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B. Jurisdiction ~~under~~ ESTABLISHED PURSUANT TO SUBSECTION A, paragraph 2 of this section is limited to the money or value of personal property collected.

Approved by the Governor May 29, 1998.

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**GROWING SMARTER ACT—LAND USE PLANNING AND
ZONING—STATE LAND OPEN SPACE
PRESERVATION—STUDY COMMISSION**

CHAPTER 204

H.B. 2361

AN ACT AMENDING SECTIONS 9-461.05, 9-461.06, 9-462.01, 9-462.04, 11-806, 11-821, 11-822 AND 11-824, ARIZONA REVISED STATUTES; AMENDING SECTION 11-829, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1998, CHAPTER 55, SECTION 1; AMENDING TITLE 37, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-236.01; AMENDING SECTION 37-239, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-258.01; AMENDING TITLE 37, CHAPTER 2, ARTICLE 5.1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 37-331.02 AND 37-331.03; AMENDING SECTIONS 41-511.05 AND 41-511.23, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 8, ARTICLE 1.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1314; MAKING APPROPRIATIONS; RELATING TO URBAN PLANNING.

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

Section 1. The growing smarter act; description; intent

A. This act shall be known as "The Growing Smarter Act".

B. The Growing Smarter Act consists of comprehensive municipal, county and state land department land use planning and zoning reforms, provides for the acquisition and preservation of open spaces and establishes a program for continuing study and consideration of pertinent issues relating to public land use policies, all in order to further the best interests of our citizens by protecting our natural heritage and wisely managing the growth of our communities.

C. Key components of the Growing Smarter Act are:

1. A ballot proposition presented to the voters to fund grants of money from existing state revenues to conserve open spaces in or near urban areas and other areas experiencing high growth pressures.

2. Reforms to local planning laws.

3. Greater public participation.

4. Mandatory rezoning compliance with general and comprehensive plans.

5. State trust land planning,

6. An urban and rural growth study commission.

7. Protections and assurances for owners of private property:

(a) Sections 2 through 10 of this act:

(i) Shall not be construed to cause or allow a taking of private property. No general or comprehensive plan or amendment to a general or comprehensive plan may be written or construed so as to cause a taking as defined by section 9-500.13 or 11-811, Arizona Revised Statutes.

(ii) Do not affect the continuation or improvement of land uses, public services and development agreements in existence before the effective date of this act, protected development rights under title 9, chapter 11 and title 11, chapter 9, Arizona Revised Statutes, or any land use and public service rights that have vested before the effective date of this act. For purposes of this paragraph, "rights that have vested" means a vested right to use or develop land as defined under published Arizona court decisions.

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(iii) Are intended to increase the value and utility of the general and comprehensive planning processes by providing that rezoning actions shall be more effectively guided by a community's general and comprehensive plans.

(b) This act shall not be construed to require downzoning or require a rezoning to a more intensive land use classification of private property by the governing body of a city, town or county in order to place all lands in conformity with current or future comprehensive plans.

D. The comprehensive reforms in The Growing Smarter Act conflict with the initiative styled "The Citizens Growth Management Act" which mandates the establishment of urban growth areas, growth management plans and limits the expansion of public services.

E. The citizens of this state are thus given a clear choice in the direction they want counties and municipalities to follow in planning and managing the growth that is inevitable in this state. The Growing Smarter Act and the Citizens Growth Management Act are not compatible. The Growing Smarter Act, can take effect and work successfully only if the Citizens Growth Management Act is defeated by the voters.

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

9-461.05. General plans; authority; scope

A. Each planning agency shall prepare and the legislative body of each municipality shall adopt a comprehensive, long-range general plan for the development of the municipality. THE PLANNING AGENCY SHALL COORDINATE THE PRODUCTION OF ITS GENERAL PLAN WITH THE CREATION OF THE STATE LAND DEPARTMENT CONCEPTUAL LAND USE PLANS UNDER TITLE 37, CHAPTER 2, ARTICLE 5.1 AND COOPERATE WITH THE STATE LAND DEPARTMENT REGARDING INTEGRATING THE CONCEPTUAL STATE LAND USE PLANS INTO THE MUNICIPALITY'S GENERAL LAND USE PLAN. THE GENERAL PLAN SHALL INCLUDE PROVISIONS THAT IDENTIFY CHANGES OR MODIFICATIONS TO THE PLAN THAT CONSTITUTE AMENDMENTS AND MAJOR AMENDMENTS. THE PLAN SHALL BE ADOPTED AND READOPTED IN THE MANNER PRESCRIBED BY SECTION 9-461.06.

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

C. The general plan shall consist of a statement of community goals and development policies. It shall include ~~a diagram or~~ MAPS, ANY NECESSARY diagrams and text setting forth objectives, principles, standards and plan proposals. The plan shall include the following elements:

1. A land-use element which designates the proposed general distribution and location and extent of such uses of the land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space and such other categories of public and private uses of land as may be appropriate to the municipality. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various land-use categories covered by the plan. THE LAND USE ELEMENT SHALL IDENTIFY SPECIFIC PROGRAMS AND POLICIES THAT THE MUNICIPALITY MAY USE TO PROMOTE INFILL OR COMPACT FORM DEVELOPMENT ACTIVITY AND LOCATIONS WHERE THOSE DEVELOPMENT PATTERNS SHOULD BE ENCOURAGED. The land use element shall include consideration of air quality and access to incident solar energy for all general categories of land use. THE LAND USE ELEMENT SHALL INCLUDE POLICIES THAT ADDRESS MAINTAINING A BROAD VARIETY OF LAND USES INCLUDING THE RANGE OF USES EXISTING IN THE MUNICIPALITY WHEN THE PLAN IS ADOPTED, READOPTED OR AMENDED.

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

D. FOR CITIES AND TOWNS HAVING A POPULATION OF MORE THAN TWO THOUSAND FIVE HUNDRED PERSONS ACCORDING TO THE MOST RECENT UNITED STATES DECENNIAL CENSUS, THE GENERAL PLAN SHALL INCLUDE, AND FOR OTHER TOWNS THE GENERAL PLAN MAY INCLUDE:

1. AN OPEN SPACE ELEMENT THAT INCLUDES:

(a) A COMPREHENSIVE INVENTORY OF OPEN SPACE AREAS, RECREATIONAL RESOURCES AND DESIGNATIONS OF ACCESS POINTS TO OPEN SPACE AREAS AND RESOURCES.

(b) AN ANALYSIS OF FORECASTED NEEDS, POLICIES FOR MANAGING AND PROTECTING OPEN SPACE AREAS AND RESOURCES AND IMPLEMENTATION

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STRATEGIES TO ACQUIRE ADDITIONAL OPEN SPACE AREAS AND FURTHER ESTABLISH RECREATIONAL RESOURCES.

(c) POLICIES AND IMPLEMENTATION STRATEGIES DESIGNED TO PROMOTE A REGIONAL SYSTEM OF INTEGRATED OPEN SPACE AND RECREATIONAL RESOURCES AND A CONSIDERATION OF ANY EXISTING REGIONAL OPEN SPACE PLANS.

2. A GROWTH AREA ELEMENT, SPECIFICALLY IDENTIFYING THOSE AREAS, IF ANY, THAT ARE PARTICULARLY SUITABLE FOR PLANNED MULTIMODAL TRANSPORTATION AND INFRASTRUCTURE EXPANSION AND IMPROVEMENTS DESIGNED TO SUPPORT A PLANNED CONCENTRATION OF A VARIETY OF USES, SUCH AS RESIDENTIAL, OFFICE, COMMERCIAL, TOURISM AND INDUSTRIAL USES. THIS ELEMENT SHALL INCLUDE POLICIES AND IMPLEMENTATION STRATEGIES THAT ARE DESIGNED TO:

(a) MAKE AUTOMOBILE, TRANSIT AND OTHER MULTIMODAL CIRCULATION MORE EFFICIENT, MAKE INFRASTRUCTURE EXPANSION MORE ECONOMICAL AND PROVIDE FOR A RATIONAL PATTERN OF LAND DEVELOPMENT.

(b) CONSERVE SIGNIFICANT NATURAL RESOURCES AND OPEN SPACE AREAS IN THE GROWTH AREA AND COORDINATE THEIR LOCATION TO SIMILAR AREAS OUTSIDE THE GROWTH AREA'S BOUNDARIES.

(c) PROMOTE THE PUBLIC AND PRIVATE CONSTRUCTION OF TIMELY AND FINANCIALLY SOUND INFRASTRUCTURE EXPANSION THROUGH THE USE OF INFRASTRUCTURE FUNDING AND FINANCING PLANNING THAT IS COORDINATED WITH DEVELOPMENT ACTIVITY.

3. AN ENVIRONMENTAL PLANNING ELEMENT THAT CONTAINS ANALYSIS, POLICIES AND STRATEGIES TO ADDRESS ANTICIPATED EFFECTS, IF ANY, OF PLAN ELEMENTS ON AIR QUALITY, WATER QUALITY AND NATURAL RESOURCES ASSOCIATED WITH PROPOSED DEVELOPMENT UNDER THE GENERAL PLAN. THE POLICIES AND STRATEGIES TO BE DEVELOPED UNDER THIS ELEMENT SHALL BE DESIGNED TO HAVE COMMUNITY-WIDE APPLICABILITY AND SHALL NOT REQUIRE THE PRODUCTION OF AN ADDITIONAL ENVIRONMENTAL IMPACT STATEMENT OR SIMILAR ANALYSIS BEYOND THE REQUIREMENTS OF STATE AND FEDERAL LAW.

4. A COST OF DEVELOPMENT ELEMENT THAT IDENTIFIES POLICIES AND STRATEGIES THAT THE MUNICIPALITY WILL USE TO REQUIRE DEVELOPMENT TO PAY ITS FAIR SHARE TOWARD THE COST OF ADDITIONAL PUBLIC SERVICE NEEDS GENERATED BY NEW DEVELOPMENT, WITH APPROPRIATE EXCEPTIONS WHEN IN THE PUBLIC INTEREST. THIS ELEMENT SHALL INCLUDE:

(a) A COMPONENT THAT IDENTIFIES VARIOUS MECHANISMS ALLOWED BY LAW THAT CAN BE USED TO FUND AND FINANCE ADDITIONAL PUBLIC SERVICES NECESSARY TO SERVE THE DEVELOPMENT, INCLUDING BONDING, SPECIAL TAXING DISTRICTS, DEVELOPMENT FEES, IN-LIEU FEES, FACILITY CONSTRUCTION, DEDICATIONS AND SERVICE PRIVATIZATION.

(b) A COMPONENT THAT IDENTIFIES POLICIES TO ENSURE THAT ANY MECHANISMS THAT ARE ADOPTED BY THE MUNICIPALITY UNDER THIS ELEMENT RESULT IN A BENEFICIAL USE TO THE DEVELOPMENT, BEAR A REASONABLE RELATIONSHIP TO THE BURDEN IMPOSED ON THE MUNICIPALITY TO PROVIDE ADDITIONAL NECESSARY PUBLIC SERVICES TO THE DEVELOPMENT AND OTHERWISE ARE IMPOSED ACCORDING TO LAW.

