

~~military installations; general plan amendments~~
(now: military installations; general plans; land)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2548

AN ACT

AMENDING SECTIONS 9-461.05, 9-461.06 AND 9-462.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.50; AMENDING SECTIONS 11-804, 11-805 AND 11-814, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-818.01; AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2114.02; AMENDING SECTIONS 32-2115, 32-2183 AND 32-2183.05, ARIZONA REVISED STATUTES; AMENDING SECTION 33-422, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 103, SECTION 1 AND CHAPTER 131, SECTION 1; REPEALING SECTION 33-422, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2023, CHAPTER 77, SECTION 3; AMENDING SECTION 37-102, ARIZONA REVISED STATUTES; RELATING TO LAND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 9-461.05. General plans; authority; scope

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

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

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

24 1. A land use element that:

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

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

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

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

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

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

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

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

15 (h) FOR A CITY OR TOWN THAT CONTAINS ANY PORTION OF AN INFLUENCE
16 AREA OF A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE,
17 INCLUDE CONSIDERATION OF THE MILITARY INSTALLATION'S OR RANGE'S OR ARIZONA
18 NATIONAL GUARD SITE'S OPERATIONS. THE CITY OR TOWN SHALL IDENTIFY THE
19 BOUNDARIES OF THE INFLUENCE AREA IN THE GENERAL PLAN FOR THE PURPOSES OF
20 PLANNING LAND USES IN THE INFLUENCE AREA THAT ARE COMPATIBLE WITH THE
21 OPERATION OF THE MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD
22 SITE. FOR THE PURPOSES OF THIS SUBDIVISION, "INFLUENCE AREA" AND
23 "MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE" HAVE THE
24 SAME MEANINGS PRESCRIBED IN SECTION 9-500.50.

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

29 D. For cities and towns with a population of more than two thousand
30 five hundred persons but less than ten thousand persons and whose
31 population growth rate exceeded an average of two percent per year for the
32 ten-year period before the most recent United States decennial census and
33 for cities and towns with a population of ten thousand or more persons
34 according to the most recent United States decennial census, the general
35 plan shall include, and for other cities and towns the general plan may
36 include:

37 1. An open space element that includes:

38 (a) A comprehensive inventory of open space areas, recreational
39 resources and designations of access points to open space areas and
40 resources.

41 (b) An analysis of forecasted needs, policies for managing and
42 protecting open space areas and resources and implementation strategies to
43 acquire additional open space areas and further establish recreational
44 resources.

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

4 2. A growth area element, specifically identifying those areas, if
5 any, that are particularly suitable for planned multimodal transportation
6 and infrastructure expansion and improvements designed to support a
7 planned concentration of a variety of uses, such as residential, office,
8 commercial, tourism and industrial uses. This element shall include
9 policies and implementation strategies that are designed to:

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

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

16 (c) Promote the public and private construction of timely and
17 financially sound infrastructure expansion through the use of
18 infrastructure funding and financing planning that is coordinated with
19 development activity.

20 3. An environmental planning element that contains analyses,
21 policies and strategies to address anticipated effects, if any, of plan
22 elements on air quality, water quality and natural resources associated
23 with proposed development under the general plan. The policies and
24 strategies to be developed under this element shall be designed to have
25 community-wide applicability and shall not require the production of an
26 additional environmental impact statement or similar analysis beyond the
27 requirements of state and federal law.

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

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

38 (b) A component that identifies policies to ensure that any
39 mechanisms that are adopted by the municipality under this element result
40 in a beneficial use to the development, bear a reasonable relationship to
41 the burden imposed on the municipality to provide additional necessary
42 public services to the development and otherwise are imposed according to
43 law.

1 5. A water resources element that addresses:

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

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

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

10 E. The general plan shall include for cities with a population of
11 fifty thousand persons or more and may include for cities with a
12 population of less than fifty thousand persons the following elements or
13 any part or phase of the following elements:

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

18 (a) The reclamation of land.

19 (b) Flood control.

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

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

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

26 (f) Protection of watersheds.

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

30 (a) Natural reservations.

31 (b) Parks.

32 (c) Parkways and scenic drives.

33 (d) Beaches.

34 (e) Playgrounds and playfields.

35 (f) Open space.

36 (g) Bicycle routes.

37 (h) Other recreation areas.

38 3. The circulation element provided for in subsection C,
39 paragraph 2 of this section shall also include for cities with a
40 population of fifty thousand persons or more and may include for cities
41 with a population of less than fifty thousand persons recommendations
42 concerning parking facilities, building setback requirements and the
43 delineations of such systems on the land, a system of street naming and
44 house and building numbering and other matters as may be related to the

1 improvement of circulation of traffic. The circulation element may also
2 include:

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

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

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

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

15 6. A housing element consisting of standards and programs for the
16 elimination of substandard dwelling conditions, for the improvement of
17 housing quality, variety and affordability and for provision of adequate
18 sites for housing. This element shall contain an identification and
19 analysis of existing and forecasted housing needs. This element shall be
20 designed to make equal provision for the housing needs of all segments of
21 the community regardless of race, color, creed or economic level.

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

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

25 (b) Community redevelopment, including housing sites, business and
26 industrial sites and public building sites.

27 (c) Other purposes authorized by law.

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

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

36 10. An energy element that includes:

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

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

41 11. A neighborhood preservation and revitalization element,
42 including:

43 (a) A component that identifies city programs that promote home
44 ownership, that provide assistance for improving the appearance of

1 neighborhoods and that promote maintenance of both commercial and
2 residential buildings in neighborhoods.

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

5 F. The water resources element of the general plan does not
6 require:

7 1. New independent hydrogeologic studies.

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

9 G. The land use element of a general plan of a city with a
10 population of more than one million persons shall include protections from
11 encroaching development for any shooting range that is owned by this state
12 and that is located within or adjacent to the exterior municipal
13 boundaries ~~on or before January 1, 2004~~. The general plan shall establish
14 land use categories within at least one-half mile from the exterior
15 boundaries of the shooting range that are consistent with the continued
16 existence of the shooting range and that exclude incompatible uses such as
17 residences, schools, hotels, motels, hospitals or churches except that
18 land zoned to permit these incompatible uses on August 25, 2004 are exempt
19 from this exclusion. For the purposes of this subsection, "shooting
20 range" means a permanently located and improved area that is designed and
21 operated for the use of rifles, shotguns, pistols, silhouettes, skeet,
22 trap, black powder or any other similar sport shooting in an outdoor
23 environment. Shooting range does not include:

24 1. Any area for the exclusive use of archery or air guns.

25 2. An enclosed indoor facility that is designed to offer a totally
26 controlled shooting environment and that includes impenetrable walls,
27 floor and ceiling, adequate ventilation, lighting systems and acoustical
28 treatment for sound attenuation suitable for the range's approved use.

29 3. A national guard facility located in a city or town with a
30 population of more than one million persons.

31 4. A facility that was not owned by this state before January 1,
32 2002.

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

37 Sec. 2. Section 9-461.06, Arizona Revised Statutes, is amended to
38 read:

39 9-461.06. Adoption and amendment of general plan; expiration
40 and readoption

41 A. In municipalities that have territory in a high noise or
42 accident potential zone as defined in section 28-8461, the legislature
43 finds that in general plans and amendments to general plans land use
44 compatibility with the continued operation of a military airport or

1 ancillary military facility as defined in section 28-8461 is a matter of
2 statewide concern.

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

5 C. The governing body shall:

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

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

11 (b) The opportunity for written comments.

12 (c) Public hearings after effective notice.

13 (d) Open discussions, communications programs and information
14 services.

15 (e) Consideration of public comments.

16 2. Consult with, advise and provide an opportunity for official
17 comment by public officials and agencies, the county, school districts,
18 associations of governments, public land management agencies, the military
19 airport if the municipality has territory in the vicinity of a military
20 airport or ancillary military facility as defined in section 28-8461, **A**
21 **MILITARY INSTALLATION RANGE OR ARIZONA NATIONAL GUARD SITE AS DEFINED IN**
22 **SECTION 9-500.50, IF APPLICABLE** other appropriate government
23 jurisdictions, public utility companies, civic, educational, professional
24 and other organizations, property owners and citizens generally to secure
25 maximum coordination of plans and to indicate properly located sites for
26 all public purposes on the general plan.

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

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

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

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

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

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

42 6. If the general plan or an element or amendment of the general
43 plan is applicable to territory in the vicinity of a military airport or
44 ancillary military facility as defined in section 28-8461, the military
45 airport.

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

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

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

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

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

26 F. Action by the planning commission on the general plan or any
27 amendment to the plan shall be transmitted to the governing body of the
28 municipality.

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

34 H. The adoption or readoption of the general plan or any amendment
35 to such plan shall be by resolution of the governing body of the
36 municipality, after notice as provided for in subsection E of this
37 section. The adoption or readoption of or a major amendment to the
38 general plan shall be approved by affirmative vote of at least two-thirds
39 of the members of the governing body of the municipality. All major
40 amendments to the general plan proposed for adoption by the governing body
41 of a municipality shall be presented at a public hearing HELD within
42 twelve months ~~of when~~ AFTER the proposal is made. The general plan, or
43 any amendment to the plan, shall be endorsed in the manner provided by the
44 governing body to show that it has been adopted by the governing body. If
45 the municipality includes property in the high noise or accident potential

1 zone of a military airport or ancillary military facility as defined in
2 section 28-8461, the governing body of the municipality shall send notice
3 of the approval, adoption or readoption of the general plan or major
4 amendment to the general plan to the attorney general by certified mail,
5 return receipt requested, within three business days after the approval,
6 adoption or readoption. If the attorney general determines the approval,
7 adoption or readoption of the general plan or major amendment to the
8 general plan is not in compliance with section 28-8481, subsection J, the
9 attorney general shall notify the municipality by certified mail, return
10 receipt requested, of the determination of noncompliance. The
11 municipality shall receive the notice from the attorney general within
12 twenty-five days after the notice from the municipality to the attorney
13 general is mailed pursuant to this subsection. The effective date of any
14 approval, adoption or readoption of, or major amendment to, the general
15 plan shall be thirty days after the governing body's receipt of the
16 attorney general's determination of noncompliance. Within thirty days
17 after the receipt of a determination of noncompliance by the attorney
18 general as prescribed by this section, the governing body of the
19 municipality shall reconsider any approval, adoption or readoption of, or
20 major amendment to, the general plan that impacts property in the high
21 noise or accident potential zone of a military airport or ancillary
22 military facility as defined in section 28-8461. If the governing body
23 reaffirms a prior action subject to an attorney general's determination of
24 noncompliance pursuant to this section, the attorney general may institute
25 a civil action pursuant to section 28-8481, subsection L. If the
26 governing body timely sends notice pursuant to this subsection and the
27 attorney general fails to timely notify the governing body of a
28 determination of noncompliance, the general plan or major amendment to the
29 general plan shall be deemed to comply with section 28-8481,
30 subsection J. If the motion to adopt or readopt a general plan or an
31 amendment to the general plan fails to pass, the governing body may
32 reconsider the motion in any manner allowed by the governing body's rules
33 of procedure, but any subsequent motion for the adoption or readoption of
34 the general plan or a major amendment to the general plan must be approved
35 by an affirmative vote of at least two-thirds of the members of the
36 governing body. For the purposes of this subsection, "major amendment"
37 means a substantial alteration of the municipality's land use mixture or
38 balance as established in the municipality's existing general plan land
39 use element. The municipality's general plan shall define the criteria to
40 determine if a proposed amendment to the general plan effects a
41 substantial alteration of the municipality's land use mixture or balance
42 as established in the municipality's existing general plan land use
43 element.

44 I. If the municipality does not have a planning commission, the
45 only procedural steps required for the adoption of the general plan, or

1 any amendment to such plan, shall be those provided in this article for
2 action by the governing body.

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

7 K. A general plan, with any amendments, is effective for up to ten
8 years after the date the plan was initially adopted and ratified pursuant
9 to subsection M of this section, or until the plan is readopted pursuant
10 to this subsection and ratified pursuant to subsection M of this section
11 or a new plan is adopted pursuant to this subsection and ratified pursuant
12 to subsection M of this section, and becomes effective. On or before the
13 tenth anniversary of the plan's most recent adoption, the governing body
14 of the municipality shall either readopt the existing plan for an
15 additional term of up to ten years or shall adopt a new general plan as
16 provided by this article.

