

REFERENCE TITLE: cities; water conservation

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HB 2534

Introduced by
Representatives Ableser, Kirkpatrick, Saradnik, Schapira, Sinema: Bradley,
Brown, Farley, Gallardo, Lujan, Meza, Thrasher, Tom

AN ACT

AMENDING SECTION 9-461.05, ARIZONA REVISED STATUTES; RELATING TO CITY GENERAL
PLANS.

(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 to
3 read:

4 9-461.05. General plans; authority; scope

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

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

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

22 1. A land use element that:

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

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

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

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

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

39 (f) For cities and towns with territory in the vicinity of a military
40 airport or ancillary military facility as defined in section 28-8461,
41 includes consideration of military airport or ancillary military facility
42 operations. On or before December 31, 2005, if a city or town includes land
43 in a high noise or accident potential zone as defined in section 28-8461, the
44 city or town shall identify the boundaries of the high noise or accident
45 potential zone in its general plan for purposes of planning land uses in the

1 high noise or accident potential zone that are compatible with the operation
2 of the military airport or ancillary military facility pursuant to section
3 28-8481, subsection J.

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

8 D. For cities and towns having a population of more than two thousand
9 five hundred persons but less than ten thousand persons and whose population
10 growth rate exceeded an average of two per cent per year for the ten year
11 period before the most recent United States decennial census and for cities
12 and towns having a population of ten thousand or more persons according to
13 the most recent United States decennial census, the general plan shall
14 include, and for other cities and towns the general plan may include:

15 1. An open space element that includes:

16 (a) A comprehensive inventory of open space areas, recreational
17 resources and designations of access points to open space areas and
18 resources.

19 (b) An analysis of forecasted needs, policies for managing and
20 protecting open space areas and resources and implementation strategies to
21 acquire additional open space areas and further establish recreational
22 resources.

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

26 2. A growth area element, specifically identifying those areas, if
27 any, that are particularly suitable for planned multimodal transportation and
28 infrastructure expansion and improvements designed to support a planned
29 concentration of a variety of uses, such as residential, office, commercial,
30 tourism and industrial uses. This element shall include policies and
31 implementation strategies that are designed to:

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

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

38 (c) Promote the public and private construction of timely and
39 financially sound infrastructure expansion through the use of infrastructure
40 funding and financing planning that is coordinated with development activity.

41 3. An environmental planning element that contains analyses, policies
42 and strategies to address anticipated effects, if any, of plan elements on
43 air quality, water quality and natural resources associated with proposed
44 development under the general plan. The policies and strategies to be
45 developed under this element shall be designed to have community-wide

1 applicability and shall not require the production of an additional
2 environmental impact statement or similar analysis beyond the requirements of
3 state and federal law.

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

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

14 (b) A component that identifies policies to ensure that any mechanisms
15 that are adopted by the municipality under this element result in a
16 beneficial use to the development, bear a reasonable relationship to the
17 burden imposed on the municipality to provide additional necessary public
18 services to the development and otherwise are imposed according to law.

19 5. A water resources element that addresses:

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

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

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

28 E. The general plan shall include for cities of fifty thousand persons
29 or more and may include for cities of less than fifty thousand persons the
30 following elements or any part or phase of the following elements:

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

35 (a) The reclamation of land.

36 (b) Flood control.

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

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

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

43 (f) Protection of watersheds.

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

- 4 (a) Natural reservations.
- 5 (b) Parks.
- 6 (c) Parkways and scenic drives.
- 7 (d) Beaches.
- 8 (e) Playgrounds and playfields.
- 9 (f) Open space.
- 10 (g) Bicycle routes.
- 11 (h) Other recreation areas.

12 3. The circulation element provided for in subsection C, paragraph 2
13 of this section shall also include for cities of fifty thousand persons or
14 more and may include for cities of less than fifty thousand persons
15 recommendations concerning parking facilities, building setback requirements
16 and the delineations of such systems on the land, a system of street naming
17 and house and building numbering and other matters as may be related to the
18 improvement of circulation of traffic. The circulation element may also
19 include:

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

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

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

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

32 6. A housing element consisting of standards and programs for the
33 elimination of substandard dwelling conditions, for the improvement of
34 housing quality, variety and affordability and for provision of adequate
35 sites for housing. This element shall contain an identification and analysis
36 of existing and forecasted housing needs. This element shall be designed to
37 make equal provision for the housing needs of all segments of the community
38 regardless of race, color, creed or economic level.

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

- 41 (a) The elimination of slums and blighted areas.
- 42 (b) Community redevelopment, including housing sites, business and
43 industrial sites and public building sites.
- 44 (c) Neighborhood preservation and revitalization.
- 45 (d) Other purposes authorized by law.

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

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

9 10. A WATER CONSERVATION ELEMENT REQUIRING MANDATORY WATER CONSERVATION
10 MEASURES BEGINNING IN 2010 AND A TWENTY-FIVE PER CENT WATER USE REDUCTION BY
11 2020.

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

13 1. New independent hydrogeologic studies.

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

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

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

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

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

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

38 H. The policies and strategies to be developed under these elements
39 shall be designed to have community-wide applicability and this section does
40 not authorize the imposition of dedications, exactions, fees or other
41 requirements that are not otherwise authorized by law.