

REFERENCE TITLE: **military installations; general plan amendments**

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

## **HB 2548**

Introduced by  
Representative Payne

### 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 MILITARY INSTALLATIONS.

(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 ALLOW OR REQUIRE A CITY OR TOWN TO DENY  
4 ANY APPLICATION, PERMIT, APPROVAL OR AUTHORIZATION BASED ON THE EXISTENCE  
5 OF THE MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE OR  
6 ITS 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 THE LAGUNA ARMY AIRFIELD.

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

30 11-804. Comprehensive plan; contents

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

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

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

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

22 (a) A statement of the standards of population density and building  
23 intensity recommended for the various land use categories covered by the  
24 plan.

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

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

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

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

42 2. Planning for circulation consisting of the general location and  
43 extent of existing and proposed freeways, arterial and collector streets,  
44 bicycle routes and any other modes of transportation as may be

1 appropriate, all correlated with the land use plan under paragraph 1 of  
2 this subsection.

3 3. Planning for water resources that addresses:

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

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

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

12 4. Planning for energy use that:

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

14 (b) Identifies policies and practices for greater use of renewable  
15 energy.

16 C. 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 two hundred thousand persons, the comprehensive plan shall  
19 include, and for other counties the comprehensive plan may include:

20 1. Planning for open space acquisition and preservation. The open  
21 space plan shall include:

22 (a) A comprehensive inventory of open space areas, recreational  
23 resources and designations of access points to open space areas and  
24 resources.

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

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

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

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

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

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

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

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

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

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

28 D. The water resources element of the comprehensive plan does not  
29 require:

- 30 1. New independent hydrogeologic studies.
- 31 2. The county to be a water service provider.

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

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

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

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

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

21 11-805. Comprehensive plan adoption; notice; hearing;  
22 amendment; expiration; readoption

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

29 B. The board of supervisors shall:

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

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

35 (b) The opportunity for written comments.

36 (c) Public hearings after effective notice.

37 (d) Open discussions, communications programs and information  
38 services.

39 (e) Consideration of public comments.

40 2. Consult with, advise and provide an opportunity for official  
41 comment by public officials and agencies, municipalities, school  
42 districts, associations of governments, public land management agencies,  
43 the military airport if the county's area of jurisdiction includes  
44 territory in the vicinity of a military airport or ancillary military  
45 facility as defined in section 28-8461, A MILITARY INSTALLATION OR RANGE

1 OR ARIZONA NATIONAL GUARD SITE AS DEFINED IN SECTION 11-818.01, IF  
2 APPLICABLE, other appropriate government jurisdictions, public utility  
3 companies, civic, educational, professional and other organizations,  
4 property owners and citizens generally to secure the maximum coordination  
5 of plans and to indicate properly located sites for all public purposes on  
6 the plan.

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

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

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

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

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

41 7. If the comprehensive plan or an element or major amendment of  
42 the comprehensive plan is applicable to property in the high noise or  
43 accident potential zone of a military airport or ancillary military  
44 facility as defined in section 28-8461, the attorney general. For the  
45 purposes of this paragraph, "major amendment" means a substantial

1 alteration of the county's land use mixture or balance as established in  
2 the county's existing comprehensive plan land use element for that area of  
3 the county.

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

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

12 1. Publication at least once in a newspaper of general circulation  
13 in the county seat.

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

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

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

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

35 J. The board of supervisors may adopt the county comprehensive plan  
36 as a whole or by successive actions adopt separate parts of the plan. The  
37 adoption or readoption of the comprehensive plan or any amendment to the  
38 plan shall be by resolution of the board. The adoption or readoption of,  
39 or a major amendment to, the county comprehensive plan shall be approved  
40 by the affirmative vote of at least two-thirds of the members of the  
41 board. All major amendments proposed for adoption to the comprehensive  
42 plan by the board shall be presented at a single public hearing during the  
43 calendar year the proposal is made. The adoption or readoption of the  
44 comprehensive plan, and any major amendment to the comprehensive plan,  
45 shall not be enacted as an emergency measure and is subject to referendum

1 as provided by article IV, part 1, section 1, subsection (8), Constitution  
2 of Arizona, and title 19, chapter 1, article 4. For the purposes of this  
3 section, "major amendment" means a substantial alteration of the county's  
4 land use mixture or balance as established in the county's existing  
5 comprehensive plan land use element for that area of the county. The  
6 county's comprehensive plan shall define the criteria to determine if a  
7 proposed amendment to the comprehensive plan effects a substantial  
8 alteration of the county's land use mixture or balance as established in  
9 the county's existing comprehensive plan land use element for that area of  
10 the county.

