

House Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 335

HOUSE BILL 2458

AN ACT

AMENDING SECTION 11-254.06, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 244, SECTION 3; AMENDING SECTION 11-254.07, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 244, SECTION 4; RELATING TO COUNTY BOARDS OF SUPERVISORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-254.06, Arizona Revised Statutes, as amended by
3 Laws 2010, chapter 244, section 3, is amended to read:

4 11-254.06. County infill incentive districts

5 A. The board of supervisors may designate an infill incentive district
6 in any unincorporated area of the county that meets at least three of the
7 following requirements:

8 1. There is a large number of vacant, older or dilapidated structures.

9 2. There is a large number of vacant or underused parcels of property
10 that are of small or inappropriate sizes or that are environmentally
11 contaminated, that are owned by different owners and that are located in an
12 area that lacks the presence of development and investment activity compared
13 to other areas in the county.

14 3. There is a large number of parcels of property or buildings where
15 nuisances exist or occur.

16 4. There is a high occurrence of crime.

17 5. There is a continuing decline in population.

18 B. Before establishing an infill incentive district, the board of
19 supervisors shall:

20 1. Identify the boundaries of the proposed district.

21 2. Notify the owners of private property in the proposed district and
22 property managers of federal and state land in the proposed district by first
23 class mail sent to the addresses on the most recent tax roll. The notice
24 shall be mailed at least fifteen days before the hearing held pursuant to
25 paragraph 4 of this subsection TO ADOPT THE INFILL INCENTIVE PLAN.

26 ~~3. Publish notice of the proposed district in a newspaper of general
27 circulation in the county once each week for two consecutive weeks before the
28 hearing held pursuant to paragraph 4 of this subsection.~~

29 ~~4. Hold at least one public hearing in the county supervisorial
30 district in which the proposed district is located to provide information and
31 receive public comments.~~

32 ~~C. If, after the hearing, it appears to the board that the public
33 interest, convenience and welfare will be served by establishing an infill
34 incentive district, the board may establish the district by adopting a
35 resolution stating the reasons for establishing the district, the specific
36 conditions described in subsection A of this section that qualify the area as
37 a district and provisions for the orderly and beneficial redevelopment of the
38 district.~~

39 ~~D. C. If the board of supervisors establishes an infill incentive
40 district, it shall adopt an infill incentive plan to encourage redevelopment
41 in the district. The plan shall emphasize voluntary incentives, including,
42 if appropriate, continuing traditional rural and agricultural enterprises.
43 The plan may include:~~

44 1. Expedited zoning or rezoning procedures.

45 2. Expedited processing of plans and proposals.

1 3. Waivers of county and county improvement district fees and
2 assessments for development activities.

3 4. Waivers of development standards and procedural requirements.

4 ~~E.~~ D. The infill incentive plan shall not impair the ability of
5 utilities to provide electricity, water, natural gas or other services in
6 accordance with health, safety and industry standards, including meeting
7 electric service load growth demand by customers.

8 ~~F.~~ E. Infill incentives established pursuant to this section shall
9 not be in violation of the requirements of the county comprehensive plan
10 pursuant to section 11-804.

11 Sec. 2. Section 11-254.07, Arizona Revised Statutes, as amended by
12 Laws 2010, chapter 244, section 4, is amended to read:

13 11-254.07. Renewable energy incentive districts; definition

14 A. The board of supervisors may designate a renewable energy incentive
15 district in any unincorporated area of the county if all of the following
16 apply:

17 1. The proposed district consists of A vacant or underused parcel or
18 parcels of property, or any other parcel or parcels of property the board of
19 supervisors deems suitable for renewable energy equipment, that are
20 appropriate sizes for the construction and operation of renewable energy
21 equipment. The board of supervisors may designate large portions of
22 unincorporated county land or noncontiguous portions of land as a renewable
23 energy incentive district or districts.

24 2. The proposed district is located within an area of the county so
25 that the construction and operation of renewable energy equipment would not
26 be incompatible with other uses of property in the area considering factors
27 relating to the construction and operation of renewable energy equipment
28 including:

29 (a) The ability to adequately buffer the district from surrounding
30 incompatible uses.

31 (b) The noise level emanating from the district alone and in relation
32 to ambient noise levels at the perimeter of the property falling within the
33 proposed district and relative to other adjacent lands.

34 (c) The extent to which the district would be located in proximity to
35 existing transportation and electrical transmission corridors.

36 (d) Compatibility with commercial and military air space requirements.

