

REFERENCE TITLE: board of supervisors; actions; delay

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1317

Introduced by
Senator Mesnard

AN ACT

AMENDING SECTION 11-814, ARIZONA REVISED STATUTES; RELATING TO COUNTY
BOARD OF SUPERVISORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-814, Arizona Revised Statutes, is amended to
3 read:

4 11-814. Rezoning; conditional zoning change; notice; hearing;
5 citizen review; definition

6 A. All rezonings adopted under this article shall be consistent
7 with and conform to the adopted comprehensive plan. In the case of
8 uncertainty in constructing or applying the conformity of any part of a
9 proposed rezoning to the adopted comprehensive plan, the rezoning shall be
10 construed in a manner that will further the implementation of, and not be
11 contrary to, the goals, policies and applicable elements of the
12 comprehensive plan. A rezoning conforms with the comprehensive plan if it
13 proposes land uses, densities or intensities within the range of
14 identified uses, densities and intensities of the comprehensive plan.

15 B. A property owner or authorized agent of a property owner
16 desiring a rezoning shall file an application for the rezoning.

17 C. The commission, on its own motion, may propose a rezoning and,
18 after holding a public hearing as required by this chapter, may transmit
19 the proposal to the board, which shall proceed as prescribed in this
20 chapter for any other rezoning.

21 D. On receipt of the application, the board shall submit the
22 application to the commission for a report. Before reporting to the
23 board, the commission shall hold at least one public hearing after giving
24 at least fifteen days' notice of the hearing by one publication in a
25 newspaper of general circulation in the county seat and by posting of the
26 area included in the proposed rezoning. If the matter to be considered
27 applies to territory in a high noise or accident potential zone as defined
28 in section 28-8461, the notice shall include a general statement that the
29 matter applies to property located in the high noise or accident potential
30 zone. The posting shall be in not less than two places with at least one
31 notice for each quarter mile of frontage along perimeter public
32 rights-of-way so that the notices are visible from the nearest public
33 right-of-way. The commission shall also send notice by first class mail
34 to each real property owner as shown on the last assessment of the
35 property within three hundred feet of the proposed rezoning and each
36 county and municipality that is contiguous to the area of the proposed
37 rezoning. In proceedings involving rezoning of land that is located
38 within territory in the vicinity of a military airport or ancillary
39 military facility as defined in section 28-8461 or an influence area of a
40 military installation or range or Arizona national guard site, the
41 commission shall send copies of the notice of public hearing by first
42 class mail to the military airport, ~~or the~~ military installation or range
43 or Arizona national guard site, as applicable. The notice sent by mail
44 shall include, at a minimum, the date, time and place of the hearing on
45 the proposed rezoning, including a general explanation of the matter to be

1 considered and a general description of the area of the proposed rezoning.
2 For those counties with five or more supervisors, the notice must include
3 a general description of how the real property owners within the zoning
4 area may file approvals or protests of the proposed rezoning, and
5 notification that if twenty percent of the property owners by area and
6 number within the zoning area file protests, an affirmative vote of
7 three-fourths of all members of the board will be required to approve the
8 rezoning. In proceedings that are initiated by the commission involving
9 rezoning, notice by first class mail shall be sent to each real property
10 owner, as shown on the last assessment of the property, of the area to be
11 rezoned and all property owners, as shown on the last assessment of the
12 property, within three hundred feet of the property to be rezoned. For
13 the purposes of this subsection, "influence area" and "military
14 installation or range or Arizona national guard site" have the same
15 meanings prescribed in section 11-818.01.

16 E. If the commission or hearing officer has held a public hearing,
17 the board may adopt the recommendations of the commission or hearing
18 officer through use of a consent calendar without holding a second public
19 hearing if there is no objection, request for public hearing or other
20 protest. If there is an objection, a request for public hearing or a
21 protest, the board shall hold a public hearing at least fifteen days'
22 notice of which shall be given by one publication in a newspaper of
23 general circulation in the county seat and by posting the area included in
24 the proposed rezoning. In counties with territory in the vicinity of a
25 military airport or ancillary military facility as defined in section
26 28-8461, the board shall hold a public hearing if, after notice is mailed
27 to the military airport pursuant to subsection D of this section and
28 before the public hearing, the military airport provides comments or
29 analysis concerning the compatibility of the proposed rezoning with the
30 high noise or accident potential generated by military airport or
31 ancillary military facility operations that may have an adverse impact on
32 public health and safety, and the board shall consider and analyze the
33 comments or analysis before making a final determination. After holding
34 the hearing, the board may adopt the rezoning by a majority vote of the
35 board for those counties with fewer than five supervisors, or for those
36 counties with five or more supervisors if a protest has not been filed.
37 If twenty percent of the owners of property by area and number within the
38 zoning area file a protest to the proposed rezoning, the change shall not
39 be made except by a three-fourths vote of all members of the board for
40 those counties with five or more supervisors. If any members of the board
41 are unable to vote on the question because of a conflict of interest, the
42 required number of votes for the passage of the question is three-fourths
43 of the remaining membership of the board for those counties with five or
44 more supervisors, except that the required number of votes shall NOT be
45 less than a majority of the full membership of the board. In calculating

