

# 9  
5-11-00  
at Council  
mtg.

**DATE:** May 11, 2000

**TO:** Mayor and Council

**FROM:** Tom Blackman

**SUBJECT:** Introduction of Ordinance 3139 Item # 9 on today agenda.

I am glad that Chandler is going to update its Planning and Zoning to reflect the changes called out in Senate Bill 1001 (Growing Smarter Plus.) From what I can see Chandler is to be commended for already following many of these guidelines. But let's not stop there, I have talked to you, Planning and Zoning Commission, and staff about making the process of rezoning more citizen friendly. Lets try to get the citizens involved sooner in the development stage, much sooner than 15 days (for those who live beyond the 300 foot notice boundary) or limiting it to only those who live within the 300 feet of the project.

How should this be done?

Post the signs as soon as the application is accepted.

Make the plans available to everyone online, even if they are only preliminary.

Expand the notice range from 300 feet to ¼ or maybe ½ mile.

No developer should be afraid of public opinion and should welcome their input early in the process. It might be possible to avoid many conflicts and make the neighbors feel like they are part of the process and feel good about their new neighbor. If a project is needed and adds value the neighborhood than it will stand on its own and be welcomed.

I will try to attend tonight's meeting and discuss these ideas with you. I would like to see Chandler incorporate these ideas in to Ordinance 3139.

I am also offering my help in any way needed to get this done.

Thank You

*Tom Blackman*

Tom Blackman .  
Home 480/705-0825  
Work 480/891-4993



#9

MAY 11 2000

DATE: MAY 4, 2000

TO: MAYOR AND COUNCIL

THRU: LLOYD HARRELL, CITY MANAGER *LH*  
 DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR *DB*  
 HANK PLUSTER, PLANNING SERVICES MANAGER

FROM: BOB PAZERA, GENERAL PLAN COORDINATOR *BP*

SUBJECT: ZCA-00-0001 ZONING CODE AMENDMENT  
**Introduction of Ordinance 3139**

Request: Amendments to Zoning Code Article XXVI, Sec. 2600  
 pertaining to zoning action notification requirements to  
 include a citizen review process in the Chandler Zoning  
 Code.

Applicant: Staff initiated as per the requirements of Senate Bill 1001,  
 (Growing Smarter Plus.)

SUMMARY/RECOMMENDATION

These amendments create written guidelines establishing a citizen's review process as per recent legislation (Senate Bill 1001), known as Growing Smarter Plus that takes effect on May 18, 2000. These apply to changes of zoning or land use that require a public hearing, as prescribed by Sections 2600, 2601, and 2602 of the Chandler Zoning Code. Commission and Staff recommend approval. The City Attorney has endorsed the text language and format.

BACKGROUND

These sections of the Zoning Code prescribe the manner in which Council establishes the application process and notification procedures regarding zoning actions. The most recent amendment to this section occurred in 1987 when the notice requirements were expanded to include the posting of properties with 4' x 8' signs and delivery of doorhangers. As a matter of practice, Staff has also been conducting regular neighborhood meetings and other means of contact to expand Chandler's public notice process. This practice has also included actions expanding notice and public involvement with area plans and general plan amendments.

\* Growing Smarter Plus requires written guidelines to increase continuous and effective public participation, new, required elements that increase environmental, growth, and cost management, and voter approval of new general plans. The attached summary dated March 30, 2000, from the League of Arizona Cities provides a good overview of the new elements and programs together with their respective completion deadlines. While the general effective date for the provisions in Growing Smarter Plus is May 18, 2000, many of the new provisions including the new elements and approval of Chandler's general plan update is December 31, 2001.

*Chandler is required to adopt by ordinance written procedures establishing a citizen review process before May 18, 2000, to be included in Section 2600 of the Chandler Zoning Code.*

#### Summary of the Code Modifications:

Attached is a draft copy of Ordinance that creates a new Section 2601.A. Citizen Review Process. The key additions and points relevant to this amendment are as follows:

- Requires notice to be delivered to all those interested persons and agencies that may be impacted by the rezoning in addition to those property owners within 300' of the subject application; and,
- Requires the written notice to provide a general explanation of any proposal including the date, time, and place of any neighborhood meeting; and
- Requires a neighborhood meeting with a staff member in attendance with the exception that an alternative civil review process can be used without holding a neighborhood meeting, provided that the written notice in this Section 2601.A. indicate the name, agency address, and phone number of the member of the planning staff whom any affected citizen may contact to express any concerns or issues and that any written or verbal issues or concerns be presented to the Planning and Zoning Commission and City Council at such time they take action on the application.  
( The Zoning Administrator, upon consultation with the applicant, shall establish the time, date, and place for the meeting.)