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

43 L. If the motion to adopt or readopt the plan or an amendment to  
44 the plan fails to pass, the board may reconsider the motion in any manner  
45 allowed by the board's rules of procedure, but any subsequent motion for



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

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

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

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

28 11-814. Rezoning; conditional zoning change; notice; hearing;  
29 citizen review; definition

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

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

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

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

41 E. If the commission or hearing officer has held a public hearing,  
 42 the board may adopt the recommendations of the commission or hearing  
 43 officer through use of a consent calendar without holding a second public  
 44 hearing if there is no objection, request for public hearing or other  
 45 protest. If there is an objection, a request for public hearing or a

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

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

34 1. Adjacent landowners and other potentially affected citizens will  
 35 be notified of the application.

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

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

41 G. The rezoning or subdivision plat of any unincorporated area  
 42 completely surrounded by a city or town shall use as a guideline the  
 43 adopted general plan and standards as prescribed in the subdivision and  
 44 zoning ordinances of the city or town ~~after April 10, 1986.~~

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

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

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

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

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

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

3           11-818.01. Disclosure of filing; military installation or  
4           range or Arizona national guard site;  
5           definitions

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

14           1. AMEND, MODIFY OR CHANGE A GENERAL PLAN OR COMPREHENSIVE PLAN  
15 LAND USE DESIGNATION.

16           2. ESTABLISH, AMEND, MODIFY OR CHANGE AN AREA PLAN, CHARACTER PLAN,  
17 MASTER DEVELOPMENT PLAN OR SITE PLAN.

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

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

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

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

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

42           E. THIS SECTION DOES NOT ALLOW OR REQUIRE A COUNTY TO DENY ANY  
43 APPLICATION, PERMIT, APPROVAL OR AUTHORIZATION BASED ON THE EXISTENCE OF  
44 THE MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE OR ITS  
45 PROXIMITY TO THE PARCEL OF REAL ESTATE.

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

4 G. FOR THE PURPOSES OF THIS SECTION:

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

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

9 (a) INCLUDES:

10 (i) UNITED STATES NAVAL OBSERVATORY FLAGSTAFF STATION.

11 (ii) BARRY M. GOLDWATER RANGE.

12 (iii) YUMA PROVING GROUNDS.

13 (iv) BUCKEYE TRAINING SITE.

14 (v) CAMP NAVAJO.

15 (vi) FLORENCE MILITARY RESERVATION.

16 (vii) PAPAGO PARK MILITARY RESERVATION.

17 (viii) PICACHO PEAK STAGEFIELD.

18 (ix) RITTENHOUSE TRAINING SITE.

19 (x) SILVERBELL ARMY HELIPORT.

20 (b) DOES NOT INCLUDE THE LAGUNA ARMY AIRFIELD.

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

23 32-2114.02. Military installation; range; Arizona national  
24 guard site; definitions

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

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

38 C. THE ATTORNEY GENERAL SHALL PREPARE IN RECORDABLE FORM THE  
39 DOCUMENTS THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER PURSUANT TO  
40 THIS SECTION.

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

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

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

6 32-2115. Department's website; military training route map;  
7 restricted air space map; military electronics  
8 range map; military installation, range and  
9 Arizona national guard site influence area map

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

- 12 1. The military training route map.
- 13 2. The restricted air space map.
- 14 3. The military electronics range of a military installation.
- 15 4. A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE  
16 INFLUENCE AREA MAP.