~~Ð~~ E. The general plan shall include for cities of ~~over~~ fifty thousand ~~population~~ PERSONS OR MORE and may include for cities of less than fifty thousand ~~population~~ PERSONS the following elements or any part or phase thereof:

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

(a) The reclamation of land.

(b) Flood control.

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

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

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

(f) Protection of watersheds.

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

- (a) Natural reservations.
- (b) Parks.
- (c) Parkways and scenic drives.
- (d) Beaches.
- (e) Playgrounds and playfields.
- (f) Open space.
- (g) Bicycle routes.
- (h) Other recreation areas.

3. The circulation element provided for in subsection C, paragraph 2 shall also include for cities of ~~over fifty thousand population~~ **PERSONS OR MORE** and may include for cities of less than fifty thousand ~~population~~ **PERSONS** recommendations concerning parking facilities, building setback requirements and the delineations of such systems on the land, a system of street naming, AND house and building numbering and such other matters as may be related to the improvement of circulation of traffic. The circulation element may also include:

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

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

4. A public services and facilities element showing general plans for POLICE, FIRE, EMERGENCY SERVICES, sewage, refuse disposal, drainage, local utilities, rights-of-way, easements and facilities for them.

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

6. A housing element consisting of standards and programs for the elimination of substandard dwelling conditions, the improvement of housing QUALITY, VARIETY AND AFFORDABILITY and for provision of adequate sites for housing. THIS ELEMENT SHALL CONTAIN AN IDENTIFICATION AND ANALYSIS OF EXISTING AND FORECASTED HOUSING NEEDS. This element shall be designed to make equal provision for the housing needs of all segments of the community regardless of race, color, creed or economic level.

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

(a) The elimination of slums and blighted areas ~~and for~~.

(b) Community redevelopment, including housing sites, business and industrial sites, AND public building sites ~~and for~~.

(c) NEIGHBORHOOD PRESERVATION AND REVITALIZATION.

(d) Other purposes authorized by law.

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

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

~~E. During the formulation of a general plan the planning agency shall seek maximum feasible public participation from all geographic, ethnic and economic areas of the municipality and consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of plans may be secured and properly located sites for all public purposes may be indicated on the general plan.~~

~~F. Prior to the adoption of a general plan or a portion, or element thereof the agency shall, at least sixty days prior to the action, transmit the proposal to the legislative body and submit a review copy for information purposes to the following:~~

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

~~2. Each county or municipality which is contiguous to the corporate limits of the municipality or its area of extraterritorial jurisdiction.~~

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

Additions are indicated by UPPER CASE; deletions by ~~strikeout~~

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~~4. The department of commerce or any state agency subsequently designated as the general planning agency for the state:~~

F. THE POLICIES AND STRATEGIES TO BE DEVELOPED UNDER THESE ELEMENTS SHALL BE DESIGNED TO HAVE COMMUNITY-WIDE APPLICABILITY AND THIS SECTION DOES NOT AUTHORIZE THE IMPOSITION OF DEDICATIONS, EXACTIONS, FEES OR OTHER REQUIREMENTS THAT ARE NOT OTHERWISE AUTHORIZED BY LAW.

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

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

A. The general plan and any amendment to such plan shall be adopted OR READOPTED in the manner provided in this article.

B. THE GOVERNING BODY SHALL:

1. ADOPT WRITTEN PROCEDURES TO PROVIDE EFFECTIVE, EARLY AND CONTINUOUS PUBLIC PARTICIPATION IN THE DEVELOPMENT AND MAJOR AMENDMENT OF GENERAL PLANS FROM ALL GEOGRAPHIC, ETHNIC AND ECONOMIC AREAS OF THE MUNICIPALITY. THE PROCEDURES SHALL PROVIDE FOR:

(a) THE BROAD DISSEMINATION OF PROPOSALS AND ALTERNATIVES.

(b) THE OPPORTUNITY FOR WRITTEN COMMENTS.

(c) PUBLIC HEARINGS AFTER EFFECTIVE NOTICE.

(d) OPEN DISCUSSIONS, COMMUNICATIONS PROGRAMS AND INFORMATION SERVICES.

(e) CONSIDERATION OF PUBLIC COMMENTS.

2. CONSULT AND ADVISE WITH PUBLIC OFFICIALS AND AGENCIES, THE COUNTY, SCHOOL DISTRICTS, ASSOCIATIONS OF GOVERNMENTS, PUBLIC LAND MANAGEMENT AGENCIES, OTHER APPROPRIATE GOVERNMENT JURISDICTIONS, PUBLIC UTILITY COMPANIES, CIVIC, EDUCATIONAL, PROFESSIONAL AND OTHER ORGANIZATIONS, PROPERTY OWNERS AND CITIZENS GENERALLY TO SECURE MAXIMUM COORDINATION OF PLANS AND TO INDICATE PROPERLY LOCATED SITES FOR ALL PUBLIC PURPOSES ON THE GENERAL PLAN.

C. AT LEAST SIXTY DAYS BEFORE THE GENERAL PLAN OR A PORTION, ELEMENT OR AMENDMENT OF A GENERAL PLAN IS ADOPTED, THE PLANNING AGENCY SHALL TRANSMIT THE PROPOSAL TO THE LEGISLATIVE BODY AND SUBMIT A REVIEW COPY FOR INFORMATION PURPOSES TO:

1. THE PLANNING AGENCY OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED.

2. EACH COUNTY OR MUNICIPALITY THAT IS CONTIGUOUS TO THE CORPORATE LIMITS OF THE MUNICIPALITY OR ITS AREA OF EXTRATERRITORIAL JURISDICTION.

3. THE REGIONAL PLANNING AGENCY WITHIN WHICH THE MUNICIPALITY IS LOCATED.

4. THE DEPARTMENT OF COMMERCE OR ANY OTHER STATE AGENCY THAT IS SUBSEQUENTLY DESIGNATED AS THE GENERAL PLANNING AGENCY FOR THIS STATE.

5. ANY PERSON OR ENTITY THAT REQUESTS IN WRITING TO RECEIVE A REVIEW COPY OF THE PROPOSAL.

~~B.~~ D. If the municipality has a planning commission, the planning commission shall hold at least one public hearing before approving a general plan or any amendment to such plan. When the general plan or any major amendment thereto is being adopted, planning commissions in municipalities having populations over twenty-five thousand shall hold two or more public hearings at different locations within the municipality to promote citizen participation. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen and not more than thirty calendar days before the hearing by:

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

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

E. Action by the planning commission on the general plan or any amendment to the plan shall be transmitted to the legislative body of the municipality.

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~~D~~. F. Before adopting the general plan, or any amendment to it, the municipal legislative body shall hold at least one public hearing. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection ~~B~~- D.

~~E~~. G. The adoption OR READOPTION of the general plan or any amendment to such plan shall be by resolution of the legislative body of the municipality, after notice as provided for in subsection ~~B~~- D. THE ADOPTION OR READOPTION OF OR A MAJOR AMENDMENT TO THE GENERAL PLAN SHALL BE APPROVED BY AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF THE LEGISLATIVE BODY OF THE MUNICIPALITY. The general plan, or any amendment to the plan, shall be endorsed in the manner provided by the legislative body to show that it has been adopted by the legislative body. FOR PURPOSES OF THIS SUBSECTION, "MAJOR AMENDMENT" MEANS ANY OF THE FOLLOWING:

1. A CHANGE OF LAND USE DESIGNATION ON THE PLAN THAT:

(a) INCREASES THE INTENSITY OF USE ON THE PROPERTY.

(b) DECREASES THE INTENSITY OF USE ON THE PROPERTY AT THE INITIATIVE OF THE GOVERNING BODY OR ZONING BODY.

2. DELETION OF A REQUIREMENT FOR THE RESERVATION OR DEDICATION OF LAND FOR PUBLIC PURPOSES, EXCEPT FOR MINOR BOUNDARY ADJUSTMENTS OR STREET ALIGNMENTS.

3. ESTABLISHMENT OF A NEW, OR DELETION OF A PLANNED, FREEWAY, EXPRESSWAY, PARKWAY OR LIMITED ACCESS ARTERIAL STREET SHOWN ON THE GENERAL PLAN.

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

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

H. A GENERAL PLAN, WITH ANY AMENDMENTS, IS EFFECTIVE FOR UP TO TEN YEARS FROM THE DATE THE PLAN WAS INITIALLY ADOPTED, OR UNTIL THE PLAN IS READOPTED OR A NEW PLAN IS ADOPTED PURSUANT TO THIS SUBSECTION AND BECOMES EFFECTIVE. ON OR BEFORE THE TENTH ANNIVERSARY OF THE PLAN'S MOST RECENT ADOPTION, THE LEGISLATIVE BODY OF THE MUNICIPALITY SHALL EITHER READOPT THE EXISTING PLAN FOR AN ADDITIONAL TERM OF UP TO TEN YEARS OR SHALL ADOPT A NEW GENERAL PLAN AS PROVIDED BY THIS ARTICLE.

I. THE ADOPTION OR READOPTION OF A GENERAL PLAN, AND ANY AMENDMENT TO A GENERAL PLAN, SHALL NOT BE ENACTED AS AN EMERGENCY MEASURE AND IS SUBJECT TO REFERENDUM AS PROVIDED BY ARTICLE IV, PART 1, SECTION 1, SUBSECTION (8), CONSTITUTION OF ARIZONA, AND TITLE 19, CHAPTER 1, ARTICLE 4.

Sec. 4. Section 9-462.01, Arizona Revised Statutes, is amended to read:

9-462.01. Zoning regulations; public hearing; definitions

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

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

2. Regulate signs and billboards.

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

4. Establish requirements for off-street parking and loading.

5. Establish and maintain building setback lines.

6. Create civic districts around civic centers, public parks, public buildings or public grounds and establish regulations therefor.

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

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

9. Establish special zoning districts or regulations for certain lands characterized by adverse topography, adverse soils, subsidence of the earth, high water table, lack of water or other natural or man-made hazards to life or property. Regulations may include variable lot sizes, special grading or drainage requirements, or other requirements deemed necessary for the public health, safety or general welfare.

10. Establish districts of historical significance provided that:

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

(b) A plan for the preservation of districts of historical significance shall identify districts of special historical significance, state the objectives to be sought concerning the development or preservation of sites, area and structures within the district, and formulate a program for public action including the provision of public facilities and the regulation of private development and demolition necessary to realize these objectives.

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

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

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

12. Establish procedures, methods and standards for the transfer of development rights within its jurisdiction. Any proposed transfer of development rights from the sending property or to the receiving property shall be subject to the notice and hearing requirements of section 9-462.04 and shall be subject to the approval and consent of the property owners of both the sending and receiving property. Prior to any transfer of development rights, a municipality shall adopt an ordinance providing for:

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

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

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

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

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

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

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

C. All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulations in one type of zone may differ from those in other types of zones as follows:

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

- (a) Infrequency of use.
- (b) High degree of traffic generation.
- (c) Requirement of large land area.