37 3. The board of supervisors has evaluated the extent to which the
38 proposed district is consistent with the existing county comprehensive plan
39 and has determined that the proposed district does not conflict with the
40 plan. The board of supervisors may determine that the district is not a
41 major amendment to the county comprehensive plan pursuant to section 11-805.

42 B. Before establishing a renewable energy incentive district, the
43 board of supervisors shall:

44 1. Identify the boundaries of the proposed district.

1 2. Notify the owners of private property in the proposed district,
2 property managers of federal and state land in the proposed district and all
3 ADJACENT property owners with land within one mile of the outer perimeter of
4 the proposed district by first class mail sent to the addresses on the most
5 recent tax roll. The notice shall be mailed at least fifteen days before the
6 hearing held pursuant to paragraph 4 of this subsection TO ADOPT THE ENERGY
7 INCENTIVE PLAN.

8 ~~3. Publish notice of the proposed district in a newspaper of general
9 circulation in the county once each week for two consecutive weeks before the
10 hearing held pursuant to paragraph 4 of this subsection.~~

11 ~~4. Hold at least one public hearing in the county supervisorial
12 district in which the proposed district is located to provide information and
13 receive public comments.~~

14 ~~C. If, after the hearing, it appears to the board of supervisors that
15 the public interest, convenience and welfare will be served by establishing a
16 renewable energy incentive district, the board of supervisors may establish
17 the district by adopting a resolution stating the reasons for establishing
18 the district, the specific conditions described in subsection A of this
19 section that qualify the area for a district and provisions for the orderly
20 and beneficial redevelopment of the district.~~

21 ~~D. C. If the board of supervisors establishes a renewable energy
22 incentive district, it shall adopt a renewable energy incentive plan to
23 encourage the construction and operation of renewable energy equipment in the
24 district. The plan may include:~~

- 25 ~~1. Expedited zoning or rezoning procedures.
26 2. Expedited processing of plans, proposals and permits.
27 3. Waivers or abatement of county zoning fees, processing fees, and
28 county improvement district fees and assessments for development activities.
29 4. Waiver or abatement of development standards and procedural
30 requirements.~~

31 ~~E. D. For the purposes of this section, "renewable energy equipment"
32 has the same meaning prescribed in section 42-14155.~~

33 Sec. 3. Effective date

34 This act is effective from and after September 30, 2011.

APPROVED BY THE GOVERNOR APRIL 29, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.

Passed the House March 2, 2011

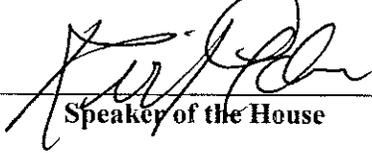
(On reconsideration)
Passed the Senate April 20, 2011

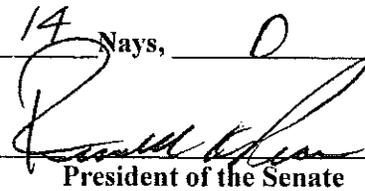
by the following vote: 41 Ayes,

by the following vote: 16 Ayes,

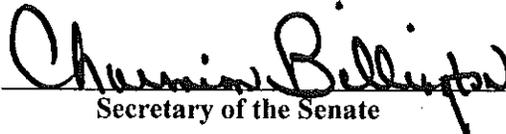
16 Nays, 3 Not Voting

14 Nays, 0 Not Voting


Speaker of the House


President of the Senate


Cheryl Laube
Chief Clerk of the House

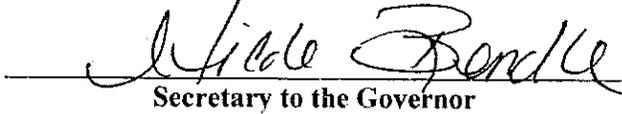

Christine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 2011

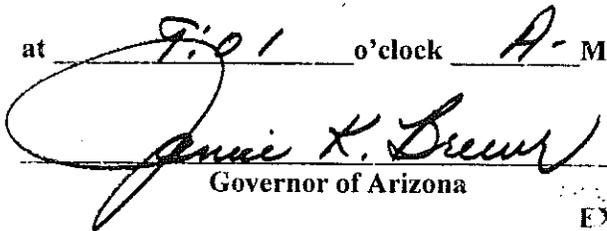
at 8:30 o'clock A. M.


Secretary to the Governor

Approved this 29th day of

April

at 9:01 o'clock A. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29th day of April, 2011

at 7:30 o'clock 2 M.


Secretary of State

H.B. 2458