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

23 M. The governing body of a city or town having a population of more
24 than two thousand five hundred persons but less than ten thousand persons
25 and whose population growth rate exceeded an average of two percent per
26 year for the ten-year period before the most recent United States
27 decennial census, and any city or town having a population of ten thousand
28 or more persons, shall submit each new general plan adopted pursuant to
29 subsection K of this section to the voters for ratification at the next
30 regularly scheduled municipal election or at a special election scheduled
31 at least one hundred twenty days after the governing body adopted the plan
32 pursuant to section 16-204. The governing body shall include a general
33 description of the plan and its elements in the municipal election
34 pamphlet and shall provide public copies of the plan in at least two
35 locations that are easily accessible to the public and may include posting
36 on the municipality's official internet website. If a majority of the
37 qualified electors voting on the proposition approves the new plan, it
38 shall become effective as provided by law. If a majority of the qualified
39 electors voting on the proposition fails to approve the new plan, the
40 current plan remains in effect until a new plan is approved by the voters
41 pursuant to this subsection. The governing body shall either resubmit the
42 proposed new plan, or revise the new plan as provided by this section, for
43 subsequent submission to the voters at the next regularly scheduled
44 municipal election or at a special election scheduled at least one hundred
45 twenty days after the governing body readopted the new or revised new

1 plan. All subsequent adoptions and submissions of the new plan or revised
2 plans must comply with the procedures prescribed by this section until the
3 plan is ratified.

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

20 O. A person, after having participated in the public hearing
21 pursuant to subsection H of this section, may file a petition for special
22 action in superior court to review the governing body's decision that does
23 not comply with the mandatory requirement prescribed in section 9-461.05,
24 subsection C, paragraph 1, subdivision (g) within thirty days after the
25 governing body has rendered its decision. The court may affirm, reverse
26 or remand to the governing body, in whole or in part, the decision
27 reviewed for further action that is necessary to comply with the mandatory
28 requirements prescribed in section 9-461.05, subsection C, paragraph 1,
29 subdivision (g).

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

32 9-462.04. Public hearing required: definition

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

39 1. The notice shall be published at least once in a newspaper of
40 general circulation published or circulated in the municipality, or if
41 there is none, it shall be posted on the affected property in such a
42 manner as to be legible from the public right-of-way and in at least ten
43 public places in the municipality. A posted notice shall be printed so
44 that the following are visible from a distance of one hundred feet: the

1 word "zoning", the present zoning district classification, the proposed
2 zoning district classification and the date and time of the hearing.

3 2. In proceedings involving rezoning of land that abuts other
4 municipalities or unincorporated areas of the county or a combination of a
5 municipality and an unincorporated area, copies of the notice of public
6 hearing shall be transmitted to the planning agency of the governmental
7 unit abutting such land. In proceedings involving rezoning of land that
8 is located within the territory in the vicinity of a military airport or
9 ancillary military facility as defined in section 28-8461 OR WITHIN THE
10 INFLUENCE AREA OF A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL
11 GUARD SITE, the municipality shall send copies of the notice of public
12 hearing by first class mail to the military airport OR MILITARY
13 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE. In addition to
14 notice by publication, a municipality may give notice of the hearing in
15 any other manner that the municipality deems necessary or desirable. FOR
16 THE PURPOSES OF THIS PARAGRAPH, "INFLUENCE AREA" AND "MILITARY
17 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE" HAVE THE SAME
18 MEANINGS PRESCRIBED IN SECTION 9-500.50.

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

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

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

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

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

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

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

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

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

44 (b) If the municipality issues utility bills or other mass mailings
45 that periodically include notices or other informational or advertising

1 materials, the municipality shall include notice of the changes with such
2 utility bills or other mailings.

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

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

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

17 B. If the matter to be considered applies to territory in a high
18 noise or accident potential zone as defined in section 28-8461, the notice
19 prescribed in subsection A of this section shall include a general
20 statement that the matter applies to property located in the high noise or
21 accident potential zone.

22 C. After the hearing, the planning commission or hearing officer
23 shall render a decision in the form of a written recommendation to the
24 governing body. The recommendation shall include the reasons for the
25 recommendation and be transmitted to the governing body in the form and
26 manner prescribed by the governing body.

27 D. If the planning commission or hearing officer has held a public
28 hearing, the governing body may adopt the recommendations of the planning
29 commission or hearing officer without holding a second public hearing if
30 there is no objection, request for public hearing or other protest. The
31 governing body shall hold a public hearing if requested by the party
32 aggrieved or any member of the public or of the governing body, or, in any
33 case, if a public hearing has not been held by the planning commission or
34 hearing officer. The governing body may consider the testimony of any
35 party aggrieved when making its decision. In municipalities with
36 territory in the vicinity of a military airport or ancillary military
37 facility as defined in section 28-8461, the governing body shall hold a
38 public hearing if, after notice is transmitted to the military airport
39 pursuant to subsection A of this section and before the public hearing,
40 the military airport provides comments or analysis concerning the
41 compatibility of the proposed rezoning with the high noise or accident
42 potential generated by military airport or ancillary military facility
43 operations that may have an adverse impact on public health and safety,
44 and the governing body shall consider and analyze the comments or analysis
45 before making a final determination. Notice of the time and place of the

1 hearing shall be given in the time and manner provided for ~~the giving of~~
2 notice of the hearing by the planning commission as specified in
3 subsection A of this section. A municipality may give additional notice
4 of the hearing in any other manner as the municipality deems necessary or
5 desirable. For the purposes of this subsection, "party aggrieved" means
6 any property owner within the notification area prescribed by
7 subsection A, paragraph 3 of this section.

8 E. A municipality may enact an ordinance authorizing county zoning
9 to continue in effect until municipal zoning is applied to land previously
10 zoned by the county and annexed by the municipality, but not longer than
11 six months after the annexation.

12 F. A municipality is not required to adopt a general plan before
13 the adoption of a zoning ordinance.

14 G. If there is no planning commission or hearing officer, the
15 governing body of the municipality shall perform the functions assigned to
16 the planning commission or hearing officer.

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

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

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

1 K. For the purposes of this section, "zoning area" means both of
2 the following:

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

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

7 Sec. 4. Title 9, chapter 4, article 8, Arizona Revised Statutes, is
8 amended by adding section 9-500.50, to read:

9 9-500.50. Disclosure of filing; military installation or
10 range or Arizona national guard site; definitions

11 A. A CITY OR TOWN THAT CONTAINS ANY PORTION OF A MILITARY
12 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE OR CONTAINS ANY
13 PORTION OF THE INFLUENCE AREA OF A MILITARY INSTALLATION OR RANGE OR
14 ARIZONA NATIONAL GUARD SITE, AS DELINEATED IN THE MAP PREPARED BY THE
15 STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102, SHALL NOTIFY THE OFFICE
16 OF THE MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE
17 COMMANDER WHEN AN APPLICATION IS DEEMED COMPLETE BY THE CITY OR TOWN TO DO
18 ANY OF THE FOLLOWING IN ANY PORTION OF THE INFLUENCE AREA:

19 1. AMEND, MODIFY OR CHANGE A GENERAL PLAN OR COMPREHENSIVE PLAN
20 LAND USE DESIGNATION.

21 2. ESTABLISH, AMEND, MODIFY OR CHANGE AN AREA PLAN, CHARACTER PLAN,
22 MASTER DEVELOPMENT PLAN OR SITE PLAN.

23 3. AMEND, MODIFY OR CHANGE THE ZONING DESIGNATION, OVERLAY ZONING
24 DESIGNATION OR THE REGULATIONS RELATED TO ALLOWED USES, STRUCTURE OR
25 BUILDING HEIGHTS OR OUTDOOR LIGHTING IN THE APPLICABLE DESIGNATIONS.

26 4. SUBDIVIDE THE PROPERTY OR OTHERWISE DIVIDE THE PROPERTY,
27 INCLUDING ANY LAND DIVISION, INTO FIVE OR FEWER LOTS, REGARDLESS OF THE
28 PROPOSED DEVELOPMENT OR USE.

29 B. THE CITY OR TOWN SHALL PROVIDE THE NOTICE REQUIRED PURSUANT TO
30 SUBSECTION A OF THIS SECTION BY PROVIDING A COPY OF THE APPLICATION AND
31 THE RELEVANT DOCUMENTATION THAT ARE NECESSARY TO ADEQUATELY DESCRIBE THE
32 PROPOSED APPLICATION PURSUANT TO SUBSECTION A OF THIS SECTION. THE NOTICE
33 SHALL INCLUDE PROCEDURES FOR PROVIDING ELECTRONIC OR WRITTEN COMMENTS, AND
34 THE DATE COMMENTS MUST BE RECEIVED.

35 C. IN ALL CASES, COMMENTS FROM THE MILITARY INSTALLATION OR RANGE
36 OR ARIZONA NATIONAL GUARD SITE SHALL BE RECEIVED BY THE CITY OR TOWN SEVEN
37 DAYS BEFORE THE FIRST PUBLIC HEARING. IF THE APPLICATION DOES NOT REQUIRE
38 A PUBLIC HEARING, COMMENTS SHALL BE PROVIDED TO THE CITY OR TOWN WITHIN
39 THE NORMAL REVIEW AND COMMENT TIMELINES FOR SUCH APPLICATION. IF COMMENTS
40 ARE PROVIDED, THIS SECTION DOES NOT REQUIRE A PUBLIC HEARING FOR COMMENTS
41 ON APPLICATIONS THAT DO NOT OTHERWISE REQUIRE A PUBLIC HEARING.

42 D. IF THE MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD
43 SITE CHOOSES NOT TO SUBMIT OFFICIAL COMMENTS AND A PUBLIC HEARING IS
44 REQUIRED, THE CITY OR TOWN SHALL NOTE AT THE PUBLIC HEARING THAT THE

1 MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE WAS NOTIFIED
2 AND HAS NOT PROVIDED COMMENT ON THE APPLICATION.

3 E. THIS SECTION DOES NOT REQUIRE A CITY OR TOWN TO DENY ANY
4 APPLICATION, PERMIT, APPROVAL OR AUTHORIZATION BASED ON THE EXISTENCE OF
5 THE MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE OR ITS
6 PROXIMITY TO THE PARCEL OF REAL ESTATE.

7 F. THIS SECTION DOES NOT REQUIRE A CITY OR TOWN TO MEET THE
8 NOTIFICATION REQUIREMENTS OF THIS SECTION IF THE STATE LAND DEPARTMENT HAS
9 NOT PREPARED MAPS OF MILITARY INSTALLATIONS OR RANGES OR ARIZONA NATIONAL
10 GUARD SITES.

11 G. FOR THE PURPOSES OF THIS SECTION:

12 1. "INFLUENCE AREA" MEANS ALL PROPERTY LOCATED WITHIN TWO MILES OF
13 THE EXTERIOR PERIMETER OR FENCE LINE OF THE MILITARY INSTALLATION OR RANGE
14 OR ARIZONA NATIONAL GUARD SITE.

15 2. "MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE":

16 (a) INCLUDES:

17 (i) UNITED STATES NAVAL OBSERVATORY FLAGSTAFF STATION.

18 (ii) BARRY M. GOLDWATER RANGE.

19 (iii) YUMA PROVING GROUNDS.

20 (iv) BUCKEYE TRAINING SITE.

21 (v) CAMP NAVAJO.

22 (vi) FLORENCE MILITARY RESERVATION.

23 (vii) PAPAGO PARK MILITARY RESERVATION.

24 (viii) PICACHO PEAK STAGEFIELD.

25 (ix) RITTENHOUSE TRAINING SITE.

26 (x) SILVERBELL ARMY HELIPORT.

27 (b) DOES NOT INCLUDE:

28 (i) THE LAGUNA ARMY AIRFIELD.

29 (ii) ANY MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED
30 IN SECTION 28-8461.