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

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

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

F. All zoning AND REZONING ordinances or regulations adopted under this article shall be consistent with AND CONFORM TO the adopted general ~~and specific plans~~ PLAN of the municipality, if any, as adopted under article 6 of this chapter. IN THE CASE OF UNCERTAINTY IN CONSTRUCTING OR APPLYING THE CONFORMITY OF ANY PART OF A PROPOSED REZONING ORDINANCE TO THE ADOPTED GENERAL PLAN OF THE MUNICIPALITY, THE ORDINANCE SHALL BE CONSTRUED IN A MANNER THAT WILL FURTHER THE IMPLEMENTATION OF, AND NOT BE CONTRARY TO, THE GOALS, POLICIES AND APPLICABLE ELEMENTS OF THE GENERAL PLAN. A REZONING ORDINANCE CONFORMS WITH THE LAND USE ELEMENT OF THE GENERAL PLAN IF IT PROPOSES LAND USES, DENSITIES OR INTENSITIES WITHIN THE RANGE OF IDENTIFIED USES, DENSITIES AND INTENSITIES OF THE LAND USE ELEMENT OF THE GENERAL PLAN.

G. For purposes of this section:

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

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

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

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

Sec. 5. Section 9-462.04, Arizona Revised Statutes, is amended to read:

9-462.04. Public hearing required

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

1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, it shall be posted on the affected property in such

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a manner as to be legible from the public right-of-way and in at least ten public places in the municipality. A posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning," the present zoning district classification, the proposed zoning district classification and the date and time of the hearing.

2. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land. In addition to notice by publication, a municipality may give notice of the hearing in such other manner as it may deem necessary or desirable.

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

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

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

(b) A ten per cent or more increase or reduction in the allowable height of buildings.

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

(d) A ten per cent or more increase or decrease in setback or open space requirements.

(e) An increase or reduction in permitted uses.

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

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

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

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

6. If notice is provided pursuant to ~~subdivisions (b) or (c) of paragraph 5, SUBDIVISIONS (b) OR (c)~~ the municipality shall also send notice by first class mail to persons who register their names and addresses with the municipality as being interested in receiving such notice. The municipality may charge a fee not to exceed five dollars per year for providing this service and may adopt procedures to implement this ~~provision~~ PARAGRAPH.

7. Notwithstanding the notice requirements set forth in ~~subsection A, paragraph 4 of this section,~~ the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which the notice was given.

B. After the hearing, the planning commission or hearing officer shall render a decision in the form of a written recommendation to the legislative body. The recommendation shall include the reasons for the recommendation and be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

C. If the planning commission or hearing officer has held a public hearing, the governing body may adopt the recommendations of the planning commission or hearing officer without holding a second public hearing if there is no objection, request for public hearing, or other protest. The governing body shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body, or, in any case, if no public hearing has been held by the planning commission or hearing officer. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection A. In addition a municipality may give notice of the hearing in such other manner as it may deem necessary or desirable.

D. A municipality may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to land previously zoned by the county and annexed by the municipality, but in no event for longer than six months after the annexation.

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E. A municipality is not required to adopt a general plan prior to the adoption of a zoning ordinance.

F. If there is no planning commission or hearing officer, the legislative body of the municipality shall perform the functions assigned to the planning commission or hearing officer.

G. If the owners of twenty per cent or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty feet therefrom, or of those directly opposite thereto extending one hundred fifty feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the governing body of the municipality. If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.

H. Notwithstanding the provisions of section 19-142, subsection B, a decision by the governing body involving rezoning of land which is not owned by the municipality and which changes the zoning classification of such land may not be enacted as an emergency measure and such change shall not be effective for at least thirty days after final approval of the change in classification by the governing body.

Sec. 6. Section 11-806, Arizona Revised Statutes, is amended to read:

11-806. Powers and duties; comprehensive plan

A. The commission shall act in an advisory capacity to the board and may from time to time, and shall, when requested by the board, make a report or recommendation in connection with any matter relating to the development of the county under the jurisdiction of the board. The commission shall make such investigations, maps, reports and recommendations in connection therewith as seem desirable within the limits of the funds available.

B. The commission shall prepare and recommend to the board a comprehensive plan of the area of jurisdiction of the county ~~for the purpose of bringing~~ **IN THE MANNER PRESCRIBED BY ARTICLE 2 OF THIS CHAPTER. THE PURPOSE OF THE PLAN IS TO BRING** about coordinated physical development in accordance with the present and future needs of the county. The comprehensive plan shall be developed so as to conserve the natural resources of the county, to insure efficient expenditure of public funds, and to promote the health, safety, convenience, and general welfare of the public. Such comprehensive plan may include but not be limited to, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus and other transportation routes, bicycle facilities, bridges, public buildings, PUBLIC SERVICES, schools, parks, OPEN SPACE, HOUSING QUALITY, VARIETY AND AFFORDABILITY, parkways, hiking and riding trails, airports, forests, wildlife areas, dams, projects affecting conservation of natural resources, air quality, WATER QUALITY and floodplain zoning. Such comprehensive plan shall be a public record, but its purpose and effect shall be primarily as an aid to the county planning and zoning commission in the performance of its duties.

C. The board shall adopt a comprehensive plan ~~in whole or in part~~ and subsequently amend or extend the adopted plan ~~or portion thereof~~ **AS PROVIDED BY ARTICLE 2 OF THIS CHAPTER.** Before the adoption, amendment, or extension of the plan ~~or portion thereof~~, the board shall hold at least one public hearing thereon.

~~D. The adoption of the plan, or any part thereof, shall be by resolution carried by not less than a majority vote of the full membership of the board.~~

D. THE BOARD OF SUPERVISORS SHALL:

1. ADOPT WRITTEN PROCEDURES TO PROVIDE EFFECTIVE, EARLY AND CONTINUOUS PUBLIC PARTICIPATION IN THE DEVELOPMENT AND MAJOR AMENDMENT OF COMPREHENSIVE PLANS FROM ALL GEOGRAPHIC, ETHNIC AND ECONOMIC AREAS OF THE COUNTY. THE PROCEDURES SHALL PROVIDE FOR:

- (a) THE BROAD DISSEMINATION OF PROPOSALS AND ALTERNATIVES.
- (b) THE OPPORTUNITY FOR WRITTEN COMMENTS.
- (c) PUBLIC HEARINGS AFTER EFFECTIVE NOTICE.
- (d) OPEN DISCUSSIONS, COMMUNICATIONS PROGRAMS AND INFORMATION SERVICES.
- (e) CONSIDERATION OF PUBLIC COMMENTS.

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2. CONSULT AND ADVISE WITH PUBLIC OFFICIALS AND AGENCIES, MUNICIPALITIES, SCHOOL DISTRICTS, ASSOCIATIONS OF GOVERNMENTS, PUBLIC LAND MANAGEMENT AGENCIES, OTHER APPROPRIATE GOVERNMENT JURISDICTIONS, PUBLIC UTILITY COMPANIES, CIVIC, EDUCATIONAL, PROFESSIONAL AND OTHER ORGANIZATIONS PROPERTY OWNERS AND CITIZENS GENERALLY TO SECURE THE MAXIMUM COORDINATION OF PLANS AND TO INDICATE PROPERLY LOCATED SITES FOR ALL PUBLIC PURPOSES ON THE PLAN.

E. The commission ~~may also~~ SHALL confer ~~from time to time~~ with THE STATE LAND DEPARTMENT AND THE governing bodies and planning commissions of cities and towns in the county for the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county, ~~and~~ of zoning districts, OF URBAN GROWTH and of public improvements and utilities which do not begin and terminate within the boundaries of any single city or town, and which will, in accordance with the present and future needs of the county, best promote with efficiency and economy the health, safety, morals, order, convenience, or general welfare of the public.

F. AT LEAST SIXTY DAYS BEFORE THE COMPREHENSIVE PLAN OR A PORTION, ELEMENT OR AMENDMENT OF A GENERAL PLAN IS ADOPTED, THE COMMISSION SHALL TRANSMIT THE PROPOSAL TO THE BOARD OF SUPERVISORS AND SUBMIT A REVIEW COPY FOR INFORMATION PURPOSES TO:

1. EACH MUNICIPALITY IN THE COUNTY.
2. EACH OTHER COUNTY THAT IS CONTIGUOUS TO THE COUNTY.
3. THE REGIONAL PLANNING AGENCY IN THE COUNTY.
4. THE DEPARTMENT OF COMMERCE OR ANY OTHER STATE AGENCY THAT IS SUBSEQUENTLY DESIGNATED AS THE GENERAL PLANNING AGENCY FOR THIS STATE.
5. ANY PERSON OR ENTITY THAT REQUESTS IN WRITING TO RECEIVE A REVIEW COPY OF THE PROPOSAL.

Sec. 7. Section 11-821, Arizona Revised Statutes, is amended to read:

11-821. County plan; definitions

A. The commission shall formulate and THE BOARD OF SUPERVISORS SHALL adopt OR READOPT a comprehensive long-term county plan for the development of the area of jurisdiction IN THE MANNER PRESCRIBED BY THIS ARTICLE. THE PLANNING COMMISSION SHALL COORDINATE THE PRODUCTION OF THE COUNTY PLAN WITH THE CREATION OF THE CONCEPTUAL STATE LAND USE PLANS UNDER TITLE 37, CHAPTER 2, ARTICLE 5.1. The county plan, with the accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the area of jurisdiction together with the general zoning regulations. The county plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the area of jurisdiction. In the preparation of the county plan the commission shall make surveys and studies of the present conditions and prospective future growth of the area of the jurisdiction. THE COMMISSION SHALL COOPERATE WITH THE STATE LAND DEPARTMENT REGARDING INTEGRATING THE CONCEPTUAL STATE LAND USE PLANS INTO THE COUNTY PLAN. THE COUNTY PLAN SHALL INCLUDE PROVISIONS THAT IDENTIFY CHANGES OR MODIFICATIONS THAT CONSTITUTE AMENDMENTS AND MAJOR AMENDMENTS TO THE PLAN.

B. IN ADDITION TO THE OTHER MATTERS THAT ARE REQUIRED OR AUTHORIZED UNDER THIS SECTION AND ARTICLE 1 OF THIS CHAPTER, the county plan:

1. Shall provide for zoning, shall show the zoning districts designated as appropriate for various classes of residential, business and industrial uses and shall provide for the establishment of setback lines and other plans providing for adequate light, air and parking facilities; and for expediting traffic within the districts. ~~The plan~~
2. May establish the percentage of a lot or parcel which may be covered by buildings, and the size of yards, courts and other open spaces. ~~The plan~~
3. Shall consider access to incident solar energy. ~~The plan~~
4. May provide for retirement community zoning districts. ~~The plan~~
5. May provide for the use of business licenses in conjunction with the establishment of adult oriented facilities, including adult arcades, adult bookstores or video stores, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments and nude model studios.