#### DISCUSSION

With the written procedures in place, the Zoning Code will now be consistent with the changes as mandated by the provisions of Growing Smarter Plus. A key addition is the emphasis placed on the effectiveness of neighborhood meetings as one of the best means to allow persons to express comments pertaining to any concerns, issues, thoughts, etc. Additionally, a staff report summarizing any issues or concerns so expressed at any neighborhood meeting shall be presented to the Planning and Zoning Commission and City Council at such time they take action on the application, and the applicant at a reasonable time prior to the public hearing on the application.

Mailed notices will also include a location map and any other such materials the Zoning Administrator may deem necessary to describe the nature of any application.

COMMISSION ACTION: To Approve; 6 in Favor; 0 Opposed

RECOMMENDATION

Commission and Staff recommends approval of the amendment to ARTICLE XXVI. Amendment, Section 2600 and the addition of Section 2601.A., as per the attached Ordinance 3139.

PROPOSED MOTION

I move to introduce and tentatively adopt Ordinance 3139, amending Section 2600 of the Chandler Zoning Code as per the Commission and staff recommendations.

ATTACHMENTS

1. Ordinance No. 3139 (with the amendments in uppercase script)
2. Ordinance No. 3139 (final)
3. Letter dated March 30, 2000, League of Arizona Cities (5 pages)

ORDINANCE NO. 3139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTIONS 2600 AND BY ADDING 2601.A.OF ARTICLE XXVI, APPENDIX A (ZONING CODE) CODE OF THE CITY OF CHANDLER RELATING TO THE ADDITION OF A CITIZENS REVIEW PROCESS AS PART OF THE PUBLIC NOTICE REQUIREMENTS FOR ANY REZONING ACTION.

WHEREAS, In accordance with A.R.S. 9-462.03, the legislative body shall adopt by ordinance, for each rezoning application that requires a public hearing, a citizen review process that includes components that identify the steps in the procedure that provide for maximum and continuous public involvement and opportunity to provide comment as prescribed therein; and,

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I.           Sec. 2600 of Article XXII, Appendix A (Zoning Code), Code of the City of Chandler is amended along with the addition of Sec.2601.A. to read as follows:

Sec. 2600. Authority of city council; initiation of amendments.  
The city council, from time to time, upon the recommendation of the Planning and Zoning Commission, may amend, supplement or change the zoning district boundaries or the regulations herein or subsequently established. Recommendations of such amendment may be initiated by the council or commission on their own motion, or by petition as hereinafter set forth. No amendment affecting zoning district boundaries shall be passed, however, UNTIL COMPLETION OF THE CITIZEN REVIEW PROCESS REQUIRED IN SECTION 2601.A. OF THIS ARTICLE XXVI AND after a public hearing held in accordance with the requirements of Section 2602 of this chapter ARTICLE XXVI relating to applications.

SECTION II. New section 2601A is added to Article XXVI to read as follows:

**SEC. 2601A. CITIZEN REVIEW PROCESS**

A. PRIOR TO ANY PUBLIC HEARING, AS REQUIRED UNDER SECTION 2602 OF THIS ARTICLE XXVII, ON ANY APPLICATION FOR ANY ZONING ORDINANCE THAT CHANGES ANY PROPERTY FROM ONE ZONING DISTRICT TO ANOTHER, THAT IMPOSES ANY REGULATION NOT PREVIOUSLY IMPOSED, OR THAT REMOVES OR MODIFIES ANY SUCH REGULATION PREVIOUSLY IMPOSED, THE ZONING ADMINISTRATOR SHALL PROVIDE WRITTEN NOTICE OF THE APPLICATION TO THE APPLICANT OR HIS REPRESENTATIVE ON THE APPLICATION, ALL LANDOWNERS OF PROPERTY ADJACENT TO THE PROPERTY THAT IS THE SUBJECT OF THE ZONING ORDINANCE AND TO SUCH OTHER PERSONS AS THE ZONING ADMINISTRATOR REASONABLY DETERMINES TO BE OTHER POTENTIALLY AFFECTED CITIZENS.