31 Sec. 5. Section 11-804, Arizona Revised Statutes, is amended to
32 read:

33 11-804. Comprehensive plan; contents

34 A. The commission shall formulate and the board of supervisors
35 shall adopt or readopt a long-term comprehensive plan for the development
36 of the area of jurisdiction in the manner prescribed by this article. The
37 comprehensive plan, with the accompanying maps, plats, charts and
38 descriptive matter, shall show the commission's recommendations for the
39 development of the area of jurisdiction. The comprehensive plan shall be
40 made with the general purpose of guiding and accomplishing a coordinated,
41 adjusted and harmonious development of the area of jurisdiction pursuant
42 to the present and future needs of the county. The comprehensive plan
43 shall be developed so as to conserve the natural resources of the county,
44 to ensure efficient expenditure of public monies and to promote the
45 health, safety, convenience and general welfare of the public. The

1 comprehensive plan may include studies and recommendations relative to the
2 location, character and extent of highways, railroads, bus and other
3 transportation routes, bicycle facilities, bridges, public buildings,
4 public services, schools, parks, open space, housing quality, variety and
5 affordability, parkways, hiking and riding trails, airports, forests,
6 wildlife areas, dams, projects affecting conservation of natural
7 resources, air quality, water quality and floodplain zoning. In the
8 preparation of the comprehensive plan, the commission shall make surveys
9 and studies of the present conditions and prospective future growth of the
10 area of the jurisdiction. The comprehensive plan shall be a public
11 record, but its purpose and effect shall be primarily as an aid to the
12 county planning and zoning commission and to the board of supervisors in
13 the performance of their duties. The comprehensive plan shall include
14 provisions that identify changes or modifications that constitute
15 amendments and major amendments to the plan.

16 B. In addition to the other matters that are required or authorized
17 under this section and this article, for counties with a population of
18 more than one hundred twenty-five thousand persons, the comprehensive plan
19 shall include, and for other counties the comprehensive plan may include:

20 1. Planning for land use that designates the proposed general
21 distribution and location and extent of uses of the land for housing,
22 business, industry, agriculture, recreation, education, public buildings
23 and grounds, open space and other categories of public and private uses of
24 land appropriate to the county. The land use plan shall include:

25 (a) A statement of the standards of population density and building
26 intensity recommended for the various land use categories covered by the
27 plan.

28 (b) Specific programs and policies that the county may use to
29 promote compact form development activity and locations where those
30 development patterns should be encouraged.

31 (c) Consideration of air quality and access to incident solar
32 energy for all general categories of land use.

33 (d) Policies that address maintaining a broad variety of land uses,
34 including the range of uses existing in the county at the time the plan is
35 adopted, readopted or amended.

36 (e) Currently identified sources of aggregates from maps that are
37 available from state agencies, information from the Arizona geological
38 survey on how to locate existing mines, consideration of existing mining
39 operations and suitable geologic resources, policies to preserve currently
40 identified aggregates sufficient for future development and policies to
41 avoid incompatible land uses, except that this subdivision ~~shall~~ DOES not
42 ~~be construed to~~ affect any permitted underground storage facility or limit
43 any person's right to obtain a permit for an underground storage facility
44 pursuant to title 45, chapter 3.1.

1 2. Planning for circulation consisting of the general location and
2 extent of existing and proposed freeways, arterial and collector streets,
3 bicycle routes and any other modes of transportation as may be
4 appropriate, all correlated with the land use plan under paragraph 1 of
5 this subsection.

6 3. Planning for water resources that addresses:

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

9 (b) The demand for water that will result from future growth
10 projected in the comprehensive plan, added to existing uses.

11 (c) An analysis of how the demand for water that will result from
12 future growth projected in the comprehensive plan will be served by the
13 water supplies identified in subdivision (a) of this paragraph or a plan
14 to obtain additional necessary water supplies.

15 4. Planning for energy use that:

16 (a) Encourages and provides incentives for efficient use of energy.

17 (b) Identifies policies and practices for greater use of renewable
18 energy.

19 C. In addition to the other matters that are required or authorized
20 under this section and this article, for counties with a population of
21 more than two hundred thousand persons, the comprehensive plan shall
22 include, and for other counties the comprehensive plan may include:

23 1. Planning for open space acquisition and preservation. The open
24 space plan shall include:

25 (a) A comprehensive inventory of open space areas, recreational
26 resources and designations of access points to open space areas and
27 resources.

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

32 (c) Policies and implementation strategies designed to promote a
33 regional system of integrated open space and recreational resources and a
34 consideration of any existing regional open space plan.

35 2. Planning for growth areas, specifically identifying those areas,
36 if any, that are particularly suitable for planned multimodal
37 transportation and infrastructure expansion and improvements designed to
38 support a planned concentration of a variety of uses, such as residential,
39 office, commercial, tourism and industrial uses. The mixed use planning
40 shall include policies and implementation strategies that are designed to:

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

1 (b) Conserve significant natural resources and open areas in the
2 growth area and coordinate their location to similar areas outside the
3 growth area's boundaries.

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

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

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

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

26 (b) A component that identifies policies to ensure that any
27 mechanisms that are adopted by the county under this element result in a
28 beneficial use to the development, bear a reasonable relationship to the
29 burden imposed on the county to provide additional necessary public
30 facilities to the development and otherwise are imposed pursuant to law.

31 D. The water resources element of the comprehensive plan does not
32 require:

33 1. New independent hydrogeologic studies.

34 2. The county to be a water service provider.

35 E. In applying an open space element or a growth element of a
36 comprehensive plan, a county shall not designate private or state land as
37 open space, recreation, conservation or agriculture unless the county
38 receives the written consent of the landowner or provides an alternative,
39 economically viable designation in the comprehensive plan or zoning
40 ordinance, allowing at least one residential dwelling per acre. If the
41 landowner is the prevailing party in any action brought to enforce this
42 subsection, a court shall award fees and other expenses to the landowner.
43 Each county shall incorporate this subsection into its comprehensive plan
44 and provide a process for a landowner to resolve discrepancies relating to
45 this subsection.

1 F. The policies and strategies to be developed under these elements
2 shall be designed to have regional applicability.

3 G. For counties with territory in the vicinity of a military
4 airport or ancillary military facility as defined in section 28-8461, the
5 commission shall also consider military airport or ancillary military
6 facility operations and shall identify the boundaries of any high noise or
7 accident potential zone as defined in section 28-8461 in its comprehensive
8 plan for purposes of planning land uses in the high noise or accident
9 potential zone that are compatible with the operation of the military
10 airport or ancillary military facility pursuant to section 28-8481,
11 subsection J.

12 H. FOR A COUNTY THAT CONTAINS ANY PORTION OF THE INFLUENCE AREA OF
13 A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE, THE
14 COMMISSION SHALL ALSO CONSIDER RESPECTIVE INSTALLATION, RANGE OR SITE
15 OPERATIONS AND SHALL IDENTIFY THE INFLUENCE AREA BOUNDARIES IN ITS
16 COMPREHENSIVE PLAN FOR THE PURPOSES OF PLANNING LAND USES IN THE INFLUENCE
17 AREA THAT ARE COMPATIBLE WITH THE OPERATION OF THE INSTALLATION, RANGE OR
18 SITE. FOR THE PURPOSES OF THIS SUBSECTION, "INFLUENCE AREA" AND "MILITARY
19 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE" HAVE THE SAME
20 MEANINGS PRESCRIBED IN SECTION 11-818.01.

21 Sec. 6. Section 11-805, Arizona Revised Statutes, is amended to
22 read:

23 11-805. Comprehensive plan adoption; notice; hearing;
24 amendment; expiration; readoption

25 A. The board shall adopt a comprehensive plan and subsequently
26 amend or extend the adopted plan as provided by this article. On adoption
27 or readoption, the plan, or any part of the plan, shall be the official
28 guide for the development of the area of jurisdiction. Any change,
29 amendment, extension or addition of the comprehensive plan may be made
30 only pursuant to this chapter.

31 B. The board of supervisors shall:

32 1. Adopt written procedures to provide effective, early and
33 continuous public participation in the development and major amendment of
34 the comprehensive plan from all geographic, ethnic and economic areas of
35 the county. The procedures shall provide for:

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

37 (b) The opportunity for written comments.

38 (c) Public hearings after effective notice.

39 (d) Open discussions, communications programs and information
40 services.

41 (e) Consideration of public comments.

42 2. Consult with, advise and provide an opportunity for official
43 comment by public officials and agencies, municipalities, school
44 districts, associations of governments, public land management agencies,
45 the military airport if the county's area of jurisdiction includes

1 territory in the vicinity of a military airport or ancillary military
2 facility as defined in section 28-8461, A MILITARY INSTALLATION OR RANGE
3 OR ARIZONA NATIONAL GUARD SITE AS DEFINED IN SECTION 11-818.01, IF
4 APPLICABLE, other appropriate government jurisdictions, public utility
5 companies, civic, educational, professional and other organizations,
6 property owners and citizens generally to secure the maximum coordination
7 of plans and to indicate properly located sites for all public purposes on
8 the plan.

9 C. The commission shall confer with the state land department and
10 the governing bodies and planning commissions of cities and towns in the
11 county for the purpose of guiding and accomplishing a coordinated,
12 adjusted and harmonious development of the county, of zoning districts, of
13 urban growth and of public improvements and utilities that do not begin
14 and terminate within the boundaries of any single city or town and that
15 will, pursuant to the present and future needs of the county, best promote
16 with efficiency and economy the health, safety, morals, order, convenience
17 or general welfare of the public.

18 D. The commission shall coordinate the production of the
19 comprehensive plan with the creation of the conceptual state land use
20 plans under title 37, chapter 2, article 5.1. The commission shall
21 cooperate with the state land department regarding integrating the
22 conceptual state land use plans into the comprehensive plan.

23 E. The commission may formulate and draft the comprehensive plan as
24 a whole, or as separate parts of the plan corresponding with functional
25 divisions of the subject matter, and, subject to the limitations of this
26 chapter, may amend, extend or add to the comprehensive plan.

27 F. At least sixty days before the comprehensive plan or an element
28 or major amendment of a comprehensive plan is noticed pursuant to
29 subsection G of this section, the commission shall transmit the proposal
30 to the board of supervisors and submit a copy for review and further
31 comment to:

- 32 1. Each municipality in the county.
- 33 2. Each other county that is contiguous to the county.
- 34 3. The regional planning agency in the county.
- 35 4. The Arizona commerce authority or any other state agency that is
36 subsequently designated as the general planning agency for this state.
- 37 5. The department of water resources for review and comment on the
38 water resources element, if a water resources element is required.
- 39 6. If the comprehensive plan or an element or amendment of the
40 comprehensive plan is applicable to territory in the vicinity of a
41 military airport or ancillary military facility as defined in section
42 28-8461, the military airport.
- 43 7. If the comprehensive plan or an element or major amendment of
44 the comprehensive plan is applicable to property in the high noise or
45 accident potential zone of a military airport or ancillary military

1 facility as defined in section 28-8461, the attorney general. For the
2 purposes of this paragraph, "major amendment" means a substantial
3 alteration of the county's land use mixture or balance as established in
4 the county's existing comprehensive plan land use element for that area of
5 the county.

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

8 G. After considering any recommendations from the review required
9 under subsection F of this section, the commission shall hold at least one
10 public hearing. Notice of the time and place of a hearing and
11 availability of studies and summaries related to the hearing shall be
12 given at least fifteen and not more than thirty calendar days before the
13 hearing by:

14 1. Publication at least once in a newspaper of general circulation
15 in the county seat.

16 2. Publication at least once in a newspaper of general circulation
17 in the area to be affected, or adjacent to the area to be affected, if the
18 area affected is other than the county seat.

19 3. Such other manner in addition to publication as the county may
20 deem necessary or desirable.

21 H. After the commission recommends the comprehensive plan or any
22 section of the plan, the plan shall be submitted to the board of
23 supervisors for its consideration and official action.

24 I. Before the adoption, amendment or extension of the plan, the
25 board shall hold at least one public hearing on the plan. After the board
26 considers the commission's recommendation and any recommendations from the
27 review required under subsection F of this section, the board shall hold
28 at least one public hearing at which residents of the county shall be
29 heard concerning the matters contained in the plan. At least fifteen
30 days' notice of the hearing shall be given by one publication in a
31 newspaper of general circulation in the county seat. The board shall
32 consider protests and objections to the plan and may change or alter any
33 portion of the comprehensive plan. However, before any change is made,
34 that portion of the plan proposed to be changed shall be re-referred to
35 the commission for its recommendation, which may be accepted or rejected
36 by the board.