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

19 32-2183. Subdivision public reports; denial of issuance;  
20 unlawful sales; voidable sale or lease; order  
21 prohibiting sale or lease; investigations;  
22 hearings; summary orders

23 A. ~~upon~~ ON examination of a subdivision, the commissioner, unless  
24 there are grounds for denial, shall issue to the subdivider a public  
25 report authorizing the sale or lease in this state of the lots, parcels or  
26 fractional interests within the subdivision. The report shall contain the  
27 data obtained in accordance with section 32-2181 and any other information  
28 ~~which~~ THAT the commissioner determines is necessary to implement the  
29 purposes of this article. If any of the lots, parcels or fractional  
30 interests within the subdivision are located within territory in the  
31 vicinity of a military airport or ancillary military facility as defined  
32 in section 28-8461, under a military training route as delineated in the  
33 military training route map prepared pursuant to section 37-102 IN A  
34 MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE INFLUENCE  
35 AREA AS DELINEATED IN THE MAPS PREPARED PURSUANT TO SECTION 37-102,  
36 SUBSECTION H, PARAGRAPH 4, under restricted air space as delineated in the  
37 restricted air space map prepared pursuant to section 37-102 or contained  
38 in the military electronics range as delineated in the military  
39 electronics range map prepared pursuant to section 37-102, the report  
40 shall include, in bold ~~twelve point~~ TWELVE-POINT font block letters on the  
41 first page of the report, the statements required pursuant to section  
42 28-8484, subsection A, section 32-2183.05 or section 32-2183.06 and, if  
43 the department has been provided a map prepared pursuant to section  
44 28-8484, subsection B or section 37-102, the report shall include a copy  
45 of the map. The military airport report requirements do not require the

1 amendment or reissuance of any public report issued on or before December  
 2 31, 2001 or on or before December 31 of the year in which the lots,  
 3 parcels or fractional interests within a subdivision become territory in  
 4 the vicinity of a military airport or ancillary military facility. The  
 5 military training route report requirements do not require the amendment  
 6 or reissuance of any public report issued on or before December 31, 2004.  
 7 The restricted air space report requirements do not require the amendment  
 8 or reissuance of any public report issued on or before December 31, 2006.  
 9 The military electronics range report requirements do not require the  
 10 amendment or reissuance of any public report issued on or before December  
 11 31, 2008. A MILITARY INSTALLATION OR RANGE OR ARIZONA NATIONAL GUARD SITE  
 12 REPORT REQUIREMENTS DO NOT REQUIRE THE AMENDMENT OR REISSUANCE OF ANY  
 13 PUBLIC REPORT ISSUED ON OR BEFORE DECEMBER 31, 2024. The commissioner  
 14 shall require the subdivider to reproduce the report, make the report  
 15 available to each initial prospective customer and furnish each initial  
 16 buyer or lessee with a copy before the buyer or lessee signs any offer to  
 17 purchase or lease, taking a receipt therefor.

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

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

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

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

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

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

44 4. On receipt of the notification and public report, the department  
 45 shall review and issue within ten business days either a certification



1 that the notification and public report are administratively complete or a  
2 denial letter if it appears that the application or project is not in  
3 compliance with all legal requirements, that the applicant has a  
4 background of violations of state or federal law or that the applicant or  
5 project presents an unnecessary risk of harm to the public. If the  
6 commissioner has received the notification and public report but has not  
7 issued a certification or a denial letter within ten business days  
8 pursuant to this paragraph, the notification and public report are  
9 administratively complete.

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

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

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

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

30 1. Failure to comply with this article or the rules of the  
31 commissioner pertaining to this article.

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

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

35 4. Inability to demonstrate that adequate financial or other  
36 arrangements acceptable to the commissioner have been made for completion  
37 of all streets, sewers, electric, gas and water utilities, drainage and  
38 flood control facilities, community and recreational facilities and other  
39 improvements included in the offering.

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

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

1 (a) Been convicted of a felony or misdemeanor involving fraud or  
2 dishonesty or involving conduct of any business or a transaction in real  
3 estate, cemetery property, ~~time-share~~ **TIMESHARE** intervals or membership  
4 camping campgrounds or contracts.

5 (b) Been permanently or temporarily enjoined by order, judgment or  
6 decree from engaging in or continuing any conduct or practice in  
7 connection with the sale or purchase of real estate or cemetery property,  
8 ~~time-share~~ **TIMESHARE** intervals, membership camping contracts or  
9 campgrounds, or securities or involving consumer fraud or the racketeering  
10 laws of this state.