B. THE WRITTEN NOTICE SHALL ALSO INCLUDE A GENERAL EXPLANATION OF THE SUBSTANCE OF THE PROPOSED ZONING ORDINANCE AND SHALL STATE THE DATE, TIME AND PLACE SCHEDULED FOR A NEIGHBORHOOD MEETING, AT WHICH ANY ADJACENT LANDOWNER OR THOSE OTHER POTENTIALLY AFFECTED CITIZENS, AS DETERMINED UNDER SECTION 2601A(A), WILL BE PROVIDED A REASONABLE OPPORTUNITY TO EXPRESS ANY ISSUES OR CONCERNS THAT THE LANDOWNER OR CITIZEN MAY HAVE WITH THE PROPOSED ZONING ORDINANCE BEFORE THE PUBLIC HEARING REQUIRED UNDER SECTION 2602.

C. THE WRITTEN NOTICE SHALL BE GIVEN AT LEAST FIFTEEN (15) DAYS BEFORE THE NEIGHBORHOOD MEETING IN THE FOLLOWING MANNER:

1. THE NOTICE SHALL BE PUBLISHED ONCE IN A NEWSPAPER OF GENERAL CIRCULATION PUBLISHED OR CIRCULATED IN THE CITY OF CHANDLER.

2. THE NOTICE SHALL BE POSTED UPON THE SIGN REQUIRED IN SECTION 2602(A)(4) BELOW, UNLESS WAIVED BY THE ZONING ADMINISTRATOR.

3. THE NOTICE SHALL BE MAILED IN ACCORDANCE WITH THE SAME PROCEDURES AS REQUIRED IN SECTION 2602(A)(2), AND DELIVERED IN ACCORDANCE WITH 2602(A)(4).

D. THE ZONING ADMINISTRATOR, UPON CONSULTATION WITH THE APPLICANT, SHALL ESTABLISH A TIME, DATE AND PLACE FOR THE NEIGHBORHOOD MEETING THAT PROVIDES A REASONABLE OPPORTUNITY FOR THE APPLICANT, ADJACENT LANDOWNERS AND THOSE OTHER POTENTIALLY

AFFECTED CITIZENS, AS DETERMINED UNDER SECTION 2601A(A) TO DISCUSS AND EXPRESS THEIR RESPECTIVE VIEWS CONCERNING THE APPLICATION AND ANY ISSUES OR CONCERNS THAT THEY MAY HAVE WITH THE ZONING OR REZONING ORDINANCE PROPOSED BY THE APPLICATION. THE ZONING ADMINISTRATOR OR A MEMBER OF THE PLANNING STAFF SHALL ATTEND THE MEETING, BUT IS NOT REQUIRED TO CONDUCT THE MEETING. THE ZONING ADMINISTRATOR OR PLANNING STAFF SHALL REPORT THE RESULTS OF THE NEIGHBORHOOD MEETING TO THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL AT SUCH TIME AS THEY TAKE ACTION ON THE APPLICATION.

E. AT THE DISCRETION OF THE ZONING ADMINISTRATOR, AN ALTERNATIVE CITIZEN REVIEW PROCESS MAY BE USED THAT DOES NOT INVOLVE A NEIGHBORHOOD MEETING. THE ALTERNATIVE PROCESS SHALL CONSIST OF THE FOLLOWING:

1. THE WRITTEN NOTICE DESCRIBED IN THIS SECTION 2601A, EXCEPT THAT THE NOTICE SHALL ONLY INDICATE THE NAME, ADDRESS AND PHONE NUMBER OF THE MEMBER OF THE PLANNING STAFF TO WHOM AN ADJACENT LANDOWNER OR OTHER POTENTIALLY AFFECTED CITIZEN, AS DETERMINED UNDER SECTION 2601A(A), MAY CONTACT TO EXPRESS ANY ISSUES OR CONCERNS THAT THE LANDOWNER OR CITIZEN MAY HAVE WITH THE PROPOSED REZONING.