37 J. The board of supervisors may adopt the county comprehensive plan
38 as a whole or by successive actions adopt separate parts of the plan. The
39 adoption or readoption of the comprehensive plan or any amendment to the
40 plan shall be by resolution of the board. The adoption or readoption of,
41 or a major amendment to, the county comprehensive plan shall be approved
42 by the affirmative vote of at least two-thirds of the members of the
43 board. All major amendments proposed for adoption to the comprehensive
44 plan by the board shall be presented at a single public hearing during the
45 calendar year the proposal is made. The adoption or readoption of the

1 comprehensive plan, and any major amendment to the comprehensive plan,
2 shall not be enacted as an emergency measure and is subject to referendum
3 as provided by article IV, part 1, section 1, subsection (8), Constitution
4 of Arizona, and title 19, chapter 1, article 4. For the purposes of this
5 section, "major amendment" means a substantial alteration of the county's
6 land use mixture or balance as established in the county's existing
7 comprehensive plan land use element for that area of the county. The
8 county's comprehensive plan shall define the criteria to determine if a
9 proposed amendment to the comprehensive plan effects a substantial
10 alteration of the county's land use mixture or balance as established in
11 the county's existing comprehensive plan land use element for that area of
12 the county.

13 K. If the county's area of jurisdiction includes property in the
14 high noise or accident potential zone of a military airport or ancillary
15 military facility as defined in section 28-8461, the board shall send
16 notice of the approval, adoption or readoption of the comprehensive plan
17 or major amendment to the comprehensive plan to the attorney general by
18 certified mail, return receipt requested, within three business days after
19 the approval, adoption or readoption. If the attorney general determines
20 the approval, adoption or readoption of the comprehensive plan or major
21 amendment to the comprehensive plan is not in compliance with section
22 28-8481, subsection J, the attorney general shall notify the county by
23 certified mail, return receipt requested, of the determination of
24 noncompliance. The board shall receive the notice from the attorney
25 general within twenty-five days after the notice from the board to the
26 attorney general is mailed pursuant to this subsection. The effective
27 date of any approval, adoption or readoption of, or major amendment to,
28 the comprehensive plan shall be thirty days after the board's receipt of
29 the attorney general's determination of noncompliance. Within thirty days
30 after the receipt of a determination of noncompliance by the attorney
31 general as prescribed by this section, the board shall reconsider any
32 approval, adoption or readoption of, or major amendment to, the
33 comprehensive plan that impacts property in the high noise or accident
34 potential zone of a military airport or ancillary military facility as
35 defined in section 28-8461. If the board reaffirms a prior action subject
36 to an attorney general's determination of noncompliance pursuant to this
37 section, the attorney general may institute a civil action pursuant to
38 section 28-8481, subsection L. If the board timely sends notice pursuant
39 to this subsection and the attorney general fails to timely notify the
40 board of a determination of noncompliance, the comprehensive plan or major
41 amendment to the comprehensive plan is deemed to comply with section
42 28-8481, subsection J. For the purposes of this subsection "major
43 amendment" has the same meaning prescribed in subsection J of this
44 section.

1 L. If the motion to adopt or readopt the plan or an amendment to
2 the plan fails to pass, the board may reconsider the motion in any manner
3 allowed by the board's rules of procedure, but any subsequent motion for
4 the adoption or readoption of the plan or a major amendment to the plan
5 must be approved by an affirmative vote of at least two-thirds of the
6 members of the board. If the board fails to adopt or readopt the plan,
7 the current plan remains in effect until a new plan is adopted. The board
8 shall either reconsider the proposed plan or consider a revised plan
9 within one year and shall continue to do so until one is adopted. All
10 subsequent considerations of a new or revised plan must comply with the
11 procedures prescribed by this article.

12 M. A county comprehensive plan, with any amendments, is effective
13 for up to ten years ~~from~~ AFTER the date the plan was initially adopted or
14 until the plan is readopted or a new plan is adopted pursuant to this
15 subsection and becomes effective. On or before the tenth anniversary of
16 the plan's most recent adoption, the board shall either readopt the
17 existing plan for an additional term of up to ten years or shall adopt a
18 new comprehensive plan as provided by this article.

19 N. A person, after having participated in the public hearing
20 pursuant to subsection I of this section, may file a petition for special
21 action in superior court to review the board of supervisor's decision that
22 does not comply with the mandatory requirement prescribed in section
23 11-804, subsection B, paragraph 1, subdivision (e) within thirty days
24 after the board has rendered its decision. The court may affirm, reverse
25 or remand to the board of supervisors, in whole or in part, the decision
26 reviewed for further action that is necessary to comply with the mandatory
27 requirements prescribed in section 11-804, subsection B, paragraph 1,
28 subdivision (e).

29 Sec. 7. Section 11-814, Arizona Revised Statutes, is amended to
30 read:

31 11-814. Rezoning; conditional zoning change; notice; hearing;
32 citizen review; definition

33 A. All rezonings adopted under this article shall be consistent
34 with and conform to the adopted comprehensive plan. In the case of
35 uncertainty in constructing or applying the conformity of any part of a
36 proposed rezoning to the adopted comprehensive plan, the rezoning shall be
37 construed in a manner that will further the implementation of, and not be
38 contrary to, the goals, policies and applicable elements of the
39 comprehensive plan. A rezoning conforms with the comprehensive plan if it
40 proposes land uses, densities or intensities within the range of
41 identified uses, densities and intensities of the comprehensive plan.

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

44 C. The commission, on its own motion, may propose a rezoning and,
45 after holding a public hearing as required by this chapter, may transmit

1 the proposal to the board, which shall proceed as prescribed in this
2 chapter for any other rezoning.

3 D. On receipt of the application, the board shall submit the
4 application to the commission for a report. Before reporting to the
5 board, the commission shall hold at least one public hearing after giving
6 at least fifteen days' notice of the hearing by one publication in a
7 newspaper of general circulation in the county seat and by posting of the
8 area included in the proposed rezoning. If the matter to be considered
9 applies to territory in a high noise or accident potential zone as defined
10 in section 28-8461, the notice shall include a general statement that the
11 matter applies to property located in the high noise or accident potential
12 zone. The posting shall be in ~~no~~ NOT less than two places with at least
13 one notice for each quarter mile of frontage along perimeter public
14 rights-of-way so that the notices are visible from the nearest public
15 right-of-way. The commission shall also send notice by first class mail
16 to each real property owner as shown on the last assessment of the
17 property within three hundred feet of the proposed rezoning and each
18 county and municipality that is contiguous to the area of the proposed
19 rezoning. In proceedings involving rezoning of land that is located
20 within territory in the vicinity of a military airport or ancillary
21 military facility as defined in section 28-8461 OR AN INFLUENCE AREA OF A
22 MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE, the
23 commission shall send copies of the notice of public hearing by first
24 class mail to the military airport OR THE MILITARY INSTALLATION OR RANGE
25 OR ARIZONA NATIONAL GUARD SITE AS APPLICABLE. The notice sent by mail
26 shall include, at a minimum, the date, time and place of the hearing on
27 the proposed rezoning, including a general explanation of the matter to be
28 considered and a general description of the area of the proposed rezoning.
29 For those counties with five or more supervisors, the notice must include
30 a general description of how the real property owners within the zoning
31 area may file approvals or protests of the proposed rezoning, and
32 notification that if twenty ~~percent~~ PERCENT of the property owners by
33 area and number within the zoning area file protests, an affirmative vote
34 of three-fourths of all members of the board will be required to approve
35 the rezoning. In proceedings that are initiated by the commission
36 involving rezoning, notice by first class mail shall be sent to each real
37 property owner, as shown on the last assessment of the property, of the
38 area to be rezoned and all property owners, as shown on the last
39 assessment of the property, within three hundred feet of the property to
40 be rezoned. FOR THE PURPOSES OF THIS SUBSECTION, "INFLUENCE AREA" AND
41 "MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE" HAVE THE
42 SAME MEANINGS PRESCRIBED IN SECTION 11-818.01.

43 E. If the commission or hearing officer has held a public hearing,
44 the board may adopt the recommendations of the commission or hearing
45 officer through use of a consent calendar without holding a second public

1 hearing if there is no objection, request for public hearing or other
2 protest. If there is an objection, a request for public hearing or a
3 protest, the board shall hold a public hearing at least fifteen days'
4 notice of which shall be given by one publication in a newspaper of
5 general circulation in the county seat and by posting the area included in
6 the proposed rezoning. In counties with territory in the vicinity of a
7 military airport or ancillary military facility as defined in section
8 28-8461, the board shall hold a public hearing if, after notice is mailed
9 to the military airport pursuant to subsection D of this section and
10 before the public hearing, the military airport provides comments or
11 analysis concerning the compatibility of the proposed rezoning with the
12 high noise or accident potential generated by military airport or
13 ancillary military facility operations that may have an adverse impact on
14 public health and safety, and the board shall consider and analyze the
15 comments or analysis before making a final determination. After holding
16 the hearing, the board may adopt the rezoning by a majority vote of the
17 board for those counties with fewer than five supervisors, or for those
18 counties with five or more supervisors if a protest has not been filed.
19 If twenty ~~per cent~~ PERCENT of the owners of property by area and number
20 within the zoning area file a protest to the proposed rezoning, the change
21 shall not be made except by a three-fourths vote of all members of the
22 board for those counties with five or more supervisors. If any members of
23 the board are unable to vote on the question because of a conflict of
24 interest, the required number of votes for the passage of the question is
25 three-fourths of the remaining membership of the board for those counties
26 with five or more supervisors, except that the required number of votes ~~in~~
27 ~~no event~~ shall be less than a majority of the full membership of the
28 board. In calculating the owners by area, only that portion of a lot or
29 parcel of record situated within three hundred feet of the property to be
30 rezoned shall be included. In calculating the owners by number or area,
31 county property and public rights-of-way shall not be included.

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

36 1. Adjacent landowners and other potentially affected citizens will
37 be notified of the application.

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

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

43 G. The rezoning or subdivision plat of any unincorporated area
44 completely surrounded by a city or town shall use as a guideline the

1 adopted general plan and standards as prescribed in the subdivision and
2 zoning ordinances of the city or town ~~after April 10, 1986~~.

3 H. The board or commission, before taking any action on a rezoning
4 or subdivision plat in an area as prescribed in subsection G of this
5 section, may require the affected city or town to supply information to
6 allow the county to meet the guideline. If an affected city or town
7 objects to any such proposed action, the board or commission shall
8 prescribe in the minutes of the meeting specific reasons why in its
9 opinion the guideline is actually being followed or why it is not
10 practicable to follow the guideline of the general plan.

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

19 J. The legislature finds that a rezoning of land that changes the
20 zoning classification of the land or that restricts the use or reduces the
21 value of the land is a matter of statewide concern. Such a change in
22 zoning that is initiated by the governing body or zoning body shall not be
23 made without the express written consent of the property owner. In
24 applying an open space element or a growth element of a comprehensive
25 plan, a parcel of land shall not be rezoned for open space, recreation,
26 conservation or agriculture unless the owner of the land consents to the
27 rezoning in writing. For the purposes of this subsection, rezoning does
28 not include the creation or expansion of overlay zones solely for the
29 purpose of implementing airport safety and protection. Rezoning also does
30 not include the redesignation of areas of the county to which the
31 residential provisions of the county building codes apply or do not apply.
32 The county shall not adopt any change in a zoning classification to
33 circumvent the purpose of this subsection.

34 K. Notwithstanding title 19, chapter 1, article 4, a decision by
35 the governing body involving rezoning of land that is not owned by the
36 county and that changes the zoning classification of the land may not be
37 enacted as an emergency measure and such a change shall not be effective
38 for at least thirty days after final approval of the change in
39 classification by the board. Unless a resident files a written objection
40 with the board of supervisors, the rezoning may be enacted as an emergency
41 measure that becomes effective immediately by a four-fifths majority vote
42 of the board for those counties with five or more supervisors or a
43 two-thirds majority vote of the board for those counties with fewer than
44 five supervisors.