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

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

17 (e) Disregarded or violated this chapter or the rules of the  
18 commissioner pertaining to this chapter.

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

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

24 8. Failure of the declaration for a condominium created pursuant to  
25 title 33, chapter 9, article 2 to comply with the requirements of section  
26 33-1215 or failure of the plat for the condominium to comply with the  
27 requirements of section 33-1219. The commissioner may require an  
28 applicant for a public report to submit a notarized statement signed by  
29 the subdivider or an engineer or attorney licensed to practice in this  
30 state certifying that the condominium plat and declaration of condominium  
31 are in compliance with the requirements of sections 33-1215 and  
32 33-1219. If the notarized statement is provided, the commissioner is  
33 entitled to rely on this statement.

34 9. Failure of any blanket encumbrance or valid supplementary  
35 agreement executed by the holder of the blanket encumbrance to contain  
36 provisions that enable the purchaser to acquire title to a lot or parcel  
37 free of the lien of the blanket encumbrance, on completion of all payments  
38 and performance of all of the terms and provisions required to be made or  
39 performed by the purchaser under the real estate sales contract by which  
40 the purchaser has acquired the lot or parcel. The subdivider shall file  
41 copies of documents acceptable to the commissioner containing these  
42 provisions with the commissioner before the sale of any subdivision lot or  
43 parcel subject to a blanket encumbrance.

44 10. Failure to demonstrate permanent access to the subdivision lots  
45 or parcels.

- 1           11. The use of the lots presents an unreasonable health risk.  
2           F. It is unlawful for a subdivider to sell any lot in a subdivision  
3 unless one of the following occurs:  
4           1. All proposed or promised subdivision improvements are completed.  
5           2. The completion of all proposed or promised subdivision  
6 improvements is assured by financial arrangements acceptable to the  
7 commissioner. The financial arrangements may be made in phases for common  
8 community and recreation facilities required by a municipality or county  
9 as a stipulation for approval of a plan for a master planned community.  
10          3. The municipal or county government agrees to prohibit occupancy  
11 and the subdivider agrees not to close escrow for lots in the subdivision  
12 until all proposed or promised subdivision improvements are completed.  
13          4. The municipal or county government enters into an assurance  
14 agreement with any trustee not to convey lots until improvements are  
15 completed within the portion of the subdivision containing these lots, if  
16 the improvements can be used and maintained separately from the  
17 improvements required for the entire subdivision plat. The agreement  
18 shall be recorded in the county in which the subdivision is located.  
19          G. If the subdivision is within an active management area, as  
20 defined in section 45-402, the commissioner shall deny issuance of a  
21 public report or the use of any exemption pursuant to section 32-2181.02,  
22 subsection B unless the subdivider has been issued a certificate of  
23 assured water supply by the director of water resources and has paid all  
24 applicable fees pursuant to sections 48-3772 and 48-3774.01, or unless the  
25 subdivider has obtained a written commitment of water service for the  
26 subdivision from a city, town or private water company designated as  
27 having an assured water supply by the director of water resources pursuant  
28 to section 45-576 or is exempt from the requirement pursuant to section  
29 45-576.  
30          H. In areas outside of active management areas, if the subdivision  
31 is located in a county that has adopted the provision authorized by  
32 section 11-823, subsection A or in a city or town that has enacted an  
33 ordinance pursuant to section 9-463.01, subsection O, the commissioner  
34 shall deny issuance of a public report or the use of any exemption  
35 pursuant to section 32-2181.02, subsection B unless one of the following  
36 applies:  
37          1. The director of water resources has reported pursuant to section  
38 45-108 that the subdivision has an adequate water supply.  
39          2. The subdivider has obtained a written commitment of water  
40 service for the subdivision from a city, town or private water company  
41 designated as having an adequate water supply by the director of water  
42 resources pursuant to section 45-108.  
43          3. The plat was approved pursuant to an exemption authorized by  
44 section 9-463.01, subsection K, pursuant to an exemption authorized by  
45 section 11-823, subsection B, paragraph 1, pursuant to an exemption

1 granted by the director of water resources under section 45-108.02 and the  
2 exemption has not expired or pursuant to an exemption granted by the  
3 director of water resources under section 45-108.03.