2. A STAFF REPORT SUMMARIZING ANY ISSUES OR CONCERNS SO EXPRESSED, WHICH SHALL BE PRESENTED TO THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL AT SUCH TIME AS THEY TAKE ACTION ON THE APPLICATION, AND THE APPLICANT AT A REASONABLE PERIOD OF TIME PRIOR TO THE PUBLIC HEARING.

SECTION III. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2000.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3139 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2000, and that a quorum was present thereat.

APPROVED AS TO FORM:

GAB  
\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY CLERK

PUBLISHED:

ORDINANCE NO. 3139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTIONS 2600 AND BY ADDING 2601.A. OF ARTICLE XXVI, APPENDIX A (ZONING CODE) CODE OF THE CITY OF CHANDLER RELATING TO THE ADDITION OF A CITIZENS REVIEW PROCESS AS PART OF THE PUBLIC NOTICE REQUIREMENTS FOR ANY REZONING ACTION.

WHEREAS, In accordance with A.R.S. 9-462.03, the legislative body shall adopt by ordinance, for each rezoning application that requires a public hearing, a citizen review process that includes components that identify the steps in the procedure that provide for maximum and continuous public involvement and opportunity to provide comment as prescribed therein; and,

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I.           Sec. 2600 of Article XXII, Appendix A (Zoning Code), Code of the City of Chandler is amended along with the addition of Sec.2601.A. to read as follows:

Sec. 2600. Authority of city council; initiation of amendments.  
The city council, from time to time, upon the recommendation of the Planning and Zoning Commission, may amend, supplement or change the zoning district boundaries or the regulations herein or subsequently established. Recommendations of such amendment may be initiated by the council or commission on their own motion, or by petition as hereinafter set forth. No amendment affecting zoning district boundaries shall be passed, however, until completion of the citizen review process required in Section 2601.A. of this Article XXVI and after a public hearing held in accordance with the requirements of section 2602 of this ARTICLE XXVI relating to applications.

SECTION II. New section 2601A is added to Article XXVI to read as follows:

**Sec. 2601A. Citizen Review Process**

A. Prior to any public hearing, as required under Section 2602 of this Article XXVII, on any application for any zoning ordinance that changes any property from one zoning district to another, that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed, the Zoning Administrator shall provide written notice of the application to the applicant or his representative on the application, all landowners of property adjacent to the property that is the subject of the zoning ordinance and to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

B. The written notice shall also include a general explanation of the substance of the proposed zoning ordinance and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner or those other potentially affected citizens, as determined under Section 2601A(A), will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning ordinance before the public hearing required under Section 2602.

C. The written notice shall be given at least fifteen (15) days before the neighborhood meeting in the following manner:

1. The notice shall be published once in a newspaper of general circulation published or circulated in the City of Chandler.

2. The notice shall be posted upon the sign required in Section 2602(A)(4) below, unless waived by the Zoning Administrator.

3. The notice shall be mailed in accordance with the same procedures as required in Section 2602(A)(2), and delivered in accordance with 2602(A)(4).

D. The Zoning Administrator, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens, as determined under Section 2601A(A) to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or rezoning ordinance proposed by the application. The Zoning Administrator or a member of the planning staff shall attend the meeting, but is not required to conduct the meeting. The Zoning Administrator or planning staff shall report the results of the neighborhood meeting to the Planning and Zoning Commission and City Council at such time as they take action on the application.

E. At the discretion of the Zoning Administrator, an alternative citizen review process may be used that does not involve a neighborhood meeting. The alternative process shall consist of the following:

1. The written notice described in this Section 2601A, except that the notice shall only indicate the name, address and phone number of the member of the planning staff to whom an adjacent landowner or other potentially affected citizen, as determined under Section 2601A(A), may contact to express any issues or concerns that the landowner or citizen may have with the proposed rezoning.

2. A staff report summarizing any issues or concerns so expressed, which shall be presented to the Planning and Zoning Commission and City Council at such time as they take action on the application, and the applicant at a reasonable period of time prior to the public hearing.

SECTION III. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3139 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2000, and that a quorum was present thereat.