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C. IN ADDITION TO THE OTHER MATTERS THAT ARE REQUIRED OR AUTHORIZED UNDER THIS SECTION AND ARTICLE 1 OF THIS CHAPTER, FOR COUNTIES HAVING A POPULATION OF MORE THAN ONE HUNDRED THOUSAND PERSONS ACCORDING TO THE MOST RECENT UNITED STATES DECENNIAL CENSUS, THE COUNTY PLAN SHALL INCLUDE, AND FOR OTHER COUNTIES THE COUNTY PLAN MAY INCLUDE:

1. PLANNING FOR LAND USE THAT DESIGNATES THE PROPOSED GENERAL DISTRIBUTION AND LOCATION AND EXTENT OF USES OF THE LAND FOR HOUSING, BUSINESS, INDUSTRY, AGRICULTURE, RECREATION, EDUCATION, PUBLIC BUILDINGS AND GROUNDS, OPEN SPACE AND OTHER CATEGORIES OF PUBLIC AND PRIVATE USES OF LAND APPROPRIATE TO THE COUNTY. THE LAND USE PLAN SHALL INCLUDE:

(a) A STATEMENT OF THE STANDARDS OF POPULATION DENSITY AND BUILDING INTENSITY RECOMMENDED FOR THE VARIOUS LAND USE CATEGORIES COVERED BY THE PLAN.

(b) SPECIFIC PROGRAMS AND POLICIES THAT THE COUNTY MAY USE TO PROMOTE COMPACT FORM DEVELOPMENT ACTIVITY AND LOCATIONS WHERE THOSE DEVELOPMENT PATTERNS SHOULD BE ENCOURAGED.

(c) CONSIDERATION OF AIR QUALITY AND ACCESS TO INCIDENT SOLAR ENERGY FOR ALL GENERAL CATEGORIES OF LAND USE.

(d) POLICIES THAT ADDRESS MAINTAINING A BROAD VARIETY OF LAND USES INCLUDING THE RANGE OF USES EXISTING IN THE COUNTY AT THE TIME THE PLAN IS ADOPTED, READOPTED OR AMENDED.

2. PLANNING FOR CIRCULATION CONSISTING OF THE GENERAL LOCATION AND EXTENT OF EXISTING AND PROPOSED FREEWAYS, ARTERIAL AND COLLECTOR STREETS, BICYCLE ROUTES AND ANY OTHER MODES OF TRANSPORTATION AS MAY BE APPROPRIATE, ALL CORRELATED WITH THE LAND USE PLAN UNDER PARAGRAPH 1 OF THIS SUBSECTION.

D. IN ADDITION TO THE OTHER MATTERS THAT ARE REQUIRED OR AUTHORIZED UNDER THIS SECTION AND ARTICLE 1 OF THIS CHAPTER, FOR COUNTIES HAVING A POPULATION OF MORE THAN TWO HUNDRED THOUSAND PERSONS ACCORDING TO THE MOST RECENT UNITED STATES DECENNIAL CENSUS, THE COUNTY PLAN SHALL INCLUDE, AND FOR OTHER COUNTIES THE COUNTY PLAN MAY INCLUDE:

1. PLANNING FOR OPEN SPACE ACQUISITION AND PRESERVATION. THE OPEN SPACE PLAN SHALL INCLUDE:

(a) A COMPREHENSIVE INVENTORY OF OPEN SPACE AREAS, RECREATIONAL RESOURCES AND DESIGNATIONS OF ACCESS POINTS TO OPEN SPACE AREAS AND RESOURCES.

(b) AN ANALYSIS OF FORECASTED NEEDS, POLICIES FOR MANAGING AND PROTECTING OPEN SPACE AREAS AND RESOURCES AND IMPLEMENTATION STRATEGIES TO ACQUIRE ADDITIONAL OPEN SPACE AREAS AND FURTHER ESTABLISH RECREATIONAL RESOURCES.

(c) POLICIES AND IMPLEMENTATION STRATEGIES DESIGNED TO PROMOTE A REGIONAL SYSTEM OF INTEGRATED OPEN SPACE AND RECREATIONAL RESOURCES AND A CONSIDERATION OF ANY EXISTING REGIONAL OPEN SPACE PLAN.

2. PLANNING FOR GROWTH AREAS, SPECIFICALLY IDENTIFYING THOSE AREAS, IF ANY, THAT ARE PARTICULARLY SUITABLE FOR PLANNED MULTIMODAL TRANSPORTATION AND INFRASTRUCTURE EXPANSION AND IMPROVEMENTS DESIGNED TO SUPPORT A PLANNED CONCENTRATION OF A VARIETY OF USES, SUCH AS RESIDENTIAL, OFFICE, COMMERCIAL, TOURISM AND INDUSTRIAL USES. THE MIXED-USE PLANNING SHALL INCLUDE POLICIES AND IMPLEMENTATION STRATEGIES THAT ARE DESIGNED TO:

(a) MAKE AUTOMOBILE, TRANSIT AND OTHER MULTIMODAL CIRCULATION MORE EFFICIENT, MAKE INFRASTRUCTURE EXPANSION MORE ECONOMICAL AND PROVIDE FOR A RATIONAL PATTERN OF LAND DEVELOPMENT.

(b) CONSERVE SIGNIFICANT NATURAL RESOURCES AND OPEN AREAS IN THE GROWTH AREA AND COORDINATE THEIR LOCATION TO SIMILAR AREAS OUTSIDE THE GROWTH AREA'S BOUNDARIES.

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(c) PROMOTE THE PUBLIC AND PRIVATE CONSTRUCTION OF TIMELY AND FINANCIALLY SOUND INFRASTRUCTURE EXPANSION THROUGH THE USE OF INFRASTRUCTURE FUNDING AND FINANCING PLANNING THAT IS COORDINATED WITH DEVELOPMENT ACTIVITY.

3. AN ENVIRONMENTAL PLANNING ELEMENT THAT CONTAINS ANALYSIS, POLICIES AND STRATEGIES TO ADDRESS ANTICIPATED EFFECTS, IF ANY, OF PLAN ELEMENTS ON AIR QUALITY, WATER QUALITY AND NATURAL RESOURCES ASSOCIATED WITH PROPOSED DEVELOPMENT UNDER THE COMPREHENSIVE PLAN. THE POLICIES AND STRATEGIES TO BE DEVELOPED UNDER THIS ELEMENT SHALL BE DESIGNED TO HAVE COUNTY-WIDE APPLICABILITY AND SHALL NOT REQUIRE THE PRODUCTION OF AN ADDITIONAL ENVIRONMENTAL IMPACT STATEMENT OR SIMILAR ANALYSIS BEYOND THE REQUIREMENTS OF STATE AND FEDERAL LAW.

4. A COST OF DEVELOPMENT ELEMENT THAT IDENTIFIES POLICIES AND STRATEGIES THAT THE COUNTY WILL USE TO REQUIRE DEVELOPMENT TO PAY ITS FAIR SHARE TOWARD THE COST OF ADDITIONAL PUBLIC FACILITY NEEDS GENERATED BY NEW DEVELOPMENT, WITH APPROPRIATE EXCEPTIONS WHEN IN THE PUBLIC INTEREST. THIS ELEMENT SHALL INCLUDE:

(a) A COMPONENT THAT IDENTIFIES VARIOUS MECHANISMS ALLOWED BY LAW THAT CAN BE USED TO FUND AND FINANCE ADDITIONAL PUBLIC SERVICES NECESSARY TO SERVE THE DEVELOPMENT, INCLUDING BONDING, SPECIAL TAXING DISTRICTS, DEVELOPMENT FEES, IN-LIEU FEES AND FACILITY CONSTRUCTION, DEDICATIONS AND PRIVATIZATION.

(b) A COMPONENT THAT IDENTIFIES POLICIES TO ENSURE THAT ANY MECHANISMS THAT ARE ADOPTED BY THE COUNTY UNDER THIS ELEMENT RESULT IN A BENEFICIAL USE TO THE DEVELOPMENT, BEAR A REASONABLE RELATIONSHIP TO THE BURDEN IMPOSED ON THE COUNTY TO PROVIDE ADDITIONAL NECESSARY PUBLIC FACILITIES TO THE DEVELOPMENT AND OTHERWISE ARE IMPOSED ACCORDING TO LAW.

Ⓔ E. To carry out the purposes of this article, the board may adopt overlay zoning districts and regulations applicable to particular buildings, structures and land within individual zones. For the purposes of this subsection, "overlay zoning district" means a special zoning district that includes regulations which modify regulations in another zoning district with which the overlay zoning district is combined. Overlay zoning districts and regulations shall be adopted pursuant to section 11-829. The provisions of overlay zoning shall apply retroactively to authorize overlay zoning districts and regulations adopted before April 20, 1993.

F. THE POLICIES AND STRATEGIES TO BE DEVELOPED UNDER THESE ELEMENTS SHALL BE DESIGNED TO HAVE REGIONAL APPLICABILITY, AND THIS SECTION DOES NOT AUTHORIZE THE IMPOSITION OF DEDICATIONS, EXACTIONS, FEES OR OTHER REQUIREMENTS THAT ARE NOT OTHERWISE AUTHORIZED BY LAW.

Ⓕ G. For the purposes of this section:

1. "Adult arcade" means any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

2. "Adult bookstore or video store" means a commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

(a) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes or reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas.

(b) Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

3. "Adult live entertainment establishment" means an establishment that features either:

(a) Persons who appear in a state of nudity.

(b) Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

4. "Adult motion picture theater" means a commercial establishment in which for any form of consideration films, motion pictures, videocassettes, slides or other similar photographic

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reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.

5. "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

6. "Massage establishment" means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This paragraph does not apply to:

- (a) Physicians licensed pursuant to title 32, chapter 7, 8, 13, 14 or 17.
- (b) Registered nurses, licensed practical nurses or technicians who are acting under the supervision of a physician licensed pursuant to title 32, chapter 13 or 17.
- (c) Persons who are employed or acting as trainees for a bona fide amateur, semiprofessional or professional athlete or athletic team.
- (d) Persons who are licensed pursuant to title 32, chapter 3 or 5 if the activity is limited to the head, face or neck.

7. "Nude model studio" means a place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or other consideration. Nude model studio does not include a proprietary school that is licensed by this state, a college, community college or university that is supported entirely or in part by taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college, community college or university that is supported entirely or in part by taxation or a structure to which the following apply:

- (a) A sign is not visible from the exterior of the structure and no other advertising appears indicating that a nude person is available for viewing.
- (b) A student must enroll at least three days in advance of a class in order to participate.
- (c) No more than one nude or seminude model is on the premises at any time.

8. "Nudity" or "state of nudity" means:

- (a) The appearance of a human anus, genitals or female breast.
- (b) A state of dress that fails to opaquely cover a human anus, genitals or areola of the female breast.