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

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

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

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

37 L. On the commissioner's own motion, or when the commissioner has  
38 received a complaint and has satisfactory evidence that the subdivider or  
39 the subdivider's agent is violating this article or the rules of the  
40 commissioner or has engaged in any unlawful practice as defined in section  
41 44-1522 with respect to the sale of subdivided lands or deviated from the  
42 provisions of the public report, the commissioner may investigate the  
43 subdivision project and examine the books and records of the  
44 subdivider. For the purpose of examination, the subdivider shall keep and  
45 maintain records of all sales transactions and funds received by the

1 subdivider pursuant to the sales transactions and shall make them  
2 accessible to the commissioner ~~उपरा~~ ON reasonable notice and demand.

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

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

31 O. The court, on receipt of an application for the appointment of a  
32 receiver or for a writ of ne exeat, or both, shall examine the verified  
33 application of the commissioner and other evidence that the commissioner  
34 may present the court. If satisfied that the interests of the public  
35 require the appointment of a receiver or the issuance of a writ of ne  
36 exeat without notice, the court shall issue an order appointing the  
37 receiver or issue the writ, or both. If the court determines that the  
38 interests of the public will not be harmed by the giving of notice, the  
39 court shall set a time for a hearing and require notice be given as the  
40 court deems satisfactory.

41 P. If the court appoints a receiver without notice, the court shall  
42 further direct that a copy of the order appointing a receiver be served on  
43 the person engaged in or engaging in a practice declared to be unlawful  
44 under this article by delivering the order to the last address of the  
45 person that is on file with the state real estate department. The order

1 shall inform the person that the person has the right to request a hearing  
2 within ten days ~~of~~ AFTER the date of the order and, if requested, the  
3 hearing shall be held within thirty days ~~from~~ AFTER the date of the order.

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

6 32-2183.05. Military training route disclosure; military  
7 electronics range disclosure; military  
8 installation, range and Arizona national guard  
9 site disclosure; residential property

10 A. Any public report that is issued after December 31, 2004  
11 pursuant to section 32-2183 or 32-2195.03 and that is applicable to  
12 property located under a military training route, as delineated in the  
13 military training route map prepared by the state land department pursuant  
14 to section 37-102, and any public report that is issued after December 31,  
15 2008 and that is applicable to property located in a military electronics  
16 range as delineated in the military electronics range map prepared by the  
17 state land department pursuant to section 37-102, **AND ANY PUBLIC REPORT**  
18 **THAT IS ISSUED AFTER DECEMBER 31, 2024 AND THAT IS APPLICABLE TO PROPERTY**  
19 **LOCATED FULLY OR PARTIALLY WITHIN A MILITARY INSTALLATION'S OR RANGE'S OR**  
20 **ARIZONA NATIONAL GUARD SITE'S INFLUENCE AREA AS DELINEATED IN THE MAPS**  
21 **PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102,**  
22 **SUBSECTION H, PARAGRAPH 4,** shall include the following statements:

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

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

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

34 B. The public report prescribed by subsection A of this section may  
35 contain a disclaimer that the subdivider has no control over the military  
36 training routes as delineated in the military training route map or the  
37 timing or frequency of flights and associated levels of noise, ~~and~~ has no  
38 control over the military electronics range and its testing and training  
39 operations **AND HAS NO CONTROL OVER THE MILITARY INSTALLATION'S OR RANGE'S**  
40 **OR ARIZONA NATIONAL GUARD SITE'S OPERATIONS.**

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

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

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

24 F. 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 AN INFLUENCE AREA MAP** prepared pursuant  
27 to section 37-102 to meet the military electronics range **OR MILITARY**  
28 **INSTALLATION'S OR RANGE'S OR ARIZONA NATIONAL GUARD SITE'S** notification  
29 requirements of this section.