1 L. For the purposes of this section, "zoning area" means the area
2 within three hundred feet of the proposed amendment or change.

3 Sec. 8. Title 11, chapter 6, article 2, Arizona Revised Statutes,
4 is amended by adding section 11-818.01, to read:

5 11-818.01. Disclosure of filing; military installation or
6 range or Arizona national guard site;
7 definitions

8 A. A COUNTY THAT CONTAINS ANY PORTION OF A MILITARY INSTALLATION OR
9 RANGE OR ARIZONA NATIONAL GUARD SITE OR CONTAINS ANY PORTION OF THE
10 INFLUENCE AREA OF A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL
11 GUARD SITE, AS DELINEATED IN THE MAP PREPARED BY THE STATE LAND DEPARTMENT
12 PURSUANT TO SECTION 37-102, SHALL NOTIFY THE OFFICE OF THE MILITARY
13 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE COMMANDER WHEN AN
14 APPLICATION IS DEEMED COMPLETE BY THE COUNTY TO DO ANY OF THE FOLLOWING IN
15 ANY PORTION OF THE INFLUENCE AREA:

16 1. AMEND, MODIFY OR CHANGE A GENERAL PLAN OR COMPREHENSIVE PLAN
17 LAND USE DESIGNATION.

18 2. ESTABLISH, AMEND, MODIFY OR CHANGE AN AREA PLAN, CHARACTER PLAN,
19 MASTER DEVELOPMENT PLAN OR SITE PLAN.

20 3. AMEND, MODIFY OR CHANGE THE ZONING DESIGNATION, OVERLAY ZONING
21 DESIGNATION OR THE REGULATIONS RELATED TO ALLOWED USES, STRUCTURE OR
22 BUILDING HEIGHTS OR OUTDOOR LIGHTING IN THE APPLICABLE DESIGNATIONS.

23 4. SUBDIVIDE THE PROPERTY OR OTHERWISE DIVIDE THE PROPERTY,
24 INCLUDING ANY LAND DIVISION, INTO FIVE OR FEWER LOTS, REGARDLESS OF THE
25 PROPOSED DEVELOPMENT OR USE.

26 B. THE COUNTY SHALL PROVIDE THE NOTICE REQUIRED PURSUANT TO
27 SUBSECTION A OF THIS SECTION BY PROVIDING A COPY OF THE APPLICATION AND
28 THE RELEVANT DOCUMENTATION THAT IS NECESSARY TO ADEQUATELY DESCRIBE THE
29 PROPOSED APPLICATION PURSUANT TO SUBSECTION A OF THIS SECTION. THE NOTICE
30 SHALL INCLUDE PROCEDURES FOR PROVIDING ELECTRONIC OR WRITTEN COMMENTS AND
31 THE DATE COMMENTS MUST BE RECEIVED.

32 C. IN ALL CASES, COMMENTS FROM THE MILITARY INSTALLATION OR RANGE
33 OR ARIZONA NATIONAL GUARD SITE SHALL BE RECEIVED BY THE COUNTY SEVEN DAYS
34 BEFORE THE FIRST PUBLIC HEARING. IF THE APPLICATION DOES NOT REQUIRE A
35 PUBLIC HEARING, COMMENTS SHALL BE PROVIDED TO THE COUNTY WITHIN THE NORMAL
36 REVIEW AND COMMENT TIMELINES FOR SUCH APPLICATION. IF COMMENTS ARE
37 PROVIDED, THIS SECTION DOES NOT REQUIRE A PUBLIC HEARING FOR COMMENTS ON
38 APPLICATIONS THAT DO NOT OTHERWISE REQUIRE A PUBLIC HEARING.

39 D. IF THE MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD
40 SITE CHOOSES NOT TO SUBMIT OFFICIAL COMMENTS AND A PUBLIC HEARING IS
41 REQUIRED, THE COUNTY SHALL NOTE AT THE PUBLIC HEARING THAT THE MILITARY
42 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE WAS NOTIFIED AND HAS
43 NOT PROVIDED COMMENT ON THE APPLICATION.

44 E. THIS SECTION DOES NOT REQUIRE A COUNTY TO DENY ANY APPLICATION,
45 PERMIT, APPROVAL OR AUTHORIZATION BASED ON THE EXISTENCE OF THE MILITARY

1 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE OR ITS PROXIMITY TO
2 THE PARCEL OF REAL ESTATE.

3 F. THIS SECTION DOES NOT REQUIRE A COUNTY TO MEET THE NOTIFICATION
4 REQUIREMENTS OF THIS SECTION IF THE STATE LAND DEPARTMENT HAS NOT PREPARED
5 MAPS OF MILITARY INSTALLATIONS OR RANGES OR ARIZONA NATIONAL GUARD SITES.

6 G. FOR THE PURPOSES OF THIS SECTION:

7 1. "INFLUENCE AREA" MEANS ALL PROPERTY LOCATED WITHIN TWO MILES OF
8 THE EXTERIOR PERIMETER OR FENCE LINE OF THE MILITARY INSTALLATION OR RANGE
9 OR ARIZONA NATIONAL GUARD SITE.

10 2. "MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE":

11 (a) INCLUDES:

12 (i) UNITED STATES NAVAL OBSERVATORY FLAGSTAFF STATION.

13 (ii) BARRY M. GOLDWATER RANGE.

14 (iii) YUMA PROVING GROUNDS.

15 (iv) BUCKEYE TRAINING SITE.

16 (v) CAMP NAVAJO.

17 (vi) FLORENCE MILITARY RESERVATION.

18 (vii) PAPAGO PARK MILITARY RESERVATION.

19 (viii) PICACHO PEAK STAGEFIELD.

20 (ix) RITTENHOUSE TRAINING SITE.

21 (x) SILVERBELL ARMY HELIPORT.

22 (b) DOES NOT INCLUDE:

23 (i) THE LAGUNA ARMY AIRFIELD.

24 (ii) ANY MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED
25 IN SECTION 28-8461.

26 Sec. 9. Title 32, chapter 20, article 1, Arizona Revised Statutes,
27 is amended by adding section 32-2114.02, to read:

28 32-2114.02. Military installation; range; Arizona national
29 guard site; applicability; definitions

30 A. THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE OFFICE OF THE
31 COUNTY RECORDER IN EACH COUNTY THAT INCLUDES A MILITARY INSTALLATION OR
32 RANGE OR ARIZONA NATIONAL GUARD SITE, AS DELINEATED IN THE MAPS PREPARED
33 BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102, A DOCUMENT THAT
34 APPLIES TO LAND CONTAINED IN AN INFLUENCE AREA AND THAT DISCLOSES THAT THE
35 LAND IS CONTAINED IN AN INFLUENCE AREA.

36 B. IF A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD
37 SITE CHANGES AND PERSONS WHO WERE NOTIFIED PURSUANT TO SUBSECTION A OF
38 THIS SECTION NO LONGER HAVE PROPERTY CONTAINED IN AN INFLUENCE AREA, AS
39 DELINEATED IN THE MILITARY INSTALLATIONS OR RANGES OR ARIZONA NATIONAL
40 GUARD SITE MAP, THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE OFFICE OF
41 THE COUNTY RECORDER IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED A
42 DOCUMENT DISCLOSING THAT THE LAND IS NOT CONTAINED IN AN INFLUENCE AREA.

43 C. THE ATTORNEY GENERAL SHALL PREPARE IN RECORDABLE FORM THE
44 DOCUMENTS THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER PURSUANT TO
45 THIS SECTION.

1 D. THE DOCUMENTS THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER
2 PURSUANT TO THIS SECTION SHALL INCLUDE A GEOSPATIAL DESCRIPTION OF THE
3 INFLUENCE AREAS AS DELINEATED IN THE MILITARY INSTALLATION OR RANGE AND
4 ARIZONA NATIONAL GUARD SITE MAP.

5 E. THIS SECTION DOES NOT APPLY TO ANY MILITARY AIRPORT OR ANCILLARY
6 MILITARY FACILITY AS DEFINED IN SECTION 28-8461.

7 F. FOR THE PURPOSES OF THIS SECTION, "INFLUENCE AREA" AND "MILITARY
8 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE" HAVE THE SAME
9 MEANINGS PRESCRIBED IN SECTIONS 9-500.50 AND 11-818.01.

10 Sec. 10. Section 32-2115, Arizona Revised Statutes, is amended to
11 read:

12 32-2115. Department's website; military training route map;
13 restricted air space map; military electronics
14 range map; military installation, range and
15 Arizona national guard site influence area map

16 The department shall post on its website the following maps prepared
17 by the state land department as prescribed by law:

- 18 1. The military training route map.
- 19 2. The restricted air space map.
- 20 3. The military electronics range of a military installation.
- 21 4. A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE
22 INFLUENCE AREA MAP.

23 Sec. 11. Section 32-2183, Arizona Revised Statutes, is amended to
24 read:

25 32-2183. Subdivision public reports; denial of issuance;
26 unlawful sales; voidable sale or lease; order
27 prohibiting sale or lease; investigations;
28 hearings; summary orders

29 A. ~~Upon~~ ON examination of a subdivision, the commissioner, unless
30 there are grounds for denial, shall issue to the subdivider a public
31 report authorizing the sale or lease in this state of the lots, parcels or
32 fractional interests within the subdivision. The report shall contain the
33 data obtained in accordance with section 32-2181 and any other information
34 ~~which~~ THAT the commissioner determines is necessary to implement the
35 purposes of this article. If any of the lots, parcels or fractional
36 interests within the subdivision are located within territory in the
37 vicinity of a military airport or ancillary military facility as defined
38 in section 28-8461, under a military training route as delineated in the
39 military training route map prepared pursuant to section 37-102 IN A
40 MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE INFLUENCE
41 AREA AS DELINEATED IN THE MAPS PREPARED PURSUANT TO SECTION 37-102,
42 SUBSECTION H, PARAGRAPH 4, under restricted air space as delineated in the
43 restricted air space map prepared pursuant to section 37-102 or contained
44 in the military electronics range as delineated in the military
45 electronics range map prepared pursuant to section 37-102, the report

1 shall include, in bold ~~twelve point~~ TWELVE-POINT font block letters on the
2 first page of the report, the statements required pursuant to section
3 28-8484, subsection A, section 32-2183.05 or section 32-2183.06 and, if
4 the department has been provided a map prepared pursuant to section
5 28-8484, subsection B or section 37-102, the report shall include a copy
6 of the map. The military airport report requirements do not require the
7 amendment or reissuance of any public report issued on or before December
8 31, 2001 or on or before December 31 of the year in which the lots,
9 parcels or fractional interests within a subdivision become territory in
10 the vicinity of a military airport or ancillary military facility. The
11 military training route report requirements do not require the amendment
12 or reissuance of any public report issued on or before December 31, 2004.
13 The restricted air space report requirements do not require the amendment
14 or reissuance of any public report issued on or before December 31, 2006.
15 The military electronics range report requirements do not require the
16 amendment or reissuance of any public report issued on or before December
17 31, 2008. A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE
18 REPORT REQUIREMENTS DO NOT REQUIRE THE AMENDMENT OR REISSUANCE OF ANY
19 PUBLIC REPORT ISSUED ON OR BEFORE DECEMBER 31, 2024. The commissioner
20 shall require the subdivider to reproduce the report, make the report
21 available to each initial prospective customer and furnish each initial
22 buyer or lessee with a copy before the buyer or lessee signs any offer to
23 purchase or lease, taking a receipt therefor.

24 B. This section ~~shall~~ DOES not ~~be construed to~~ require a public
25 report issued sixty or fewer days ~~prior to~~ BEFORE the filing of the
26 military electronics range map OR THE MILITARY INSTALLATION OR RANGE OR
27 ARIZONA NATIONAL GUARD SITE INFLUENCE AREA MAP prepared pursuant to
28 section 37-102 to meet the military electronics range OR MILITARY
29 INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE notification
30 requirements of this section.