9. "Seminude" means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body that are covered by supporting straps or devices.

10. "Specific anatomical areas" means the male genitals in a state of sexual arousal or the vulva or more intimate parts of the female genitals. Specific anatomical areas may include:

- (a) Human genitals, pubic region or breast below a point immediately above the top of the areola that is less than completely and opaquely covered.
- (b) Male genitals in a discernibly turgid state even if completely and opaquely covered.

11. "Specific sexual activities" means any of the following:

- (a) Human genitals in a state of sexual stimulation or arousal.
- (b) Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.
- (c) Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.
- (d) Excretory functions as part of or in connection with any of the activities under subdivision (a), (b) or (c) of this paragraph.

Sec. 8. Section 11-822, Arizona Revised Statutes, is amended to read:

11-822. Drafting county plan by commission; notice; hearing

The commission may ~~adopt~~ FORMULATE AND DRAFT the county plan as a whole, or by ~~successive actions~~ ~~adopt~~ separate parts of the plan corresponding with functional divisions of the subject matter, and from time to time, subject to the limitations of this chapter, amend, extend or add to the county plan. Before ~~adoption of~~ RECOMMENDING the plan or any part, amendment, extension or addition TO THE BOARD OF SUPERVISORS, the commission shall hold at least one public hearing thereon, after giving at least fifteen days notice thereof by one publication in a

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newspaper of general circulation in the county seat. In addition, the notice shall be published in a newspaper of general circulation in the area to be affected, or adjacent thereto, if the area affected is other than the county seat. ~~Adoption of the plan or any part thereof shall be by resolution, and shall require the affirmative votes of a majority of the members.~~

Sec. 9. Section 11-824, Arizona Revised Statutes, is amended to read:

**11-824. Adoption and amendment of county plan by board of supervisors;
expiration and readoption**

A. The board OF SUPERVISORS may adopt the county COMPREHENSIVE plan as a whole, or by successive actions adopt separate parts of the plan. THE ADOPTION OR READOPTION OF THE COMPREHENSIVE PLAN OR ANY AMENDMENT TO THE PLAN SHALL BE BY RESOLUTION OF THE BOARD.

B. A COUNTY COMPREHENSIVE PLAN, WITH ANY AMENDMENTS, IS EFFECTIVE FOR UP TO TEN YEARS FROM THE DATE THE PLAN WAS INITIALLY ADOPTED OR UNTIL THE PLAN IS READOPTED OR A NEW PLAN IS ADOPTED PURSUANT TO THIS SUBSECTION AND BECOMES EFFECTIVE. ON OR BEFORE THE TENTH ANNIVERSARY OF THE PLAN'S MOST RECENT ADOPTION, THE BOARD SHALL EITHER READOPT THE EXISTING PLAN FOR AN ADDITIONAL TERM OF UP TO TEN YEARS OR SHALL ADOPT A NEW COUNTY PLAN AS PROVIDED BY THIS ARTICLE.

C. THE ADOPTION OR READOPTION OF, OR A MAJOR AMENDMENT TO, THE COUNTY COMPREHENSIVE PLAN SHALL BE APPROVED BY THE AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF THE BOARD. THE ADOPTION OR READOPTION OF A COUNTY PLAN, AND ANY AMENDMENT TO A COUNTY PLAN, SHALL NOT BE ENACTED AS AN EMERGENCY MEASURE AND IS SUBJECT TO REFERENDUM AS PROVIDED BY ARTICLE IV, PART 1, SECTION 1, SUBSECTION (8), CONSTITUTION OF ARIZONA, AND TITLE 19, CHAPTER 1, ARTICLE 4. FOR PURPOSES OF THIS SUBSECTION, "MAJOR AMENDMENT" MEANS ANY OF THE FOLLOWING:

1. A CHANGE OF LAND USE DESIGNATION ON THE PLAN THAT:
 - (a) INCREASES THE INTENSITY OF USE ON THE PROPERTY.
 - (b) DECREASES THE INTENSITY OF USE ON THE PROPERTY AT THE INITIATIVE OF THE BOARD OF SUPERVISORS.
2. DELETION OF A REQUIREMENT FOR THE RESERVATION OR DEDICATION OF LAND FOR PUBLIC PURPOSES, EXCEPT FOR MINOR BOUNDARY ADJUSTMENTS OR STREET ALIGNMENTS.
3. ESTABLISHMENT OF A NEW, OR DELETION OF A PLANNED, FREEWAY, EXPRESSWAY, PARKWAY OR LIMITED ACCESS ARTERIAL STREET SHOWN ON THE GENERAL PLAN.

D. Upon adoption OR READOPTION, the plan, or any part thereof, shall be the official guide for the development of the area of jurisdiction.

E. Any change, amendment, extension or addition of the county plan may be made only in accordance with the provisions of this chapter.

Sec. 10. Section 11-829, Arizona Revised Statutes, as amended by Laws 1998, chapter 55, section 1, is amended to read:

**11-829. Amendment of ordinance or change of zoning district boundaries;
definition**

A. A property owner or authorized agent of a property owner desiring an amendment or change in the zoning ordinance changing the zoning district boundaries within an area previously zoned shall file an application for the amendment or change. ALL ZONING AND REZONING ORDINANCES, REGULATIONS OR SPECIFIC PLANS ADOPTED UNDER THIS ARTICLE SHALL BE CONSISTENT WITH AND CONFORM TO THE ADOPTED COUNTY PLAN. IN THE CASE OF UNCERTAINTY IN CONSTRUCTING OR APPLYING THE CONFORMITY OF ANY PART OF A PROPOSED REZONING ORDINANCE TO THE ADOPTED COUNTY PLAN, THE ORDINANCE SHALL BE CONSTRUED IN A MANNER THAT WILL FURTHER THE IMPLEMENTATION OF, AND NOT BE CONTRARY TO, THE GOALS, POLICIES AND APPLICABLE ELEMENTS OF THE COUNTY PLAN. A REZONING ORDINANCE CONFORMS WITH THE COUNTY PLAN IF IT PROPOSES LAND USES, DENSITIES OR INTENSITIES WITHIN THE RANGE OF IDENTIFIED USES, DENSITIES AND INTENSITIES OF THE COUNTY PLAN.

B. Upon receipt of the application the board shall submit it to the commission for a report. Prior to reporting to the board, the commission shall hold at least one public hearing thereon after

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giving at least fifteen days' notice thereof by one publication in a newspaper of general circulation in the county seat and by posting of the area included in the proposed change. In case of a rezoning, the posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. The commission shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within three hundred feet of the proposed amendment or change and each county and municipality which is contiguous to the area of the amendment or change. The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered, a general description of the area of the proposed amendment or change, how the real property owners within the zoning area may file approvals or protests of the proposed rezoning, and notification that if twenty per cent of the property owners by area and number within the zoning area file protests, an affirmative vote of three-fourths of all members of the board will be required to approve the rezoning. The following specific notice provisions also apply:

1. In proceedings that are initiated by the commission involving rezoning, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred feet of the property to be rezoned.

2. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 3:

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

(b) A ten per cent or more increase or reduction in the allowable height of buildings.

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

(d) A ten per cent or more increase or decrease in setback or open space requirements.

(e) An increase or reduction in permitted uses.

3. In proceedings governed by paragraph 2, the county shall provide notice to real property owners pursuant to at least one of the following notification procedures:

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

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

(c) The county shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the county. The changes shall be published in a display advertisement covering not less than one-eighth of a full page.

4. If notice is provided pursuant to paragraph 3, subdivision (b) or (c), the county shall also send notice by first class mail to persons who register their names and addresses with the county as being interested in receiving such notice. The county may charge a fee not to exceed five dollars per year for providing this service and may adopt procedures to implement this paragraph.

5. Notwithstanding the notice requirements set forth in paragraph 2, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a county for which the notice was given.

C. If the planning commission or hearing officer has held a public hearing, the board may adopt the recommendations of the planning commission or hearing officer through use of a consent calendar without holding a second public hearing if there is no objection, request for public hearing or other protest. If there is an objection, a request for public hearing or a protest, the board shall hold a public hearing thereon at least fifteen days' notice of which shall be given by one publication in a newspaper of general circulation in the county seat and by posting the area included in the proposed change. After holding the hearing the board may adopt the amendment, but if twenty per cent of the owners of property by area and number within the zoning area file a protest to the proposed change, the change shall not be made except by a three-fourths vote of all members of the board. If any members of the board are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths of the remaining membership of the board, except that the required number of votes in no event shall be less than a majority of the full membership of the board. In calculating the owners by area, only that portion of a lot or parcel of record situated within three hundred feet of the property to be rezoned shall be included. In

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calculating the owners by number or area, county property and public rights-of-way shall not be included.

D. The planning commission may on its own motion propose an amendment to the zoning ordinance and may, after holding a public hearing as required by this chapter, transmit the proposal to the board which shall thereupon proceed as set forth in this chapter for any other amendment.

E. Notwithstanding the provisions of title 19, chapter 1, article 4, a decision by the governing body involving rezoning of land which is not owned by the county and which changes the zoning classification of such land or which changes the zoning standards of such land as set forth in subsection B, paragraph 2 may not be enacted as an emergency measure and such a change shall not be effective for at least thirty days after final approval of the change in classification by the board. Unless a resident files a written objection with the board of supervisors, the rezoning may be enacted as an emergency measure that becomes effective immediately by a four-fifths majority vote of the board for those counties with five or more supervisors or a two-thirds majority vote of the board for those counties with less than five supervisors.

F. The legislature finds that a reduction of a REZONING OF LAND THAT CHANGES THE zoning classification OF THE LAND OR that restricts the use or reduces the value of THE land is a matter of statewide concern and such a change in zoning that is initiated by the governing body OR ZONING BODY shall not be made without the express written consent of the property owner. THE COUNTY SHALL NOT ADOPT ANY CHANGE IN A ZONING CLASSIFICATION TO CIRCUMVENT THE PURPOSE OF THIS SUBSECTION.

F. G. For the purposes of this section "zoning area" means the area within three hundred feet of the proposed amendment or change.

Sec. 11. Title 37, chapter 2, article 3, Arizona Revised Statutes, is amended by adding section 37-236.01, to read:

**37-236.01. Sale of lands suitable for conservation purposes and other purposes
at single auction**

THE DEPARTMENT MAY OFFER FOR SALE AT A SINGLE AUCTION TRUST LAND THAT HAS BEEN CLASSIFIED AS SUITABLE FOR CONSERVATION PURPOSES PURSUANT TO ARTICLE 4.2 OF THIS CHAPTER AND LAND TO BE USED FOR OTHER PURPOSES.

Sec. 12. Section 37-239, Arizona Revised Statutes, is amended to read:

37-239. Participation contracts; planning and disposition proposals

A. The commissioner may enter into participation contracts AND MAY CHARGE A FEE TO AN APPLICANT TO RETAIN ONE OR MORE CONSULTANTS TO ASSIST IN NEGOTIATING OR PREPARING A PARTICIPATION CONTRACT. IF THE APPLICANT IS NOT THE SUCCESSFUL BIDDER, THE COMMISSIONER SHALL REFUND THE FEE.