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

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

37 **33-422. Land divisions; recording; disclosure affidavit**

38 A. A seller of five or fewer parcels of land, other than subdivided  
39 land, in an unincorporated area of a county and any subsequent seller of  
40 such a parcel shall **COMPLETE AND** furnish a written affidavit of disclosure  
41 to the buyer at least seven days before the transfer of the property and  
42 the buyer shall acknowledge receipt of the affidavit.

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

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

4 D. The buyer has the right to rescind the sales transaction for a  
5 period of five days after the affidavit of disclosure is furnished to the  
6 buyer.

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

12 F. The affidavit of disclosure shall **CONTAIN ALL OF THE FOLLOWING**  
13 **DISCLOSURES, BE COMPLETED BY THE SELLER**, meet the requirements of section  
14 11-480 and follow substantially the following form:

15 When recorded mail to:

16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_

20 Affidavit of Disclosure  
21 Pursuant to A.R.S. § 33-422

22 I, \_\_\_\_\_ (seller(s))  
23 being duly sworn, hereby make this affidavit of disclosure  
24 relating to the real property situated in the unincorporated  
25 area of:

26 \_\_\_\_\_, County, State of Arizona, located at:

27 \_\_\_\_\_  
28 and legally described as:

29 (Legal description attached hereto as exhibit "A")  
30 (property).

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

33 Explain: \_\_\_\_\_  
34 \_\_\_\_\_  
35 \_\_\_\_\_

36 2. There  is  is not . . . . physical access to the property.  
37  unknown

38 Explain: \_\_\_\_\_  
39 \_\_\_\_\_  
40 \_\_\_\_\_

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



1 4. The legal and physical access to the property  is  is not .  
2 . . . the same.... unknown  not applicable.

3 Explain: \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

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

10 5. The road(s) is/are  publicly maintained  privately  
11 maintained  not maintained  not applicable. If  
12 applicable, there  is  is not . . . . a recorded road  
13 maintenance agreement.

14 *If the roads are not publicly maintained, it is the*  
15 *responsibility of the property owner(s) to maintain the roads*  
16 *and roads that are not improved to county standards and*  
17 *accepted for maintenance are not the county's responsibility.*

18 6. A portion or all of the property  is  is not . . . .  
19 located in a FEMA designated regulatory floodplain. If the  
20 property is in a floodplain, it may be subject to floodplain  
21 regulation.

22 7. The property  is  is not subject to  fissures or  
23  expansive soils.  unknown

24 Explain: \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_

27 8. The following services are currently provided to the property:  
28  water  sewer  electric  natural gas  single  
29 party telephone  cable television services.

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

39 WATER HAULER NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
40 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 \_\_\_\_\_  
22 Notary public

23 My commission expires:  
24 \_\_\_\_\_(date)\_\_\_\_\_

25 Buyer(s) hereby acknowledges receipt of a copy of this  
26 affidavit of disclosure this \_\_\_(date)\_\_\_ day  
27 of \_\_\_(year)\_\_\_

28 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
29 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

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

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

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

43 37-102. State land department; powers and duties

44 A. The state land department shall administer all laws relating to  
45 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.

42 3. ~~On or before December 25, 2008 and~~ On receipt of proper  
43 information from the military installation commander with responsibility  
44 for the military electronics range, prepare a map of the military  
45 electronics range as defined in section 9-500.28 and make that map

1 available to the public in printed or electronic format and provide the  
2 map in printed or electronic format to the state real estate department.  
3 Within ninety days ~~of~~ AFTER receipt of notice of any change in the  
4 boundaries of the military electronics range from the military  
5 installation commander, the state land department shall revise its map and  
6 provide the map to the public and to the state real estate department.

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

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

25 1. Describe the ancillary military facility, the territory in the  
26 vicinity of the ancillary military facility and the high noise and  
27 accident potential zone, accident potential zone one and accident  
28 potential zone two associated with the ancillary military facility.

29 2. Be submitted to the county in which the ancillary military  
30 facility is located.

31 3. Be made available to the public.

32 J. The state land department shall prepare a military training  
33 route map. The map shall contain military training route numbers in this  
34 state that are used by various United States armed forces. The map shall  
35 be dated.

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

40 L. The military training route map shall be made available to the  
41 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.