31 C. A public report issued sixty-one or more days after the filing
32 of the military electronics range map OR THE MILITARY INSTALLATION OR
33 RANGE OR ARIZONA NATIONAL GUARD SITE INFLUENCE AREA MAP prepared pursuant
34 to section 37-102 shall meet all of the requirements of subsection A of
35 this section.

36 D. Notwithstanding subsection A of this section, a subdivider may
37 elect to prepare a final public report for use in the sale of improved
38 lots as defined in section 32-2101, as follows:

39 1. The subdivider shall prepare the public report and provide a
40 copy of the report to the commissioner with the submission of the
41 notification required by sections 32-2181 and 32-2184 and shall comply
42 with all other requirements of this article.

43 2. An initial filing fee of ~~five hundred dollars~~ \$500 or an amended
44 filing fee of ~~two hundred fifty dollars~~ \$250 shall accompany the
45 notification required by paragraph 1 of this subsection.

1 3. The department shall assign a registration number to each
2 notification and public report submitted pursuant to this subsection and
3 shall maintain a database of all of these submissions. The subdivider
4 shall place the number on each public report.

5 4. On receipt of the notification and public report, the department
6 shall review and issue within ten business days either a certification
7 that the notification and public report are administratively complete or a
8 denial letter if it appears that the application or project is not in
9 compliance with all legal requirements, that the applicant has a
10 background of violations of state or federal law or that the applicant or
11 project presents an unnecessary risk of harm to the public. If the
12 commissioner has received the notification and public report but has not
13 issued a certification or a denial letter within ten business days
14 pursuant to this paragraph, the notification and public report are
15 administratively complete.

16 5. A subdivider may commence sales or leasing activities as
17 permitted under this article after obtaining a certificate of
18 administrative completeness from the commissioner.

19 6. Before or after the commissioner issues a certificate of
20 administrative completeness or, if applicable, after the notification and
21 public report are deemed to be administratively complete pursuant to
22 paragraph 4 of this subsection, the department may examine any public
23 report, subdivision or applicant that has applied for or received the
24 certificate. If the commissioner determines that the subdivider or
25 subdivision is not in compliance with any requirement of state law or that
26 grounds exist under this chapter to suspend, deny or revoke a public
27 report, the commissioner may commence an administrative action under
28 section 32-2154 or 32-2157. If the subdivider immediately corrects the
29 deficiency and comes into full compliance with state law, the commissioner
30 shall vacate any action that the commissioner may have commenced pursuant
31 to section 32-2154 or 32-2157.

32 7. The department shall provide forms and guidelines for the
33 submission of the notification and public report pursuant to this section.

34 E. The commissioner may suspend, revoke or deny issuance of a
35 public report on any of the following grounds:

36 1. Failure to comply with this article or the rules of the
37 commissioner pertaining to this article.

38 2. The sale or lease would constitute misrepresentation to or
39 deceit or fraud of the purchasers or lessees.

40 3. Inability to deliver title or other interest contracted for.

41 4. Inability to demonstrate that adequate financial or other
42 arrangements acceptable to the commissioner have been made for completion
43 of all streets, sewers, electric, gas and water utilities, drainage and
44 flood control facilities, community and recreational facilities and other
45 improvements included in the offering.

1 5. Failure to make a showing that the lots, parcels or fractional
2 interests can be used for the purpose for which they are offered.

3 6. The owner, agent, subdivider, officer, director or partner,
4 subdivider trust beneficiary holding ten ~~per cent~~ PERCENT or more direct
5 or indirect beneficial interest or, if a corporation, any stockholder
6 owning ten ~~per cent~~ PERCENT or more of the stock in the corporation has:

7 (a) Been convicted of a felony or misdemeanor involving fraud or
8 dishonesty or involving conduct of any business or a transaction in real
9 estate, cemetery property, ~~time-share~~ TIMESHARE intervals or membership
10 camping campgrounds or contracts.

11 (b) Been permanently or temporarily enjoined by order, judgment or
12 decree from engaging in or continuing any conduct or practice in
13 connection with the sale or purchase of real estate or cemetery property,
14 ~~time-share~~ TIMESHARE intervals, membership camping contracts or
15 campgrounds, or securities or involving consumer fraud or the racketeering
16 laws of this state.

17 (c) Had an administrative order entered against ~~him~~ THE PERSON by a
18 real estate regulatory agency or security regulatory agency.

19 (d) Had an adverse decision or judgment entered against ~~him~~ THE
20 PERSON involving fraud or dishonesty or involving the conduct of any
21 business or transaction in real estate, cemetery property, ~~time-share~~
22 TIMESHARE intervals or membership camping campgrounds or contracts.

23 (e) Disregarded or violated this chapter or the rules of the
24 commissioner pertaining to this chapter.

25 (f) Controlled an entity to which subdivision (b), (c), (d) or (e)
26 applies.

27 7. Procurement or an attempt to procure a public report by fraud,
28 misrepresentation or deceit or by filing an application for a public
29 report that is materially false or misleading.

30 8. Failure of the declaration for a condominium created pursuant to
31 title 33, chapter 9, article 2 to comply with the requirements of section
32 33-1215 or failure of the plat for the condominium to comply with the
33 requirements of section 33-1219. The commissioner may require an
34 applicant for a public report to submit a notarized statement signed by
35 the subdivider or an engineer or attorney licensed to practice in this
36 state certifying that the condominium plat and declaration of condominium
37 are in compliance with the requirements of sections 33-1215 and
38 33-1219. If the notarized statement is provided, the commissioner is
39 entitled to rely on this statement.

40 9. Failure of any blanket encumbrance or valid supplementary
41 agreement executed by the holder of the blanket encumbrance to contain
42 provisions that enable the purchaser to acquire title to a lot or parcel
43 free of the lien of the blanket encumbrance, on completion of all payments
44 and performance of all of the terms and provisions required to be made or
45 performed by the purchaser under the real estate sales contract by which

1 the purchaser has acquired the lot or parcel. The subdivider shall file
2 copies of documents acceptable to the commissioner containing these
3 provisions with the commissioner before the sale of any subdivision lot or
4 parcel subject to a blanket encumbrance.

5 10. Failure to demonstrate permanent access to the subdivision lots
6 or parcels.

7 11. The use of the lots presents an unreasonable health risk.

8 F. It is unlawful for a subdivider to sell any lot in a subdivision
9 unless one of the following occurs:

10 1. All proposed or promised subdivision improvements are completed.

11 2. The completion of all proposed or promised subdivision
12 improvements is assured by financial arrangements acceptable to the
13 commissioner. The financial arrangements may be made in phases for common
14 community and recreation facilities required by a municipality or county
15 as a stipulation for approval of a plan for a master planned community.

16 3. The municipal or county government agrees to prohibit occupancy
17 and the subdivider agrees not to close escrow for lots in the subdivision
18 until all proposed or promised subdivision improvements are completed.

19 4. The municipal or county government enters into an assurance
20 agreement with any trustee not to convey lots until improvements are
21 completed within the portion of the subdivision containing these lots, if
22 the improvements can be used and maintained separately from the
23 improvements required for the entire subdivision plat. The agreement
24 shall be recorded in the county in which the subdivision is located.

25 G. If the subdivision is within an active management area, as
26 defined in section 45-402, the commissioner shall deny issuance of a
27 public report or the use of any exemption pursuant to section 32-2181.02,
28 subsection B unless the subdivider has been issued a certificate of
29 assured water supply by the director of water resources and has paid all
30 applicable fees pursuant to sections 48-3772 and 48-3774.01, or unless the
31 subdivider has obtained a written commitment of water service for the
32 subdivision from a city, town or private water company designated as
33 having an assured water supply by the director of water resources pursuant
34 to section 45-576 or is exempt from the requirement pursuant to section
35 45-576.

36 H. In areas outside of active management areas, if the subdivision
37 is located in a county that has adopted the provision authorized by
38 section 11-823, subsection A or in a city or town that has enacted an
39 ordinance pursuant to section 9-463.01, subsection 0, the commissioner
40 shall deny issuance of a public report or the use of any exemption
41 pursuant to section 32-2181.02, subsection B unless one of the following
42 applies:

43 1. The director of water resources has reported pursuant to section
44 45-108 that the subdivision has an adequate water supply.

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

5 3. The plat was approved pursuant to an exemption authorized by
6 section 9-463.01, subsection K, pursuant to an exemption authorized by
7 section 11-823, subsection B, paragraph 1, pursuant to an exemption
8 granted by the director of water resources under section 45-108.02 and the
9 exemption has not expired or pursuant to an exemption granted by the
10 director of water resources under section 45-108.03.

11 4. The subdivision received final plat approval from the city, town
12 or county before the requirement for an adequate water supply became
13 effective in the city, town or county, and there have been no material
14 changes to the plat since the final plat approval. If changes were made
15 to the plat after the final plat approval, the director of water resources
16 shall determine whether the changes are material pursuant to the rules
17 adopted by the director to implement section 45-108.

18 I. A subdivider shall not sell or lease or offer for sale or lease
19 in this state any lots, parcels or fractional interests in a subdivision
20 without first obtaining a public report from the commissioner except as
21 provided in section 32-2181.01 or 32-2181.02, and a certificate of
22 administrative completeness issued pursuant to this section. Unless
23 exempt, the sale or lease of subdivided lands ~~prior to~~ BEFORE issuance of
24 the public report or failure to deliver the public report to the purchaser
25 or lessee shall render the sale or lease rescindable by the purchaser or
26 lessee. An action by the purchaser or lessee to rescind the transaction
27 shall be brought within three years ~~of~~ AFTER the date of execution of the
28 purchase or lease agreement by the purchaser or lessee. In any rescission
29 action, the prevailing party is entitled to reasonable attorney fees as
30 determined by the court.

31 J. On a print advertisement in a magazine or newspaper or on an
32 internet advertisement that advertises a specific lot or parcel of a
33 subdivider, the subdivider shall include a disclosure stating that "a
34 public report is available on the state real estate department's website".

35 K. Any applicant objecting to the denial of a public report, within
36 thirty days after receipt of the order of denial, may file a written
37 request for a hearing. The commissioner shall hold the hearing within
38 twenty days after receipt of the request for a hearing unless the party
39 requesting the hearing has requested a postponement. If the hearing is
40 not held within twenty days after a request for a hearing is received,
41 plus the period of any postponement, or if a proposed decision is not
42 rendered within forty-five days after submission, the order of denial
43 shall be rescinded and a public report issued.

44 L. On the commissioner's own motion, or when the commissioner has
45 received a complaint and has satisfactory evidence that the subdivider or

1 the subdivider's agent is violating this article or the rules of the
2 commissioner or has engaged in any unlawful practice as defined in section
3 44-1522 with respect to the sale of subdivided lands or deviated from the
4 provisions of the public report, the commissioner may investigate the
5 subdivision project and examine the books and records of the
6 subdivider. For the purpose of examination, the subdivider shall keep and
7 maintain records of all sales transactions and funds received by the
8 subdivider pursuant to the sales transactions and shall make them
9 accessible to the commissioner ~~upon~~ ON reasonable notice and demand.

10 M. On the commissioner's own motion, or when the commissioner has
11 received a complaint and has satisfactory evidence that any person has
12 violated this article or the rules of the commissioner or has engaged in
13 any unlawful practice as defined in section 44-1522 with respect to the
14 sale of subdivided lands or deviated from the provisions of the public
15 report or special order of exemption, or has been indicted for fraud or
16 against whom an information for fraud has been filed or has been convicted
17 of a felony, before or after the commissioner issues the public report as
18 provided in subsection A of this section, the commissioner may conduct an
19 investigation of the matter, issue a summary order as provided in section
20 32-2157, or provide notice and hold a public hearing and, after the
21 hearing, may issue the order or orders the commissioner deems necessary to
22 protect the public interest and ensure compliance with the law, rules or
23 public report or the commissioner may bring action in any court of
24 competent jurisdiction against the person to enjoin the person from
25 continuing the violation or engaging in or doing any act or acts in
26 furtherance of the violation. The court may make orders or judgments,
27 including the appointment of a receiver, necessary to prevent the use or
28 employment by a person of any unlawful practices, or which may be
29 necessary to restore to any person in interest any monies or property,
30 real or personal, that may have been acquired by means of any practice in
31 this article declared to be unlawful.

