to this subsection and ratified pursuant to subsection M of this section
24 or a new plan is adopted pursuant to this subsection and ratified pursuant
25 to subsection M of this section, and becomes effective. On or before the
26 tenth anniversary of the plan's most recent adoption, the governing body
27 of the municipality shall either readopt the existing plan for an
28 additional term of up to ten years or shall adopt a new general plan as
29 provided by this article.

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

36 M. The governing body of a city or town having a population of more
37 than two thousand five hundred persons but less than ten thousand persons
38 and whose population growth rate exceeded an average of two percent per
39 year for the ten-year period before the most recent United States
40 decennial census, and any city or town having a population of ten thousand
41 or more persons, shall submit each new general plan adopted pursuant to
42 subsection K of this section to the voters for ratification at the next
43 regularly scheduled municipal election or at a special election scheduled
44 at least one hundred twenty days after the governing body adopted the plan

pursuant to section 16-204. IN A CITY OR TOWN WITH A POPULATION OF MORE THAN TWO THOUSAND FIVE HUNDRED PERSONS BUT LESS THAN TEN THOUSAND PERSONS, WHOSE POPULATION GROWTH RATE DID NOT EXCEED AN AVERAGE OF TWO PERCENT PER YEAR FOR THE TEN-YEAR PERIOD BEFORE THE MOST RECENT UNITED STATES DECENNIAL CENSUS AND WHOSE CURRENT GENERAL PLAN WAS APPROVED BY THE VOTERS, THE GOVERNING BODY MAY SUBMIT A NEW GENERAL PLAN ADOPTED PURSUANT TO SUBSECTION K OF THIS SECTION TO THE VOTERS FOR RATIFICATION AT THE NEXT REGULARLY SCHEDULED MUNICIPAL ELECTION OR AT A SPECIAL ELECTION SCHEDULED AT LEAST ONE HUNDRED TWENTY DAYS AFTER THE GOVERNING BODY ADOPTED THE PLAN PURSUANT TO SECTION 16-204. The governing body shall include a general description of the plan and its elements in the municipal election pamphlet and shall provide public copies of the plan in at least two locations that are easily accessible to the public and may include posting on the municipality's official internet website. If a majority of the qualified electors voting on the proposition approves the new plan, it shall become effective as provided by law. If a majority of the qualified electors voting on the proposition fails to approve the new plan, the current plan remains in effect until a new plan is approved by the voters pursuant to this subsection. The governing body shall either resubmit the proposed new plan, or revise the new plan as provided by this section, for subsequent submission to the voters at the next regularly scheduled municipal election or at a special election scheduled at least one hundred twenty days after the governing body readopted the new or revised new plan. All subsequent adoptions and submissions of the new plan or revised plans must comply with the procedures prescribed by this section until the plan is ratified.

N. In applying an open space element or a growth element of a general plan, a municipality shall not designate private land or state trust land as open space, recreation, conservation or agriculture unless the municipality receives the written consent of the landowner or provides an alternative, economically viable designation in the general plan or zoning ordinance, allowing at least one residential dwelling per acre. If the landowner is the prevailing party in any action brought to enforce this subsection, a court shall award fees and other expenses to the landowner. A municipality may designate land as open space without complying with the requirements of this subsection if the land was zoned as open space and used as a golf course pursuant to a zoning ordinance adopted pursuant to article 6.1 of this chapter before May 1, 2000 and the designation does not impose additional conditions, limitations or restrictions on the golf course, unless the land is state trust land that was not planned and zoned as open space pursuant to title 37, chapter 2, article 5.1.

1 0. A person, after having participated in the public hearing
2 pursuant to subsection H of this section, may file a petition for special
3 action in superior court to review the governing body's decision that does
4 not comply with the mandatory requirement prescribed in section 9-461.05,
5 subsection C, paragraph 1, subdivision (g) within thirty days after the
6 governing body has rendered its decision. The court may affirm, reverse
7 or remand to the governing body, in whole or in part, the decision
8 reviewed for further action that is necessary to comply with the mandatory
9 requirements prescribed in section 9-461.05, subsection C, paragraph 1,
10 subdivision (g).