B. Before recommending any participation contract to the board of appeals, the commissioner shall consider and report on:

1. The methodology for determining any reimbursable infrastructure costs.
2. An analysis of the state trust revenue to be derived from the proposed participation contract.
3. The historical trends in land values in the area by types of proposed land uses.
4. An analysis of the financial feasibility of the planned development's proposed build-out schedule.
5. An evaluation of the potential economic risks and benefits to the trust arising from the participation contract.
6. An analysis of the economic and financial impact, and other factors determined by the commissioner, regarding alternative dispositions or no disposition of the lands.

C. Each participation contract shall:

1. Provide that subsequent sales or leases of state land that are subject to a participation contract shall be based on the criteria and the phasing and disposition plan included in the participation contract and the formula for determining the amount of revenue to the trust as a result of the subsequent sale or lease.
2. Prescribe rights and remedies in the case of default including rights to cure, forfeiture and other appropriate remedies.

D. This state's share of the revenues from the sale of land under a participation contract shall be transferred to the state treasurer for deposit in the appropriate perpetual fund.

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E. A participation contract on lands that do not have a development plan approved by the commissioner may require the successful bidder to plan and zone property after the auction. Before auctioning a contract requiring planning and zoning, the commissioner shall solicit planning and disposition proposals, through advertisement for at least five consecutive days in a newspaper of general circulation in the county in which the lands are located, or if there is no daily newspaper of general circulation in that county, the advertisement shall be published as many times within a thirty-day period as the newspaper is published but not more than five times. The commissioner may require information regarding the projected planning and zoning, the estimated costs of the planning and zoning and the financial feasibility of the proposal. The proposals shall also contain proposed participation payments. The commissioner may provide that some of the information that is contained in the proposals will remain confidential, if the information is proprietary, until the commissioner recommends a contract to the board of appeals. After the proposals are received, the commissioner may conduct preauction conferences regarding the proposals. The commissioner may then auction a participation contract that, at the commissioner's option, may incorporate information that was acquired through the proposal process. A participation contract that is entered into pursuant to this subsection shall:

1. Require the successful bidder to pay a nonrefundable down payment of at least two and one-half per cent of the minimum bid for the property, plus the required fees prescribed in section 37-108 AND, IF THE SUCCESSFUL BIDDER DID NOT PAY THE CONSULTANT FEE PURSUANT TO SUBSECTION A OF THIS SECTION, ANY FEE CHARGED PURSUANT TO SUBSECTION A OF THIS SECTION, by cashier's check at the time of the auction. The down payment does not include participation payments.
2. Require an additional payment to be made within thirty days if the amount bid for the land exceeds the minimum bid, so that the total down payment, including the down payment paid on the date of the sale, will equal the required percentage down payment of the total amount bid. The additional payment does not include participation payments.
3. Require the successful bidder to post within thirty days after the auction a surety bond or another form of collateral that the commissioner considers to be sufficient to cover the costs of performing the required planning and zoning.
4. Provide for the forfeiture of the contract and any accompanying certificate of purchase or lease if the successful bidder fails to provide the required collateral.
5. Describe the land to be planned and zoned, which may include land that is retained by the department and not auctioned with the contract.
6. Contain guidelines for expected planning and zoning and time frames for the planning and zoning consistent with the guidelines.
7. Provide for the forfeiture of the contract and any accompanying certificate of purchase or lease if the successful bidder fails to accomplish the planning and zoning within the prescribed time, unless extended in writing by the commissioner based on good cause shown.
8. Require at least ten per cent of the total purchase price to be paid by the time the planning and zoning are completed, unless extended in writing by the commissioner based on good cause shown.
9. Provide for absolute approval authority by the commissioner of any planning and zoning actions.
10. Deny the successful bidder the right to physically develop the property, including grading or leveling, until at least ten per cent of the purchase price has been paid.
11. Deny the issuance of partial patents for the property until at least ten per cent of the purchase price has been paid and the requirements of section 37-251 have been met.
12. Contain such other terms that the commissioner considers to be necessary or appropriate.

Sec. 13. Title 37, chapter 2, article 3, Arizona Revised Statutes, is amended by adding section 37-258.01, to read:

37-258.01. Sale of development rights

THE DEPARTMENT MAY OFFER FOR SALE AT PUBLIC AUCTION ALL OR PART OF THE DEVELOPMENT RIGHTS AND OTHER SIMILAR INTERESTS IN LAND IF THE REMAINING FEE LAND STILL RETAINS LONG-TERM INCOME PRODUCTION POTENTIAL.

Sec. 14. Title 37, chapter 2, article 5.1, Arizona Revised Statutes, is amended by adding sections 37-331.02 and 37-331.03, to read:

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A. THE URBAN LAND PLANNING OVERSIGHT COMMITTEE IS ESTABLISHED IN THE DEPARTMENT CONSISTING OF THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211:

1. ONE MEMBER WITH EXPERIENCE IN DRAINAGE, HYDROLOGIC OR INFRASTRUCTURE ENGINEERING.

2. ONE MEMBER WITH EXPERIENCE IN URBAN AND COMMUNITY PLANNING.

3. ONE MEMBER WITH EXPERIENCE IN CONTRACTING FOR PLANNING STUDIES RELATED TO RESIDENTIAL, COMMERCIAL OR INDUSTRIAL REAL ESTATE DEVELOPMENT.

4. ONE MEMBER WITH EXPERIENCE IN OPEN SPACE OR NATURAL RESOURCE PLANNING.

5. ONE PUBLIC MEMBER.

B. THE GOVERNOR SHALL APPOINT THE MEMBERS TO STAGGERED TERMS OF FOUR YEARS. A VACANCY IS CREATED, AND THE GOVERNOR SHALL APPOINT A REPLACEMENT MEMBER TO FILL THE UNEXPIRED TERM, IF A MEMBER:

1. NO LONGER RESIDES IN THIS STATE.

2. IS ABSENT WITHOUT EXCUSE FROM THREE CONSECUTIVE MEETINGS OF THE COMMITTEE.

3. RESIGNS OR IS UNABLE TO PERFORM THE DUTIES AS A COMMITTEE MEMBER.

C. EACH YEAR THE COMMITTEE SHALL SELECT A CHAIRMAN FROM AMONG THE MEMBERS. MEMBERS OF THE COMMITTEE ARE ELIGIBLE FOR COMPENSATION AS PROVIDED BY TITLE 38, CHAPTER 4, ARTICLE 1. THE COMMITTEE SHALL MEET ON THE CALL OF THE CHAIRMAN.

D. THE COMMITTEE SHALL:

1. RECOMMEND TO THE DEPARTMENT PROCEDURES AND STRATEGIES TO EFFICIENTLY CREATE CONCEPTUAL URBAN STATE TRUST LAND USE PLANS AS PROVIDED BY SECTION 37-331.03.

2. PROVIDE ADVICE ON THE TYPES AND EXTENT OF STUDIES THAT ARE NEEDED TO CREATE THE PLANS.

3. REVIEW AND MAKE RECOMMENDATIONS FOR APPROVAL REGARDING THE FINAL CONCEPTUAL URBAN STATE TRUST LAND USE PLANS AND THE FINAL FIVE YEAR STATE TRUST LAND DISPOSITION PLANS FOR CONFORMITY WITH THE ADOPTED CONCEPTUAL PLANS.

37-331.03. Conceptual urban state trust land use plans; five year state trust land disposition plans; definitions

A. THE COMMISSIONER SHALL CREATE CONCEPTUAL LAND USE PLANS FOR ALL URBAN STATE TRUST LAND IN THIS STATE AND OTHER STATE TRUST LANDS THE COMMISSIONER CONSIDERS TO BE APPROPRIATE. THE COMMISSIONER SHALL:

1. PRIORITIZE THE CREATION OF CONCEPTUAL PLANS TO THE EXTENT POSSIBLE TO:

(a) CORRELATE WITH THE RATE OF POPULATION GROWTH IN THE URBAN AREAS IN THIS STATE.

(b) COINCIDE WITH THE PRODUCTION OF MUNICIPAL GENERAL PLANS UNDER TITLE 9, CHAPTER 4, ARTICLE 6 AND COUNTY PLANS UNDER TITLE 11, CHAPTER 6, ARTICLE 2.

2. REVISE AND UPDATE EACH PLAN AT LEAST EVERY TEN YEARS.

3. CONSULT WITH THE CITY, TOWN OR COUNTY IN WHICH THE LAND IS LOCATED AND WITH ANY REGIONAL PLANNING ORGANIZATION REGARDING INTEGRATING THE CONCEPTUAL PLAN INTO THE GENERAL LAND USE PLAN OF THE CITY, TOWN OR COUNTY.

4. SUBMIT EACH PLAN, AND REVISION OF THE PLAN, TO THE URBAN LAND PLANNING OVERSIGHT COMMITTEE FOR REVIEW.

B. THE COMMISSIONER SHALL CREATE FIVE YEAR DISPOSITION PLANS FOR ALL STATE TRUST LAND IN THIS STATE, BASED AT A MINIMUM ON MARKET DEMAND, ANTICIPATED TRANSPORTATION AND INFRASTRUCTURE AVAILABILITY. THE COMMISSIONER SHALL:

1. REVIEW AND UPDATE EACH PLAN EACH YEAR AS MAY BE NECESSARY.

2. CONSULT WITH THE CITY, TOWN OR COUNTY IN WHICH THE LAND IS LOCATED AND WITH ANY REGIONAL PLANNING ORGANIZATION.

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3. SUBMIT EACH PLAN AND REVISION TO THE URBAN LAND PLANNING OVERSIGHT COMMITTEE TO ENSURE CONFORMITY WITH THE CONCEPTUAL PLAN UNDER SUBSECTION A.

C. FOR PURPOSES OF THIS SECTION:

1. "CONCEPTUAL LAND USE PLAN" MEANS A PLAN THAT IS DEVELOPED FOR URBAN STATE LAND AND THAT IDENTIFIES:

(a) APPROPRIATE LAND USES, INCLUDING COMMERCIAL, INDUSTRIAL, RESIDENTIAL AND OPEN SPACE USES.

(b) TRANSPORTATION CORRIDORS AND INFRASTRUCTURE REQUIREMENTS.

(c) ALL NATURAL AND MAN-MADE CONSTRAINTS AND OPPORTUNITIES ASSOCIATED WITH THE LAND.

2. "FIVE YEAR DISPOSITION PLAN" MEANS A PLAN THAT IDENTIFIES THE LAND PROJECTED TO BE SOLD, LEASED, RECLASSIFIED FOR CONSERVATION PURPOSES, MASTER PLANNED OR ZONED DURING THE NEXT FIVE YEARS.