32 N. When it appears to the commissioner that a person has engaged in
33 or is engaging in a practice declared to be unlawful by this article and
34 that the person is concealing assets or self or has made arrangements to
35 conceal assets or is about to leave the state, the commissioner may apply
36 to the superior court, ex parte, for an order appointing a receiver of the
37 assets of the person or for a writ of ne exeat, or both.

38 O. The court, on receipt of an application for the appointment of a
39 receiver or for a writ of ne exeat, or both, shall examine the verified
40 application of the commissioner and other evidence that the commissioner
41 may present the court. If satisfied that the interests of the public
42 require the appointment of a receiver or the issuance of a writ of ne
43 exeat without notice, the court shall issue an order appointing the
44 receiver or issue the writ, or both. If the court determines that the
45 interests of the public will not be harmed by the giving of notice, the

1 court shall set a time for a hearing and require notice be given as the
2 court deems satisfactory.

3 P. If the court appoints a receiver without notice, the court shall
4 further direct that a copy of the order appointing a receiver be served on
5 the person engaged in or engaging in a practice declared to be unlawful
6 under this article by delivering the order to the last address of the
7 person that is on file with the state real estate department. The order
8 shall inform the person that the person has the right to request a hearing
9 within ten days ~~of~~ AFTER the date of the order and, if requested, the
10 hearing shall be held within thirty days ~~from~~ AFTER the date of the order.

11 Sec. 12. Section 32-2183.05, Arizona Revised Statutes, is amended
12 to read:

13 32-2183.05. Military training route disclosure; military
14 electronics range disclosure; military
15 installation, range and Arizona national guard
16 site disclosure; residential property

17 A. Any public report that is issued after December 31, 2004
18 pursuant to section 32-2183 or 32-2195.03 and that is applicable to
19 property located under a military training route, as delineated in the
20 military training route map prepared by the state land department pursuant
21 to section 37-102, and any public report that is issued after December 31,
22 2008 and that is applicable to property located in a military electronics
23 range as delineated in the military electronics range map prepared by the
24 state land department pursuant to section 37-102, **AND ANY PUBLIC REPORT**
25 **THAT IS ISSUED AFTER DECEMBER 31, 2024 AND THAT IS APPLICABLE TO PROPERTY**
26 **LOCATED FULLY OR PARTIALLY WITHIN A MILITARY INSTALLATION'S OR RANGE'S OR**
27 **ARIZONA NATIONAL GUARD SITE'S INFLUENCE AREA AS DELINEATED IN THE MAPS**
28 **PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102,**
29 **SUBSECTION H, PARAGRAPH 4,** shall include the following statements:

30 1. The property is located under a military training route, ~~or~~ in a
31 military electronics range **OR IN A MILITARY INSTALLATION'S OR RANGE'S OR**
32 **ARIZONA NATIONAL GUARD SITE'S INFLUENCE AREA.**

33 2. The state land department and the state real estate department
34 maintain military training route maps, ~~and~~ military electronics range maps
35 **AND MILITARY INSTALLATION AND RANGE AND ARIZONA NATIONAL GUARD SITE**
36 **INFLUENCE AREA MAPS** available to the public.

37 3. The military training route map, ~~and~~ military electronics range
38 map **AND MILITARY INSTALLATION AND RANGE AND ARIZONA NATIONAL GUARD SITE**
39 **INFLUENCE AREA MAPS** are posted on the state real estate department's
40 website.

41 B. The public report prescribed by subsection A of this section may
42 contain a disclaimer that the subdivider has no control over the military
43 training routes as delineated in the military training route map or the
44 timing or frequency of flights and associated levels of noise, ~~and~~ has no
45 control over the military electronics range and its testing and training

1 operations AND HAS NO CONTROL OVER THE MILITARY INSTALLATION'S OR RANGE'S
2 OR ARIZONA NATIONAL GUARD SITE'S OPERATIONS.

3 C. For any lot reservation or conditional sale that occurs before
4 the issuance of a public report, the disclosure statements listed in
5 subsection A of this section shall be included within the reservation
6 document or conditional sales contract.

7 D. This section does not require the amendment or reissuance of any
8 public report issued on or before December 31, 2004 that is applicable to
9 property located under a military training route, as delineated in the
10 military training route map prepared by the state land department pursuant
11 to section 37-102 or on or before December 31, 2008 that is applicable to
12 property located in a military electronics range, as delineated in the
13 military electronics range map prepared by the state land department
14 pursuant to section 37-102 OR ON OR BEFORE DECEMBER 31, 2024 THAT IS
15 APPLICABLE TO PROPERTY LOCATED FULLY OR PARTIALLY WITHIN A MILITARY
16 INSTALLATION'S OR RANGE'S OR ARIZONA NATIONAL GUARD SITE'S INFLUENCE AREA
17 AS DELINEATED IN THE MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO
18 SECTION 37-102 SUBSECTION H, PARAGRAPH 4, or the amendment or reissuance
19 of any reservation document or conditional sales contract accepted on or
20 before December 31, 2004, ~~or~~ on or before December 31, 2008 OR ON OR
21 BEFORE DECEMBER 31, 2024.

22 E. Notwithstanding any other law, if the public report complies
23 with subsection A of this section, a subdivider is not liable to any
24 person or governmental entity for any act or failure to act in connection
25 with the disclosure of a military training route as delineated in the
26 military training route map or a military electronics range as delineated
27 in the military electronics range map OR THE MILITARY INSTALLATION OR
28 RANGE OR ARIZONA NATIONAL GUARD SITE AS DELINEATED ON THE INFLUENCE AREA
29 MAPS.

30 F. This section ~~shall~~ DOES not ~~be construed to~~ require a public
31 report issued sixty or fewer days ~~prior to~~ BEFORE the filing of the
32 military electronics range map OR AN INFLUENCE AREA MAP prepared pursuant
33 to section 37-102 to meet the military electronics range OR MILITARY
34 INSTALLATION'S OR RANGE'S OR ARIZONA NATIONAL GUARD SITE'S notification
35 requirements of this section.

36 G. A public report issued sixty-one or more days after the filing
37 of the military electronics range map OR INFLUENCE AREA MAP prepared
38 pursuant to section 37-102 shall meet all of the requirements of
39 subsection A of this section.

40 Sec. 13. Section 33-422, Arizona Revised Statutes, as amended by
41 Laws 2019, chapter 103, section 1 and chapter 131, section 1, is amended
42 to read:

43 33-422. Land divisions; recording; disclosure affidavit

44 A. A seller of five or fewer parcels of land, other than subdivided
45 land, in an unincorporated area of a county and any subsequent seller of

1 such a parcel shall COMPLETE AND furnish a written affidavit of disclosure
2 to the buyer at least seven days before the transfer of the property and
3 the buyer shall acknowledge receipt of the affidavit.

4 B. The affidavit must be written in twelve-point type.

5 C. A release or waiver of a seller's liability arising out of any
6 omission or misrepresentation contained in an affidavit of disclosure is
7 not valid or binding on the buyer.

8 D. The buyer has the right to rescind the sales transaction for a
9 period of five days after the affidavit of disclosure is furnished to the
10 buyer.

11 E. The seller shall record the executed affidavit of disclosure at
12 the same time that the deed is recorded. The county recorder is not
13 required to verify the accuracy of any statement in the affidavit of
14 disclosure. A subsequently recorded affidavit supersedes any previous
15 affidavit.

16 F. The affidavit of disclosure shall CONTAIN ALL OF THE FOLLOWING
17 DISCLOSURES, BE COMPLETED BY THE SELLER, meet the requirements of section
18 11-480 and follow substantially the following form:

19 When recorded mail to:

20 _____
21 _____
22 _____
23 _____

24 Affidavit of Disclosure
25 Pursuant to A.R.S. § 33-422

26 I, _____ (seller(s))
27 being duly sworn, hereby make this affidavit of disclosure
28 relating to the real property situated in the unincorporated
29 area of:

30 _____, County, State of Arizona, located at:

31 _____
32 and legally described as:

33 (Legal description attached hereto as exhibit "A")
34 (property).

35 1. There is is not legal access to the property,
36 as defined in A.R.S. § 11-831 unknown

37 Explain: _____
38 _____
39 _____

40 2. There is is not physical access to the property.
41 unknown

42 Explain: _____
43 _____
44 _____

1 3. There is is not a statement from a licensed
2 surveyor or engineer available stating whether the property has
3 physical access that is traversable by a two-wheel drive
4 passenger motor vehicle.

5 4. The legal and physical access to the property is is not .
6 . . . the same.... unknown not applicable.
7 Explain: _____
8 _____
9 _____

10 *If access to the parcel is not traversable by emergency*
11 *vehicles, the county and emergency service providers may not*
12 *be held liable for any damages resulting from the inability to*
13 *traverse the access to provide needed services.*

14 5. The road(s) is/are publicly maintained privately
15 maintained not maintained not applicable. If
16 applicable, there is is not a recorded road
17 maintenance agreement.

18 *If the roads are not publicly maintained, it is the*
19 *responsibility of the property owner(s) to maintain the roads*
20 *and roads that are not improved to county standards and*
21 *accepted for maintenance are not the county's responsibility.*

22 6. A portion or all of the property is is not
23 located in a FEMA designated regulatory floodplain. If the
24 property is in a floodplain, it may be subject to floodplain
25 regulation.

26 7. The property is is not subject to fissures or
27 expansive soils. unknown
28 Explain: _____
29 _____
30 _____

31 8. The following services are currently provided to the property:
32 water sewer electric natural gas single
33 party telephone cable television services.

34 9. The property is is not served by a water
35 supply that requires the transportation of water to the
36 property. **IF THE PROPERTY IS SERVED BY A WATER SUPPLY THAT**
37 **REQUIRES THE TRANSPORTATION OF WATER TO THE PROPERTY, THE**
38 **SELLER SHALL DISCLOSE THE NAME AND CONTACT INFORMATION OF THE**
39 **WATER HAULER OR WATER HAULING COMPANY THAT IS CURRENTLY**
40 **PROVIDING THE TRANSPORTATION SERVICES TO THE PROPERTY AND THE**
41 **NAME AND LOCATION OF THE WATER SUPPLY FROM WHICH THE WATER IS**
42 **CURRENTLY BEING TRANSPORTED.**

43 **WATER HAULER NAME:** _____ **PHONE:** _____
44 **WATER SUPPLY:** _____ **LOCATION:** _____

1 10. The property is served by a private water company a
2 municipal water provider a private well a shared well
3 no well. If served by a shared well, the shared well
4 is is not a public water system, as defined by
5 the safe drinking water act (42 United States Code § 300f).

6 *Notice to buyer: If the property is served by a well, a*
7 *private water company or a municipal water provider the*
8 *Arizona department of water resources may not have made a*
9 *water supply determination. For more information about water*
10 *supply, contact the water provider.*

11 11. The property or the water used on the property is is not
12 the subject of a statement of claimant for the use of water in
13 a general adjudication of water rights. unknown.

14 *This is a lawsuit to determine the use of and relative*
15 *priority of water rights. A map of adjudicated areas is*
16 *available at the website of the department of water resources.*

17 12. The property does have does not have an on-site
18 wastewater treatment facility (i.e., standard septic or
19 alternative system to treat and dispose of wastewater).
20 unknown. If applicable: a) The property will will not
21 require installation of an on-site wastewater treatment
22 facility; b) The on-site wastewater treatment facility has
23 has not been inspected.

24 13. The property has been has not been subject to a
25 percolation test. unknown.

26 14. The property does have does not have one or more solar
27 energy devices that are leased owned.

28 ~~Notice to buyer: If the property contains solar energy~~
29 ~~devices, it is the responsibility of the buyer to verify the~~
30 ~~proper replacement and disposal method for the devices, as~~
31 ~~applicable. If the solar energy devices are leased, the seller~~
32 ~~or property owner shall disclose the name and contact~~
33 ~~information of the leasing company.~~

34 *Leasing company name: _____ Phone: _____*

35 15. THE PROPERTY DOES HAVE DOES NOT HAVE ONE OR MORE
36 BATTERY ENERGY STORAGE DEVICES THAT ARE LEASED OWNED.