APPROVED AS TO FORM:

GAB  
CITY ATTORNEY

\_\_\_\_\_  
CITY CLERK

PUBLISHED:

March 30, 2000

TO: City/Town Mayors, Managers or Clerks  
FROM: Matt Lore, Staff Assistant  
SUBJECT: **GROWING SMARTER TIME LINE**

On February 21, the Governor signed the Growing Smarter Plus package into law. This package builds on the 1998 Growing Smarter legislation and includes both statutory language as well as a resolution which will be placed on the ballot in November. This package is the result of a compromise by many competing stakeholders as well as the work of the Growing Smarter Commission. The general effective date for the provisions in Growing Smarter Plus is May 18, but because many of the provisions passed in this package are amendments to previous year laws, some of the provisions have a later effective date.

Following is a brief summary of the provisions of the Growing Smarter Plus Legislation as well as a time line mapping out when the provisions take effect for cities and towns.

**DEADLINE:** December 31, 2001 (communities with a population 75,000 or over)  
December 31, 2002 (for *all* communities with a population under 75,000)

- Adopt or amend general plan to conform with the requirements of the Growing Smarter legislation
- Coordinate city/town general plans with the state land department conceptual land use plans.
- Cooperate with the Land Department regarding integrating such conceptual use plans into their general/comprehensive plans.
- The land use element of the plan must identify programs and policies to promote infill and requires policies which address a broad variety of land uses including those existing in the city or town when the plan is adopted.
- Every 10 years the general plan must be readopted or a new plan put in place. An emergency clause will not be permitted on the adoption of the general plan making the document subject

to referendum.

**DEADLINE:** December 31, 2001 (communities with a population 75,000 or over)  
December 31, 2002 (for communities with a population above 2,500 under 75,000)\*

*\*Cities and towns with a population of more than 2,500 persons, but less than 10,000 persons and whose population growth rate did not exceed an average of two percent per year for the ten year period before the most recent United States Decennial Census are exempt from the following provisions.*

- An open space element which includes an inventory of existing open space, an analysis of forecasted needs and policies for managing current open space and strategies to acquire more. Regional open space must be considered as part of this element.
- A growth area element which includes transportation and other strategies in areas identified as particularly suitable for growth. This element will include strategies for infrastructure expansion.
- An environmental planning element to address anticipated effects, if any, of plan elements on air and water quality and natural resources.
- A cost of development element designed to show how the city or town will require development to pay its fair share toward the cost of additional public service needs. This element is to identify mechanisms to be used to fund additional services.
- A water resources element that addresses current available water supplies and an analysis of how future growth projected in the general plan will be served by the legally and physically available water supply or a plan to obtain additional necessary water supplies.
- Increased public participation for adoption of general plans and major amendments through the adoption of written procedures for effective, early and continuous public participation, consulting and advising with numerous public groups, governmental entities and citizens as well as distributing a proposed plan or amendment to the legislative body of other specified entities.
- All major general plan amendments must be adopted by a two-thirds vote of the city or town council. Defines major amendment to mean a substantial alteration of the municipality's land use mixture or balance as established in the existing general plan land use element.
- All major general plan amendments must be presented at a single public hearing during the calendar year that the proposal is made.
- The General Plan must be ratified by a vote at a general election. There must be a general description of the plan and its elements in the general election pamphlet and the city or town shall provide the public with copies of the plan at two or more easily accessible public locations. If a majority of the voters approve the new plan, it shall become effective. If a majority of the voters that vote on the proposition fails to approve the plan, the current plan remains in effect until a new plan is approved by the voters. The city or town can resubmit the proposed new plan or a revised proposal to the voters.
- In applying an open space or a growth element of a general plan, a municipality shall not

designate private land or state trust land as open space, recreation, conservation or agriculture unless the municipality receives the written consent of the landowner or provides an alternative, economically viable designation in the general plan or zoning ordinance, allowing at least one residential dwelling per acre.

**DEADLINE: December 31, 2001** (only communities with a population of 50,000 or over)

- For cities with populations of over 50,000, the existing housing element of the plan must include programs to improve the quality, variety and affordability of housing and an identification and analysis of existing and forecasted housing needs. The conservation, rehabilitation and redevelopment element must also include plans for neighborhood preservation and revitalization.