1 the owners by area, only that portion of a lot or parcel of record
2 situated within three hundred feet of the property to be rezoned shall be
3 included. In calculating the owners by number or area, county property
4 and public rights-of-way shall not be included.

5 F. The board of supervisors shall adopt by ordinance a citizen
6 review process that applies to all rezoning and specific zoning plan
7 applications that require a public hearing. The citizen review process
8 shall include at least the following requirements:

9 1. Adjacent landowners and other potentially affected citizens will
10 be notified of the application.

11 2. The county will inform adjacent landowners and other potentially
12 affected citizens of the substance of the proposed rezoning.

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

16 G. The rezoning or subdivision plat of any unincorporated area
17 completely surrounded by a city or town shall use as a guideline the
18 adopted general plan and standards as prescribed in the subdivision and
19 zoning ordinances of the city or town.

20 H. The board or commission, before taking any action on a rezoning
21 or subdivision plat in an area as prescribed in subsection G of this
22 section, may require the affected city or town to supply information to
23 allow the county to meet the guideline. If an affected city or town
24 objects to any such proposed action, the board or commission shall
25 prescribe in the minutes of the meeting specific reasons why in its
26 opinion the guideline is actually being followed or why it is not
27 practicable to follow the guideline of the general plan.

28 I. The board may approve a change of zone conditioned on a schedule
29 for development of the specific use or uses for which rezoning is
30 requested. If at the expiration of this period the property has not been
31 improved for the use for which it was conditionally approved, the board
32 after notification by certified mail to the owner and applicant who
33 requested the rezoning shall schedule a public hearing to grant an
34 extension, determine compliance with the schedule for development or cause
35 the property to revert to its former zoning classification.

36 J. The legislature finds that a rezoning of land that changes the
37 zoning classification of the land or that restricts the use or reduces the
38 value of the land is a matter of statewide concern. Such a change in
39 zoning that is initiated by the governing body or zoning body shall not be
40 made without the express written consent of the property owner. In
41 applying an open space element or a growth element of a comprehensive
42 plan, a parcel of land shall not be rezoned for open space, recreation,
43 conservation or agriculture unless the owner of the land consents to the
44 rezoning in writing. For the purposes of this subsection, rezoning does
45 not include the creation or expansion of overlay zones solely for the

1 purpose of implementing airport safety and protection. Rezoning also does
 2 not include the redesignation of areas of the county to which the
 3 residential provisions of the county building codes apply or do not apply.
 4 The county shall not adopt any change in a zoning classification to
 5 circumvent the purpose of this subsection.

6 K. Notwithstanding title 19, chapter 1, article 4, a decision by
 7 the governing body involving rezoning of land that is not owned by the
 8 county and that changes the zoning classification of the land may not be
 9 enacted as an emergency measure and such a change shall not be effective
 10 for at least thirty days after final approval of the change in
 11 classification by the board. Unless a resident files a written objection
 12 with the board of supervisors, the rezoning may be enacted as an emergency
 13 measure that becomes effective immediately by a four-fifths majority vote
 14 of the board for those counties with five or more supervisors or a
 15 two-thirds majority vote of the board for those counties with fewer than
 16 five supervisors.

17 L. NOTWITHSTANDING ANY OTHER LAW, IF THE MAJORITY OF SUPERVISORIAL
 18 DISTRICTS HAVE ELECTED A NEW BOARD MEMBER, ANY REZONING ACTION TAKEN BY
 19 THE BOARD AFTER THE ELECTION AND BEFORE THE NEW BOARD MEMBERS TAKING
 20 OFFICE SHALL NOT BE EFFECTIVE FOR AT LEAST NINETY DAYS AFTER THE NEW
 21 MEMBERS OF THE BOARD TAKE OFFICE.

22 ~~L.~~ M. For the purposes of this section, "zoning area" means the
 23 area within three hundred feet of the proposed amendment or change.