Sec. 15. Section 41-511.05, Arizona Revised Statutes, is amended to read:

41-511.05. Powers; compensation

The board may, subject to legislative budgetary control within the limitations of this article:

1. Employ, determine conditions of employment and specify the duties of such administrative, secretarial and clerical workers and technical employees such as naturalists, archaeologists, landscape architects, rangers, park supervisors, caretakers, guides, skilled tradesmen, laborers, historians and engineers, and contract to have the services of such advisors or consultants as are reasonably necessary or desirable to enable it to perform adequately its duties. The compensation of the director and of all workers and employees shall be as determined pursuant to section 38-611.

2. Make such contracts, leases and agreements and incur such obligations as are reasonably necessary or desirable within the general scope of its activities and operations to enable it to perform adequately its duties.

3. Acquire through purchase, lease, agreement, donation, grant, bequest or otherwise real and personal property and acquire real property through eminent domain for state park or monument purposes. No property may be acquired in the manner hereinbefore provided which will require an expenditure in excess of funds theretofore budgeted or received for such purposes. No state park or monument, or additions thereto, shall be created containing in excess of one hundred sixty acres of land unless the same is created by act of the legislature. This acreage limitation shall not apply, however, in the case of lands given or donated for state park or monument purposes nor to state owned lands that are selected by the board and which THAT are not subject to outstanding leases, permits or other rights for the use thereof including preferential rights to renew such leases and permits.

4. Sell, lease, exchange or otherwise dispose of real and personal property. Any disposition of real property shall be submitted for approval of the joint committee on capital review. The disposition of office equipment, furnishings, vehicles and other materials is subject to chapter 23, article 8 of this title. The disposition of artifacts and other property of scientific, archaeological, historical or sociological interest is exempt from chapter 23, article 8 of this title, but the board shall consult with the Arizona historical society in disposing of property of historical interest.

5. Construct at state parks and monuments necessary sanitary and other facilities including picnic tables, fireplaces, campsites, service buildings and maintenance shops, and contract with private persons for the construction and operation of cabins, hotels and restaurants, and like establishments.

6. Erect suitable signs and markers at parks and monuments and write, prepare and publish written material describing the historical significance of monuments and other places of historical or other significance.

7. Solicit and work in cooperation with the state department of transportation and the highway departments of various counties and the United States federal highway administration for necessary roads and trails within the state parks and monuments and access roads thereto. For the purposes of this paragraph, the board may designate roads, spurs and other traffic related appurtenances within state park boundaries as public highways. Designation of roads, spurs or other traffic related appurtenances as public highways shall not prohibit the board from closing such public highways when the park is closed, charging for admission to the park to persons using the public highway within the park or otherwise managing such public highways in the same manner as other lands within the park.

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8. Levy and collect reasonable fees or other charges for the use of such privileges and conveniences as may be provided under the jurisdiction of the board.

9. Make reasonable rules for the protection of, and maintain and keep the peace in, state parks and monuments. Such rules adopted by the parks board are subject to review and approval by the legislature. After a board rule has been finally adopted pursuant to chapter 6 of this title, the board shall immediately forward a certified copy of the rule to the legislature. The legislature may review and, by concurrent resolution, approve, disapprove or modify such rule. However, such rule shall be given full force and effect pending legislative review. If no concurrent resolution is passed by the legislature with respect to the rule within one year following receipt of a certified copy thereof, the rule shall be deemed to have been approved by the legislature. If the legislature disapproves a rule or a section thereof, the board shall immediately discontinue the use of any procedure, action or proceeding authorized or required by such rule or section thereof. If the legislature modifies a rule or section thereof, the board shall immediately suspend the use of any procedure, action or proceeding authorized or required by the rule or section thereof until the modified rule has been adopted in accordance with chapter 6 of this title, after which all proceedings pursuant to the rule shall be conducted in accordance with the modified version thereof.

10. Furnish advisory services to city and county park or recreation boards and organizations.

11. Delegate to the director, the deputy director or the director's designee any of its powers and duties, whether ministerial or discretionary, which are prescribed by law, except that the board may not delegate its power or duty to make rules.

12. Furnish staff assistance and support services to the Arizona conservation corps commission.

13. Reimburse board volunteers for travel and lodging expenses and per diem subsistence allowances incurred while on public business for the board. Reimbursement amounts shall not exceed those allowed under title 38, chapter 4, article 2.

14. In consultation with the conservation acquisition board, develop a grant program and adopt guidelines for allocating and obligating monies in the land conservation fund pursuant to section 41-511.23. **THE GUIDELINES SHALL INCLUDE CONSIDERATION OF BOTH QUALIFICATION ISSUES RELATING TO APPLICANTS FOR GRANTS AND ISSUES RELATING TO THE PROPOSED USE OF THE GRANT MONEY IN A MANNER CONSISTENT WITH EXISTING MUNICIPAL, COUNTY AND REGIONAL LAND USE PLANS.**

Sec. 16. Section 41-511.23, Arizona Revised Statutes, is amended to read:

41-511.23. Conservation acquisition board; land conservation fund; conservation donation and public conservation accounts

A. The conservation acquisition board is established, as an advisory body to the Arizona state parks board, consisting of the following members who are appointed by the governor, at least one of whom shall be experienced in soliciting money from private sources:

1. One state land lessee.
2. One member who is qualified by experience in managing large holdings of private land for income production or conservation purposes.
3. One member of the state bar of Arizona who is experienced in the practice of private real estate law.
4. One real estate appraiser who is licensed or certified under title 32, chapter 36.
5. One member who is qualified by experience in marketing real estate.
6. One representative of a conservation organization.
7. One representative of a state public educational institution.

B. The governor shall designate a presiding member of the board. The term of office is five years except that initial members shall assign themselves by lot to terms of one, two, three, two members for four and two members for five years in office.

C. The conservation acquisition board shall:

1. Solicit donations to the conservation donation account.
2. Consult with entities such as private land trusts, state land lessees, the state land department, the Arizona state parks board and others to identify conservation areas **THAT ARE** reclassified pursuant to section 37-312 **AND** that are suitable for funding.
3. Recommend to the Arizona state parks board appropriate grants from the land conservation fund.

D. The land conservation fund is established consisting of the following accounts:

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1. The conservation donation account consisting of monies received as donations. DONATIONS TO THE ACCOUNT ARE SUBJECT TO ANY LAWFUL CONDITIONS THE DONOR MAY PRESCRIBE, INCLUDING ANY CONDITIONS ON THE USE OF THE MONEY OR REVERSION TO THE DONOR. Monies in the account are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

2. The public conservation account consisting of monies appropriated TO THE ACCOUNT by the legislature from the state general fund AND MONIES FROM ANY OTHER DESIGNATED SOURCE. ~~Subject to legislative appropriation, beginning in fiscal year 1998-1999, MONIES IN THE ACCOUNT ARE APPROPRIATED FOR THE PURPOSES OF THIS SECTION, AND THE ARIZONA STATE PARKS BOARD MAY SPEND MONIES IN THE ACCOUNT WITHOUT FURTHER LEGISLATIVE AUTHORIZATION. Each expenditure of monies from the public conservation account FOR PURPOSES LISTED UNDER SUBSECTION G, PARAGRAPH 1 OF THIS SECTION shall be matched by an equal expenditure of monies from the conservation donation account and any amount that is so appropriated in a fiscal year and that is not matched at the end of the fiscal year reverts to the state general fund OR FROM OTHER PRIVATE OR GOVERNMENTAL SOURCES.~~

E. IF THE LEGISLATURE FAILS TO APPROPRIATE MONIES TO THE PUBLIC CONSERVATION ACCOUNT IN A FISCAL YEAR, AND IF THERE ARE NO OTHER MONIES IN THE PUBLIC CONSERVATION ACCOUNT, THE ARIZONA STATE PARKS BOARD MAY EITHER GRANT NOTHING FROM THE FUND IN THAT YEAR OR, ON RECOMMENDATION BY THE CONSERVATION ACQUISITION BOARD, MAY GRANT AVAILABLE MONIES IN THE CONSERVATION DONATION ACCOUNT FOR PURPOSES AUTHORIZED IN SUBSECTION G OF THIS SECTION.

F. ~~The matched~~ monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

G. Monies in the public conservation account, with matching monies from the conservation donation account, are appropriated to the Arizona state parks board for the exclusive purpose of granting monies:

1. To the state or any of its political subdivisions, OR TO A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER SECTION 501(c) OF THE INTERNAL REVENUE CODE AND THAT HAS THE PURPOSE OF PRESERVING OPEN SPACE, for the FOLLOWING PURPOSES ONLY:

(a) TO purchase or lease of state trust lands that are classified as suitable for conservation purposes pursuant to ~~section 37-312~~ TITLE 37, CHAPTER 2, ARTICLE 4.2. A GRANT OF MONEY UNDER THIS SUBDIVISION TO A NONPROFIT ORGANIZATION IS CONDITIONED ON THE ORGANIZATION PROVIDING REASONABLE PUBLIC ACCESS TO ANY LAND THAT IS WHOLLY OR PARTLY PURCHASED WITH THAT MONEY. THE ORGANIZATION SHALL AGREE WITH THE ARIZONA STATE PARKS BOARD THAT IT WILL IMPOSE A RESTRICTIVE COVENANT, RUNNING WITH THE TITLE TO THE LAND, GRANTING SUCH ACCESS AND PROVIDING FOR REVERSION TO THIS STATE OF ANY INTEREST IN THE PROPERTY ACQUIRED WITH MONEY GRANTED UNDER THIS SUBDIVISION ON THE FAILURE TO COMPLY WITH THE TERMS OF THE COVENANT. THE ARIZONA STATE PARKS BOARD AND THE STATE LAND COMMISSIONER HAVE STANDING TO EITHER ENFORCE THE COVENANT OR RECOVER THE AMOUNT OF THE GRANT FROM THE CURRENT OWNER, WITH INTEREST FROM THE DATE THE GRANT WAS AWARDED TO THE NONPROFIT ORGANIZATION.

(b) TO PURCHASE THE DEVELOPMENT RIGHTS OF STATE TRUST LANDS THROUGHOUT THIS STATE UNDER THE FOLLOWING CONDITIONS:

(i) THE DEVELOPMENT RIGHTS SHALL BE SOLD AT PUBLIC AUCTION AS PROVIDED IN SECTION 37-258.01.

(ii) THE LESSEE OF THE STATE TRUST LAND AT THE TIME THE DEVELOPMENT RIGHTS ARE PURCHASED SHALL BE NOTIFIED OF THE PURCHASE IN WRITING.

(iii) THE PURCHASE OF THE DEVELOPMENT RIGHTS SHALL NOT RESULT IN CANCELLATION OR MODIFICATION OF THE CURRENT LEASE.

(iv) THE PURCHASE OF THE DEVELOPMENT RIGHTS SHALL NOT AFFECT THE EXISTING LESSEE'S CURRENT ECONOMIC USE OF THE LAND AND RIGHTS PURSUANT TO TITLE 37, CHAPTER 2, ARTICLE 4.2.