**DEADLINE: May 18, 2000** (all cities and towns)

- All zoning and rezoning actions must conform to the city or town's general plan. (The previous language was "consistent" with the general plan.) A proposed rezoning ordinance conforms to the general plan if it furthers the implementation of the goals policies and applicable elements of the general plan. A rezoning ordinance conforms with the land use element of the general plan if it proposes land uses, densities or intensities within the range of identified uses in the land use element.
- In *applying* an open space element or a growth element of a general plan, land can not be rezoned for open space, recreation, conservation or agriculture unless the owner of the land consents to the rezoning in writing.
- The legislative body of a city or town shall adopt by ordinance, a citizen review process for rezoning actions that require a public hearing. The process shall identify procedures through which adjacent landowners and other potentially affected citizens will be notified of the application; how they will be informed by the municipality of the substance of the application and how they will be provided with an opportunity to express any issues that they may have with the rezoning before the public hearing. Rezoning must be adopted only in accordance with the standards established in the citizen review ordinance.
- Requires cities and towns, before adopting an ordinance to annex territory, to approve a plan, policy or procedure to provide the proposed annexed territory with appropriate levels of infrastructure and services to serve anticipated new development within 10 years.
- Allows a property owner to appeal the adoption or amendment of an ordinance or zoning regulation that creates a taking of private property to a hearing officer following the same appeals procedures currently allowed for appeals of dedications or exactions by a municipality or a county.

**DEADLINE: Optional** (all cities and towns)

- The governing body may designate an infill incentive district in an area of the city or town meeting at least three of the following criteria:
  - a. A large number of vacant older or dilapidated buildings or structures



- b. A large number of vacant or underused parcels, obsolete or inappropriate lot sizes or environmentally contaminated sites
- c. A large number of buildings or places where nuisances exist or occur
- d. An absence of development or investment activity compared to other areas in the city or town
- e. A high occurrence of crime
- f. A continuing decline in population.

If an infill incentives district is established, the governing body shall adopt an infill incentives plan to encourage redevelopment. The plan may include expedited zoning or rezoning procedures, expedited processing of plans or proposals, waivers of municipal fees for development activities as long as the waivers are not funded by other development fees, and/or relief from development standards.

- The planning agency may prepare a specific plan for adoption by the legislative body to determine the location of infrastructure service area boundaries consistent with the growth areas element of the general plan, beyond which the municipality may limit or prescribe conditions on publicly financed extensions of water, sewer and street improvements that are necessary to serve the needs generated by new development. This plan will consider all elements of the general plan, including the circulation and public facilities elements. The term "publicly financed" does not include special taxing district financing other than municipal or county improvement districts or bonds. Assignment or delegation of administrative functions, powers and duties and the establishment of the procedure for establishing the initial infrastructure limit line shall be provided for in the regulations.
- Allows the legislative body to waive the requirement to prepare, submit and receive approval of a preliminary plat as a requirement for submission of a final plat for subdivisions consisting of ten or fewer lots, tracts or parcels of a size prescribed by the legislative body.

#### Other Provisions of Growing Smarter

- Provides counties with greater authority to control development in unincorporated areas.
- Allows, in a county with less than 400,000 persons, cities, towns and the county that share a multi jurisdictional area with a combined population of more than 50,000 but less than 100,000, to voluntarily form rural planning zones to develop co-ordinated and comprehensive regional plans.

The following provisions are contingent upon the amendment of the Arizona Constitution by the voters at the November general election and the amendment of the June 20, 1910 enabling act by Congress to allow the designation of state trust lands for the ACR and the donation of state trust lands for school sites.

- Establishes the Arizona Conservation Reserve (ACR) for the purpose of protecting state trust land and allows cities and towns to nominate land within their jurisdiction to the ACR.
- Establishes the Development Rights Retirement fund to grant monies for the purchase, lease or

transfer of development of private lands and allows cities and towns to apply for grants.

- Allows the exchange of state trust lands, after public notice, for other public lands under rules prescribed by the legislature if certain conditions are met.
- Allows State Land Commissioner to donate state trust lands for conservation to local government if a cost benefit analysis indicates an increased value to the remaining state trust land.
- School trust lands may be donated to a school district without compensation or auction for a K-12 school after evaluation of economic impact to trust.