37 IF THE BATTERY ENERGY STORAGE DEVICES ARE LEASED, THE SELLER
38 SHALL DISCLOSE THE NAME AND CONTACT INFORMATION OF THE LEASING
39 COMPANY.

40 LEASING COMPANY NAME: _____ PHONE: _____

41 ~~15.~~ 16. The property does does not meet the
42 minimum applicable county zoning requirements of the applicable
43 zoning designation.

1 ~~16.~~ 17. The sale of the property does does not . . . meet
2 the requirements of A.R.S. § 11-831 AND § 32-2181 regarding
3 land divisions. If those requirements are not met, the
4 property owner may not be able to obtain a building permit. IT
5 IS UNLAWFUL PURSUANT TO § 11-831, SUBSECTION F AND § 32-2181,
6 SUBSECTION D FOR A PERSON OR GROUP OF PERSONS TO ATTEMPT TO
7 AVOID THE SUBDIVISION LAWS OF THIS STATE BY ACTING IN CONCERT
8 TO DIVIDE A PARCEL OF LAND INTO SIX OR MORE LOTS OR
9 PARCELS. THE COUNTY WHERE THE LAND DIVISION OCCURRED OR THE
10 STATE REAL ESTATE DEPARTMENT MAY INVESTIGATE AND ENFORCE THE
11 PROHIBITION AGAINST ACTING IN CONCERT TO UNLAWFULLY DIVIDE A
12 PARCEL OF LAND INTO SIX OR MORE LOTS OR PARCELS. The seller or
13 property owner shall disclose each of the deficiencies to the
14 buyer.

15 Explain: _____
16 _____
17 _____

18 ~~17.~~ 18. The property is is not located in the clear zone
19 of a military airport or ancillary military facility, as
20 defined in A.R.S. § 28-8461. (Maps are available at the state
21 real estate department's website.)

22 ~~18.~~ 19. The property is is not located in the high noise
23 or accident potential zone of a military airport or ancillary
24 military facility, as defined in A.R.S. § 28-8461. (Maps are
25 available at the state real estate department's website.)

26 ~~19.~~ 20. Notice: If the property is located within the territory in
27 the vicinity of a military airport or ancillary military
28 facility, the property is required to comply with sound
29 attenuation standards as prescribed by A.R.S. § 28-8482. (Maps
30 are available at the state real estate department's website.)

31 ~~20.~~ 21. The property is is not located under military
32 restricted airspace. unknown. (Maps are available at the
33 state real estate department's website.)

34 ~~21.~~ 22. The property is is not located in a military
35 electronics range as defined in A.R.S. § 9-500.28 and § 11-818.
36 unknown. (Maps are available at the state real estate
37 department's website.)

38 23. THE PROPERTY IS IS NOT LOCATED WITHIN THE INFLUENCE AREA
39 OF A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD
40 SITE AS DEFINED IN SECTIONS 9-500.50 AND 11-818.01 (MAPS ARE
41 AVAILABLE AT THE STATE REAL ESTATE DEPARTMENT WEBSITE.)

42 ~~22.~~ 24. Use of the property is is not limited in any way
43 relating to an encumbrance of title due to a lis pendens, a
44 court order or a state real estate department order or a
45 pending legal action. If the use of the property is limited

1 due to an encumbrance of title, the seller or property owner
2 shall disclose the limitations to the buyer.

3 Explain: _____
4 _____
5 _____

6
7 This affidavit of disclosure supersedes any previously
8 recorded affidavit of disclosure.

9 I certify under penalty of perjury that the information
10 contained in this affidavit is true, complete and correct
11 according to my best belief and knowledge.

12 Dated this ___(date)___ day of ___(year)___ by:
13 Seller's name (print): _____ Signature: _____
14 Seller's name (print): _____ Signature: _____
15 State of Arizona)
16) ss.
17 County of _____)

18 Subscribed and sworn before me this ___(date)___ day
19 of ___(year)___, by _____.

20 _____
21 Notary public

22 My commission expires:
23 _____(date)_____

24 Buyer(s) hereby acknowledges receipt of a copy of this
25 affidavit of disclosure this ___(date)___ day
26 of ___(year)___

27 Buyer's name (print): _____ Signature: _____
28 Buyer's name (print): _____ Signature: _____

29 G. For the purposes of this section, seller and subsequent seller
30 do not include a trustee of a deed of trust who is selling property by a
31 trustee's sale pursuant to chapter 6.1 of this title or any officer who is
32 selling property by execution sale pursuant to title 12, chapter 9 and
33 chapter 6 of this title. If the seller is a trustee of a subdivision
34 trust as defined in section 6-801, the disclosure affidavit required by
35 this section shall be provided by the beneficiary of the subdivision
36 trust.

37 Sec. 14. Repeal
38 Section 33-422, Arizona Revised Statutes, as amended by Laws 2023,
39 chapter 77, section 3, is repealed.

40 Sec. 15. Section 37-102, Arizona Revised Statutes, is amended to
41 read:

42 37-102. State land department; powers and duties

43 A. The state land department shall administer all laws relating to
44 lands owned by, belonging to and under the control of this state.

1 B. The department shall have charge and control of all lands owned
2 by this state, and timber, stone, gravel and other products of such lands,
3 except lands under the specific use and control of state institutions and
4 the products of such lands.

5 C. The department, in the name of this state, may commence,
6 prosecute and defend all actions and proceedings to protect the interest
7 of this state in lands within this state or the proceeds of lands within
8 this state. Actions shall be commenced and prosecuted at the request of
9 the department by the attorney general, a county attorney or a special
10 counsel under the direction of the attorney general.

11 D. The department shall be the official representative of this
12 state in any communication between this state and the United States
13 government in all matters respecting state lands or any interest of this
14 state in or to the public lands within this state.

15 E. The summons in any action against this state respecting any
16 lands of this state or the products of such lands and all notices
17 concerning such lands or products shall be served on the commissioner.
18 Summonses, warrants or legal notices served on behalf of the department
19 may be served by the commissioner or the commissioner's deputy, or by the
20 sheriff or a constable of any county of this state.

21 F. The department shall maintain as a public record in each of the
22 department's offices a public docket and index of all matters before the
23 department that may be subject to appeal to the board of appeals or to the
24 courts and all sale, exchange and lease transactions subject to bidding by
25 the public. The department shall list a matter on the public docket
26 immediately after an application or other request for department action is
27 received by the department. The department shall include in the public
28 docket every formal action and decision affecting each matter in
29 question. The department shall establish by rule a means by which any
30 person may obtain a copy of the public docket at the current copying cost.

31 G. The department shall reappraise or update the department's
32 original appraisal of property to be leased, exchanged or sold if the
33 board of appeals' approval of the lease or sale occurred more than two
34 hundred forty days before the auction.

35 H. To the extent possible, the state land department shall:

36 1. Prepare maps of the ancillary military facilities described in
37 section 28-8461, paragraph 7, subdivisions (b) and (c).

38 2. Make a map of the ancillary military facility described in
39 section 28-8461, paragraph 7, subdivision (a) available to the public in
40 printed or electronic format and provide the map in printed or electronic
41 format to the state real estate department.

1 3. ~~On or before December 25, 2008 and~~ On receipt of proper
2 information from the military installation commander with responsibility
3 for the military electronics range, prepare a map of the military
4 electronics range as defined in section 9-500.28 and make that map
5 available to the public in printed or electronic format and provide the
6 map in printed or electronic format to the state real estate department.
7 Within ninety days ~~of~~ AFTER receipt of notice of any change in the
8 boundaries of the military electronics range from the military
9 installation commander, the state land department shall revise its map and
10 provide the map to the public and to the state real estate department.

11 4. ON OR BEFORE DECEMBER 31, 2024 AND ON RECEIPT OF PROPER
12 INFORMATION FROM THE APPLICABLE MILITARY INSTALLATION'S AND RANGE'S AND
13 ARIZONA NATIONAL GUARD SITE'S COMMANDERS, PREPARE ELECTRONIC LEGAL
14 DESCRIPTIONS AND MAPS OF THE MILITARY INSTALLATION AND RANGE AND ARIZONA
15 NATIONAL GUARD SITE AND THEIR RESPECTIVE INFLUENCE AREAS AS DEFINED IN
16 SECTIONS 9-500.50 AND 11-818.01 AND PROVIDE THE LEGAL DESCRIPTIONS AND
17 MAPS TO THE STATE REAL ESTATE DEPARTMENT AND THE PUBLIC. THE STATE LAND
18 DEPARTMENT SHALL MAKE CHANGES TO THE BOUNDARIES OF THE MILITARY
19 INSTALLATION AND RANGE AND NATIONAL GUARD SITE AND THEIR RESPECTIVE
20 INFLUENCE AREAS AND PROVIDE THEM TO THE STATE REAL ESTATE DEPARTMENT AND
21 THE PUBLIC WITHIN NINETY DAYS AFTER RECEIPT OF THOSE CHANGES FROM THE
22 MILITARY INSTALLATION'S AND RANGE'S AND ARIZONA NATIONAL GUARD SITE'S
23 COMMANDERS.

24 I. The state land department shall provide each map and the legal
25 description of the boundaries of each ancillary military facility
26 described in section 28-8461, paragraph 7 in electronic format to the
27 state real estate department. Each map prepared by the state land
28 department pursuant to this section shall:

29 1. Describe the ancillary military facility, the territory in the
30 vicinity of the ancillary military facility and the high noise and
31 accident potential zone, accident potential zone one and accident
32 potential zone two associated with the ancillary military facility.

33 2. Be submitted to the county in which the ancillary military
34 facility is located.

35 3. Be made available to the public.

36 J. The state land department shall prepare a military training
37 route map. The map shall contain military training route numbers in this
38 state that are used by various United States armed forces. The map shall
39 be dated.

40 K. When preparing the military training route map, the state land
41 department shall use information contained in the most current department
42 of defense publication that is entitled "area planning military training
43 routes for North and South America".

44 L. The military training route map shall be made available to the
45 public.

1 M. Within ninety days after the department is notified of a change
2 of a military training route in this state, the department shall prepare a
3 revised military training route map. The map shall be dated and contain a
4 statement that the map supersedes all previously dated maps. The state
5 land department shall send the revised map to the state real estate
6 department electronically and shall also send an accompanying letter
7 specifying the military training route changes. The state land department
8 shall send the revised map and an accompanying letter specifying the
9 military training route changes to the municipalities affected by the
10 changes and to all counties.

11 N. The department shall submit the military training route map
12 prepared pursuant to this section to the counties in either an electronic
13 or a printed format. The format shall be determined by the receiving
14 county.

15 O. The state land department shall provide the legal description of
16 the boundaries of the military training routes as delineated in the
17 military training route map to the state real estate department in
18 electronic format.

19 P. The state land department shall prepare a military restricted
20 airspace map. The map shall contain military restricted airspace in this
21 state that is used by various United States armed forces. The map shall
22 be dated.

23 Q. When preparing the military restricted airspace map, the state
24 land department shall use information contained in the most current
25 department of transportation publication that is entitled "aeronautical
26 chart".

27 R. The military restricted airspace map shall be made available in
28 printed or electronic format to the public at the state land department
29 and at the state real estate department.

30 S. Within ninety days after the department is notified of a change
31 of military restricted airspace in this state, the department shall
32 prepare a revised military restricted airspace map. The map shall be
33 dated and contain a statement that the map supersedes all previously dated
34 maps. The state land department shall send the revised map to the state
35 real estate department electronically and shall also send an accompanying
36 letter specifying the military restricted airspace changes. The state
37 land department shall send the revised map and an accompanying letter
38 specifying the military restricted airspace changes to the municipalities
39 affected by the changes and to all counties.

40 T. The department shall submit the military restricted airspace map
41 prepared pursuant to this section to the counties in either an electronic
42 or a printed format. The format shall be determined by the receiving
43 county.

1 U. The state land department shall provide the legal description of
2 the boundaries of the military restricted airspace as delineated in the
3 military restricted airspace map to the state real estate department in
4 electronic format.

5 V. The department may accept title to and manage real estate,
6 property rights and related infrastructure acquired pursuant to section
7 26-262, subsection K for preserving or enhancing military installations in
8 this state.