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(v) AS A CONDITION OF THE SALE OF THE DEVELOPMENT RIGHTS, THE PURCHASER SHALL AGREE IN PERPETUITY NOT TO EXERCISE THE DEVELOPMENT RIGHTS AND THAT THE LAND SHALL REMAIN AS OPEN SPACE.

(vi) THE STATE TRUST LAND SHALL RETAIN ANY OTHER RIGHTS AND ATTRIBUTES AS PRESCRIBED BY LAW AT THE TIME OF THE PURCHASE.

2. TO AN INDIVIDUAL LANDOWNER OR GRAZING OR AGRICULTURAL LESSEE OF STATE OR FEDERAL LAND WHO CONTRACTS WITH THE ARIZONA STATE PARKS BOARD TO IMPLEMENT CONSERVATION BASED MANAGEMENT ALTERNATIVES USING LIVESTOCK OR CROP PRODUCTION PRACTICES, OR REDUCE LIVESTOCK OR CROP PRODUCTION, TO PROVIDE WILDLIFE HABITAT OR OTHER PUBLIC BENEFITS THAT PRESERVE OPEN SPACE.

H. THE ARIZONA STATE PARKS BOARD SHALL NOT GRANT MORE THAN:

1. TEN PER CENT OF THE MONIES IN THE PUBLIC CONSERVATION ACCOUNT FOR PURPOSES OF SUBSECTION G, PARAGRAPH 2 OF THIS SECTION IN ANY FISCAL YEAR.

2. FIFTY PER CENT OF THE MONIES UNDER SUBSECTION G OF THIS SECTION WITH RESPECT TO LAND IN ONE COUNTY IN ANY FISCAL YEAR.

I. A GRANT OF MONEY UNDER SUBSECTION G OF THIS SECTION IS VALID FOR EIGHTEEN MONTHS AND MAY BE EXTENDED ONE TIME FOR TWELVE ADDITIONAL MONTHS IF A REQUIRED PUBLIC AUCTION HAS NOT BEEN HELD.

J. THE ARIZONA STATE PARKS BOARD MAY ADOPT RULES TO ESTABLISH QUALIFICATIONS OF NONPROFIT ORGANIZATIONS FOR PURPOSES OF APPLYING FOR AND RECEIVING MONEY GRANTED FOR PURPOSES OF SUBSECTION G OF THIS SECTION.

K. THE OWNER OF PROPERTY THAT IS WHOLLY OR PARTLY ACQUIRED WITH MONEY GRANTED UNDER SUBSECTION G, PARAGRAPH 1 OF THIS SECTION SHALL NOT RESTRICT OR UNREASONABLY LIMIT ACCESS TO PRIVATE LANDS. ANY SALE OF LAND WITH MONEY GRANTED UNDER SUBSECTION G OF THIS SECTION SHALL INCLUDE A CONDITION REQUIRING THAT PERMANENT ACCESS TO PRIVATE LANDS BE ALLOWED.

~~If the legislature fails to appropriate monies to the public conservation account in a fiscal year the Arizona state parks board may either grant nothing from the fund in that year or, on recommendation by the conservation acquisition board, grant available monies in the conservation donation account for purposes authorized in this paragraph.~~

~~E. L. The Arizona state parks board shall administer the land conservation fund. On notice from the board, the state treasurer shall invest and divest monies in either account in the fund as provided by section 35-313, and monies earned from investments shall be credited to the appropriate account in the fund.~~ A SEPARATE ADMINISTRATION ACCOUNT TO PAY THE EXPENSES OF ADMINISTERING THE LAND CONSERVATION AND ACQUISITION PROGRAM UNDER THIS SECTION, WHICH SHALL NOT EXCEED FIVE PER CENT OF THE AMOUNT DEPOSITED IN THE PUBLIC CONSERVATION ACCOUNT IN ANY FISCAL YEAR OR FIVE HUNDRED THOUSAND DOLLARS, WHICHEVER IS LESS. ANY UNOBLIGATED AMOUNT REMAINING IN THE ADMINISTRATION ACCOUNT AT THE END OF THE FISCAL YEAR SHALL BE CREDITED TO THE PUBLIC CONSERVATION ACCOUNT FOR PURPOSES OF SUBSECTION D OF THIS SECTION.

Sec. 17. Title 41, chapter 8, article 1.1, Arizona Revised Statutes, is amended by adding section 41-1314, to read:

41-1314. Access to private property

NOTWITHSTANDING ANY OTHER LAW, REASONABLE ACCESS TO PRIVATE PROPERTY SHALL NOT BE DENIED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

Sec. 18. Growing smarter commission; membership; duties; report

A. The growing smarter commission is established consisting of the following members:

1. Five members appointed by the governor, to serve for the duration of the commission's existence, at least one of whom shall represent local governments.
2. Four members of the senate, who are appointed by the president of the senate, and who are appointed with consideration for geographic diversity of representation.
3. Four members of the house of representatives, who are appointed by the speaker of the house of representatives, and who are appointed with consideration for geographic diversity of representation.

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4. The state land commissioner, or the commissioner's designee.

5. The director of the Arizona state parks board, or the director's designee.

B. In addition to the members of the commission, the governor shall appoint a working advisory committee consisting of representatives of land use planners, real estate interests, farming and ranching interests, private property advocacy groups, open space advocacy groups, environmental advocacy groups, sportsmen and consumptive wildlife conservation advocacy groups, health services organizations, regional planning organizations, urban and rural cities, towns and counties, representatives of cities having populations of both more than, and less than, one hundred thousand persons, according to the most recent United States decennial census, with no more than one representative from the same city, representatives of counties having populations of both more than, and less than, five hundred thousand persons, according to the most recent United States decennial census, with no more than one representative from the same county, large and small school districts, interested state agencies and other interested members.

C. The governor shall call the initial meeting of the commission, at which time the commission shall select a presiding officer from among its members. Subsequent meetings shall be held on the call of the presiding officer. Members are not eligible for compensation for service.

D. The presiding officer shall assign members of the commission and the advisory committee as voting members of subcommittees to consider and report to the full commission regarding:

1. Modifications to the Constitution of Arizona, statutes or rules that are necessary to implement a system that would allow the state land department to permit appropriate state trust lands to be held for long-term conservation, long-term benefits and return to this state or other similar purposes which might be in exchange for suitable amounts of development credits, density transfers or other similar approaches to be used on other state trust lands that would be made available for development disposition at that time.

2. Modifications to the Constitution of Arizona, Arizona Revised Statutes and administrative rules to allow the state land department to engage in simultaneous or nonsimultaneous exchanges of state trust lands for public or private property of equal value. If the recommendation is favorable, the commission shall recommend conditions, limitations and other requirements to ensure that the exchanges are in the best interests of the trust.

3. The institution of reforms to municipal and county land division and planning and zoning statutes such as coordinating the future development of undeveloped lands with a municipality's or county's open space plans.

4. Whether state monies through specific programs or tax incentives should be made available to purchase development rights or acquire conservation easements on private land with existing productive agricultural or ranch uses.

5. The necessity to establish and implement more effective regional planning laws and procedures in urban areas in this state.

6. The effects of current patterns of urban and rural growth and how the existing land use regulatory system impacts those growth patterns and reforms or modifications to planning, zoning and land division laws or procedures that may improve the functioning of the existing land use regulatory system and be effective growth management tools.

7. Incentives to encourage urban revitalization, infill and redevelopment of land in designated areas of a city or town that helps to strengthen the tax base of areas with existing public services and infrastructure, such as a rebate of a portion of excise taxes on construction to residents purchasing and occupying new homes in the designated infill areas.

8. Policies that may be implemented to improve the economic viability of traditional rural land uses and to foster increased economic development in rural areas.

9. Any other reasonable matter or recommendation that the commission finds to be worthy of consideration.

E. After considering the findings and recommendations of the respective subcommittees, the commission shall prepare and submit a report of findings and recommendations to the governor, the president of the senate and the speaker of the house of representatives on or before September 1, 1999.

Sec. 19. Repeal

Section 18 of this act relating to the growing smarter commission is repealed on September 15, 1999.

Sec. 20. Appropriation; exemption from lapsing

A. The sum of \$350,000 is appropriated from the state general fund for fiscal year 1998-1999 to the state land department for five permanent full-time equivalent employment positions, office

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equipment and other related expenditures that are necessary to administer the department's responsibilities under this act.

B. The appropriation made by subsection A, paragraph 1 of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations, except that any monies remaining unexpended and unencumbered on June 30, 2005 revert to the state general fund.

Sec. 21. Readoption and amendment of municipal and county general plans

A. Each city and town that is subject to the provisions of title 9, chapter 4, article 6, Arizona Revised Statutes, and each county that is subject to title 11, chapter 6, article 2, Arizona Revised Statutes, and whose general or comprehensive plan or most recent readoption or rewrite or amendment to the general or comprehensive plan was adopted:

1. Before January 1, 1989 shall adopt or readopt its general or comprehensive plan in a manner consistent with this act on or before December 31, 2001.
2. On or after January 1, 1989 shall amend the plan to include all the elements required by this act on or before December 31, 2001.

B. General and comprehensive plans that are in effect on the effective date of this act remain in effect, subject to any replacement, amendment or readoption under subsection A.

C. Notwithstanding section 9-461.06, subsection E and section 11-824, subsection C, Arizona Revised Statutes, as amended by this act, the requirement for adopting major amendments to a municipal general plan or a county comprehensive plan on the affirmative vote of at least two-thirds of the members of the governing body is required only after plans are adopted, readopted or amended to comply with this act as provided by subsection A of this section.

Sec. 22. Authority to blend amended sections of statutes

If the electors voting in the 1998 general election approve an amendment of section 41-511.23, Arizona Revised Statutes, and if that amendment is not inconsistent with section 41-511.23, Arizona Revised Statutes, as amended by this act, the director of the Arizona legislative council shall combine the two versions of the section into a single section when preparing the next publication of laws, in the manner prescribed by section 41-1304.03, Arizona Revised Statutes.

Approved by the Governor May 29, 1998.

Filed in the Office of the Secretary of State June 1, 1998.

PHYSICIAN ASSISTANTS—LICENSURE**CHAPTER 205****H.B. 2404**

AN ACT AMENDING SECTIONS 32-2501, 32-2502, 32-2503, 32-2504, 32-2505, 32-2521, 32-2522, 32-2523, 32-2524, 32-2525, 32-2526, 32-2527, 32-2531, 32-2532, 32-2533, 32-2534, 32-2551 AND 32-2552, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 25, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2528; REPEALING SECTIONS 32-2554, 32-2555 AND 41-2998.09, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 25, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 32-2554 AND 32-2555 AND SECTION 32-2556; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3008.01; CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 25, ARTICLE 2, ARIZONA REVISED STATUTES, TO "LICENSURE"; RELATING TO THE JOINT BOARD ON THE REGULATION OF PHYSICIAN ASSISTANTS.

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

Section 1. Section 32-2501, Arizona Revised Statutes, is amended to read:

32-2501. Definitions

In this chapter, unless the context otherwise requires: