

PROPOSITION 202
OFFICIAL TITLE
AN INITIATIVE MEASURE

AN INITIATIVE MEASURE AMENDING TITLE 11, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; AMENDING LAWS 1998, CHAPTER 204, SECTION 1; REPEALING PROPOSITION 303 OF THE 1998 GENERAL ELECTION, SECTION 1; REPEALING PROPOSITION 303 OF THE 1998 GENERAL ELECTION, SECTION 4; AMENDING SECTION 9-461.05, ARIZONA REVISED STATUTES; AMENDING SECTION 9-461.06, ARIZONA REVISED STATUTES; REPEALING SECTION 9-461.13, ARIZONA REVISED STATUTES; AMENDING SECTION 9-462.01, ARIZONA REVISED STATUTES; REPEALING SECTION 9-463.06, ARIZONA REVISED STATUTES; AMENDING SECTION 11-806.01, ARIZONA REVISED STATUTES; REPEALING SECTION 11-809, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES BY ADDING SECTION 11-812; AMENDING SECTION 11-821, ARIZONA REVISED STATUTES; AMENDING SECTION 11-824, ARIZONA REVISED STATUTES; AMENDING SECTION 11-829, ARIZONA REVISED STATUTES; REPEALING SECTION 11-833, ARIZONA REVISED STATUTES; REPEALING TITLE 11, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES; AMENDING SECTION 37-331.03, ARIZONA REVISED STATUTES; AMENDING SECTION 41-511.23, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1314, ARIZONA REVISED STATUTES; RELATING TO URBAN GROWTH MANAGEMENT AND PUBLIC ACCESS TO STATE CONSERVATION LANDS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Title 11, Arizona Revised Statutes, is amended by adding Chapter 11, to read:

CHAPTER 11
URBAN GROWTH MANAGEMENT

11-1601. PURPOSE

THE PEOPLE OF ARIZONA FIND THAT RAPID AND POORLY PLANNED URBAN GROWTH IS CAUSING SERIOUS HARM TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY DAMAGING THE STATE'S NATURAL HERITAGE; IMPOSING UNFAIR TAX BURDENS ON EXISTING RESIDENTS; OVERBURDENING POLICE PROTECTION, EMERGENCY SERVICES, SCHOOLS, ROADS, WATER SUPPLIES, AND OTHER PUBLIC FACILITIES AND SERVICES; CREATING UNHEALTHFUL LEVELS OF AIR AND WATER POLLUTION; HARMING ECOSYSTEMS; DEGRADING SCENIC BEAUTY; AND IMPAIRING THE ABILITY OF CITIES AND TOWNS TO MAINTAIN COMMUNITY CHARACTER AND PROTECT NEIGHBORHOODS. THE PURPOSE OF THIS ACT IS TO REQUIRE THE ADOPTION OF LEGALLY BINDING GROWTH MANAGEMENT PLANS TO REDRESS AND PREVENT THE ABOVE HARMS, TO PROVIDE LOCAL VOTERS WITH DIRECT CONTROL OVER ADOPTION AND AMENDMENT OF THESE PLANS, TO EFFECTIVELY MANAGE DEVELOPMENT, AND TO LIMIT URBAN SPRAWL, ALL IN THE SPECIFIC MANNER PROVIDED IN THIS ACT.

11-1602. MANDATORY GROWTH MANAGEMENT PLANS; REQUIREMENTS

A. NOT LATER THAN JANUARY 1, 2003, EACH MUNICIPALITY AND COUNTY SHALL ADOPT BY ORDINANCE A LEGALLY ENFORCEABLE GROWTH MANAGEMENT PLAN. VOTER APPROVAL SHALL BE REQUIRED FOR ADOPTION AND AMENDMENT OF THE PLAN. EACH PLAN SHALL:

1. ESTABLISH URBAN GROWTH AREAS, OUTSIDE OF WHICH NEW URBAN DEVELOPMENT AND SERVICES WILL BE LIMITED AS PROVIDED IN SECTION 11-1603.

2. REQUIRE DEVELOPERS TO PAY THE FULL COST OF ADDITIONAL PUBLIC FACILITY NEEDS THAT WILL BE CREATED BY NEW COMMERCIAL, INDUSTRIAL, AND SUBDIVISION PROJECTS, UNLESS THE PROJECT IS LOCATED WITHIN AN INFILL INCENTIVE AREA AS PROVIDED IN SECTION 11-1604. FOR EACH TYPE OF PUBLIC FACILITY, THE PLAN SHALL SPECIFY IN DETAIL HOW THE COSTS WILL BE CALCULATED AND WHEN THE COUNTY OR MUNICIPALITY WILL COLLECT PAYMENT THEREFOR.

3. PROTECT AIR AND WATER QUALITY BY SETTING POLICIES AND REQUIREMENTS TO ENSURE THAT GROWTH IS CONSISTENT WITH STEADY PROGRESS TOWARD MEETING STATE AND FEDERAL STANDARDS, AND THAT CONTINUED COMPLIANCE WITH THOSE STANDARDS IS MAINTAINED ONCE MET.

4. SET POLICIES AND REQUIREMENTS TO ENSURE THAT WATER DEMAND FROM NEW DEVELOPMENT DOES NOT PLACE AN UNREASONABLE BURDEN UPON GROUND AND SURFACE WATER SUPPLIES.

5. SET POLICIES AND REQUIREMENTS FOR TERRITORY WITHIN URBAN GROWTH AREAS TO PROTECT ENVIRONMENTAL QUALITY, NEIGHBORHOODS, SCENIC VISTAS, NATURAL OPEN SPACE, MOUNTAIN AND OTHER PUBLIC PRESERVES, HISTORIC AREAS AND ARCHAEOLOGICAL SITES, AND PROVIDE FOR AFFORDABLE HOUSING.

6. SET POLICIES AND REQUIREMENTS TO PROMOTE MULTIMODAL FORMS OF TRANSPORTATION AND ENSURE THAT PROPOSALS FOR NEW ROADS, ADDITIONAL ROAD LANES, AND OTHER TRANSPORTATION ELEMENTS ARE EVALUATED FOR THEIR URBAN GROWTH IMPACT BEFORE APPROVAL.

B. TO THE MAXIMUM EXTENT PRACTICABLE, THE GOVERNING BODIES OF MUNICIPALITIES AND COUNTIES SHALL COORDINATE THEIR PLANS WITH EACH OTHER TO ADVANCE THE PURPOSES OF THIS ACT.

C. A MUNICIPALITY INCORPORATED OR COUNTY FORMED AFTER THE EFFECTIVE DATE OF THIS ACT SHALL ADOPT A GROWTH MANAGEMENT PLAN COMPLYING WITH THIS ACT NO LATER THAN TWO YEARS AFTER INCORPORATION OR FORMATION. UNTIL THE PLAN IS ADOPTED, THE AREA ENCOMPASSED BY THE NEW MUNICIPALITY OR COUNTY SHALL CONTINUE TO BE GOVERNED BY THE PROVISIONS OF THIS ACT AND ANY PLAN APPLICABLE TO THE AREA BEFORE INCORPORATION OR FORMATION.

D. THE REQUIREMENTS OF THIS SECTION AND SECTION 11-1603 DO NOT APPLY TO MUNICIPALITIES WITH POPULATIONS OF LESS THAN TWO THOUSAND FIVE HUNDRED PERSONS BASED ON D.E.S. ESTIMATES AS OF THE EFFECTIVE DATE OF THIS ACT. THESE MUNICIPALITIES MAY ELECT TO SUBJECT THEMSELVES TO THIS SECTION AND SECTION 11-1603 EITHER BY ACTION OF THE GOVERNING BODY OR BY VOTER INITIATIVE. TWO YEARS AFTER PUBLICATION OF D.E.S. ESTIMATES SHOWING THAT A MUNICIPALITY'S POPULATION HAS REACHED OR EXCEEDED TWO THOUSAND FIVE HUNDRED PERSONS, THE MUNICIPALITY SHALL BECOME SUBJECT TO THIS SECTION AND SECTION 11-1603, AND SHALL ADOPT A GROWTH MANAGEMENT PLAN. AFTER JANUARY 1, 2003, A MUNICIPALITY ELIGIBLE FOR THE EXEMPTION IN THIS SECTION SHALL NONETHELESS BE SUBJECT TO THE RESTRICTIONS IN SECTION 11-1603, SUBSECTION C, EXCEPT AS TO SERVICE EXTENSIONS TO TERRITORY WITHIN ITS CORPORATE LIMITS.

11-1603. DESIGN AND EFFECT OF URBAN GROWTH AREAS

A. URBAN GROWTH AREAS SHALL BE DEFINED BY CLEAR BOUNDARIES, SHALL BE NO LARGER THAN NECESSARY TO ACCOMMODATE CLEARLY DEMONSTRATED NEEDS FOR URBAN POPULATION GROWTH FOR A TEN-YEAR PERIOD, CONSISTENT WITH D.E.S. PROJECTIONS, AND SHALL BE DESIGNED TO PROTECT NATURAL AREAS, WILDLIFE HABITAT, AIR QUALITY AND SCENIC VALUES; TO ECONOMICALLY PROVIDE FOR PUBLIC FACILITIES AND SERVICES; AND TO EFFECTIVELY LIMIT URBAN SPRAWL. AN URBAN GROWTH AREA MAY NOT ENCOMPASS TERRITORY OUTSIDE OF THE ZONING JURISDICTION OF THE MUNICIPALITY OR COUNTY ESTABLISHING THE AREA.

B. AFTER THE EARLIEST OF JANUARY 1, 2003 OR THE DATE IT ADOPTS A GROWTH MANAGEMENT PLAN, A MUNICIPALITY OR COUNTY SHALL NOT REZONE LANDS THAT ARE NOT WITHIN AN URBAN GROWTH AREA TO ALLOW AN INCREASE IN THE DENSITY OR INTENSITY OF DEVELOPMENT UNLESS AN EXCEPTION IS GRANTED PURSUANT TO SECTION 11-1605. THIS RESTRICTION SHALL NOT IMPAIR THE CONTINUATION OR IMPROVEMENT OF LAND USES IN EXISTENCE AS OF THE EARLIEST OF JANUARY 1, 2003 OR THE DATE THE PLAN WAS ADOPTED, NOR LAND USE RIGHTS VESTED AS OF THAT DATE.

C. AFTER THE EARLIEST OF JANUARY 1, 2003 OR THE DATE A MUNICIPALITY OR COUNTY ADOPTS A GROWTH MANAGEMENT PLAN, A POLITICAL SUBDIVISION OR PUBLIC SERVICE CORPORATION SHALL NOT EXTEND PUBLIC SERVICES TO TERRITORY WITHIN A MUNICIPALITY OR COUNTY THAT IS OUTSIDE AN URBAN GROWTH AREA UNLESS THE MUNICIPALITY OR COUNTY WITH JURISDICTION OVER THAT TERRITORY GRANTS AN EXCEPTION PURSUANT TO SECTION 11-1605. THIS RESTRICTION SHALL NOT APPLY TO THE CONTINUED PROVISION OR IMPROVEMENT OF PUBLIC SERVICES FOR PERSONS AND LANDS ALREADY RECEIVING OR LEGALLY ENTITLED TO THESE SERVICES ON OR BEFORE THE EARLIEST OF JANUARY 1, 2003 OR THE DATE THE PLAN IS ADOPTED.

D. A GROWTH MANAGEMENT PLAN MAY PRESCRIBE ADDITIONAL MEASURES TO LIMIT URBAN SPRAWL, PROTECT NEIGHBORHOODS, PRESERVE NATURAL AREAS, AND EFFECTIVELY MANAGE GROWTH. THESE MEASURES MAY INCLUDE SPECIAL ZONING, TRANSFER OF DEVELOPMENT RIGHTS, SUBDIVISION CONTROLS, LIMITS ON THE ISSUANCE OF NEW BUILDING PERMITS, AND OTHER MEASURES TO LIMIT OR CONTROL SPRAWL.

E. AFTER THE EARLIEST OF JANUARY 1, 2003 OR THE DATE IT ADOPTS A GROWTH MANAGEMENT PLAN, A MUNICIPALITY OR COUNTY SHALL NOT APPROVE A NEW SUBDIVISION USING SEPTIC TANK SYSTEMS FOR WASTE DISPOSAL OUTSIDE AN URBAN GROWTH AREA EXCEPT BY A FOUR-FIFTHS VOTE OF ALL MEMBERS OF THE MUNICIPAL OR COUNTY GOVERNING BODY.

F. TERRITORY THAT IS ANNEXED BY A MUNICIPALITY SHALL RETAIN ITS PRE-ANNEXATION GROWTH AREA STATUS UNTIL THE MUNICIPALITY ADOPTS A PLAN OR PLAN AMENDMENT MODIFYING THIS STATUS.

G. THE RESTRICTIONS IN SUBSECTIONS B AND C OF THIS SECTION DO NOT APPLY TO REZONINGS OR SERVICE EXTENSIONS THAT ARE INTENDED SOLELY TO FACILITATE PROVISION OF POLICE PROTECTION OR EMERGENCY SERVICES.

11-1604. INFILL INCENTIVE AREAS

A GROWTH MANAGEMENT PLAN MAY IDENTIFY INFILL INCENTIVE AREAS WITHIN THE URBAN GROWTH AREA WHERE THE AMOUNT OF THE COST OF ADDITIONAL PUBLIC FACILITY NEEDS TO BE PAID FOR BY DEVELOPERS IS REDUCED AS SPECIFIED IN THE PLAN. INFILL INCENTIVE AREAS MUST BE DEFINED BY CLEAR BOUNDARIES AND MUST CONTAIN A SIG-

NIFICANT PROPORTION OF VACANT LOTS OR VACANT OR DETERIORATING STRUCTURES. WITHIN ANY MUNICIPALITY OR ANY UNINCORPORATED PORTION OF A COUNTY THE TOTAL AREA OF THE INFILL INCENTIVE AREAS IDENTIFIED IN THE PLAN SHALL NOT EXCEED TEN PERCENT OF THE URBAN GROWTH AREA.

11-1605. AUTHORIZATION TO GRANT EXCEPTIONS: APPROVAL OF EXCEPTIONS

A. A GROWTH MANAGEMENT PLAN MAY AUTHORIZE THE GRANTING OF EXCEPTIONS TO THE RESTRICTIONS IN SECTION 11-1603, SUBSECTIONS B AND C FOR EXTRAORDINARY AND COMPELLING CIRCUMSTANCES THAT ARE CLEARLY AND EXPLICITLY DEFINED IN THE PLAN. AN EXCEPTION SHALL BE NO MORE EXTENSIVE THAN WARRANTED BY THE REASONS JUSTIFYING THE EXCEPTION AND SHALL COMPLY WITH ALL OTHER PROVISIONS OF THE GROWTH MANAGEMENT PLAN.

B. IF A MUNICIPALITY OR COUNTY HAS NOT ADOPTED A GROWTH MANAGEMENT PLAN BY THE RELEVANT DEADLINE, THEN UNTIL A PLAN IS ADOPTED, THE MUNICIPALITY OR COUNTY MAY GRANT EXCEPTIONS TO THE RESTRICTIONS IN SECTION 11-1603, SUBSECTIONS B AND C FOR EXTRAORDINARY AND COMPELLING CIRCUMSTANCES THAT ARE CLEARLY AND EXPLICITLY DEFINED IN AN INTERIM ORDINANCE UNTIL A PLAN IS ADOPTED. AN EXCEPTION SHALL BE NO MORE EXTENSIVE THAN WARRANTED BY THE REASONS JUSTIFYING THE EXCEPTION.

C. AN EXCEPTION UNDER SUBSECTION A OR B OF THIS SECTION MUST BE APPROVED BY A FOUR-FIFTHS VOTE OF ALL MEMBERS OF THE MUNICIPAL OR COUNTY GOVERNING BODY GRANTING THE EXCEPTION, EXCEPT THAT AN EXCEPTION FOR A LAND AREA OR PROJECT OF MORE THAN TWENTY ACRES MUST BE APPROVED BY THE VOTERS PURSUANT TO SECTION 11-1606, SUBSECTION C. THE GOVERNING BODY SHALL NOT CIRCUMVENT THE VOTER APPROVAL REQUIREMENT BY GRANTING MULTIPLE EXCEPTIONS COLLECTIVELY TOTALING MORE THAN TWENTY ACRES FOR ANY SINGLE PROJECT OR GROUP OF RELATED PROJECTS.

D. IF A GROWTH MANAGEMENT PLAN IS REFERRED TO THE VOTERS PURSUANT TO SECTION 11-1606, SUBSECTION C AND THE VOTERS REJECT SUCH PLAN PRIOR TO JANUARY 1, 2003, THEN UNTIL JANUARY 1, 2005, THE RESTRICTIONS IN SECTION 11-1603, SUBSECTIONS B AND C CAN BE LIFTED AS TO ANY SPECIFIC PROJECT BY A UNANIMOUS VOTE OF THE MUNICIPAL OR COUNTY GOVERNING BODY, AS WELL AS BY THE GRANTING OF AN EXCEPTION PURSUANT TO SUBSECTION B OF THIS SECTION.

11-1606. PUBLIC PARTICIPATION AND VOTER CONTROL

A. THE GOVERNING BODY OF EACH MUNICIPALITY AND COUNTY PREPARING A GROWTH MANAGEMENT PLAN SHALL DEVELOP AND IMPLEMENT A PROGRAM THAT ENSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN THE PLANNING PROCESS, INCLUDING EARLY OPPORTUNITIES FOR CITIZENS TO REVIEW AND COMMENT ON PLAN ALTERNATIVES.

B. THE GOVERNING BODY OF A MUNICIPALITY OR COUNTY MAY NOT ADOPT OR AMEND A GROWTH MANAGEMENT PLAN OR GRANT AN EXCEPTION UNDER SECTION 11-1605 WITHOUT FIRST HOLDING A PUBLIC HEARING PRECEDED BY AT LEAST 30 DAYS' PUBLIC NOTICE AND ADDITIONAL NOTICE IN LIKE MANNER AS SPECIFIED IN SECTION 9-462.04, SUBSECTION A, PARAGRAPHS 5 AND 6. A GROWTH MANAGEMENT PLAN, AMENDMENT, OR EXCEPTION SHALL NOT BE ADOPTED AS AN EMERGENCY MEASURE.

C. EVERY GROWTH MANAGEMENT PLAN AND AMENDMENT THERETO ADOPTED BY THE GOVERNING BODY AND EVERY EXCEPTION UNDER SECTION 11-1605, SUBSECTIONS A OR B OF MORE THAN TWENTY ACRES SHALL BE AUTOMATI-

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

CALLY REFERRED TO THE VOTERS OF THE ADOPTING JURISDICTION FOR APPROVAL OR DISAPPROVAL AT THE NEXT REGULARLY SCHEDULED STATE OR LOCAL GENERAL ELECTION, EXCEPT THAT AUTOMATIC REFERRAL SHALL NOT BE REQUIRED WITH RESPECT TO AN AMENDMENT THAT IS DESIGNED SOLELY TO CORRECT A TECHNICAL ERROR AND DOES NOT CHANGE THE ORIGINAL INTENT OF THE PLAN.

D. NO URBAN GROWTH AREA MAY BE ESTABLISHED BY A COUNTY IN UNINCORPORATED TERRITORY UNLESS SEPARATELY REFERRED TO AND APPROVED BY THE VOTERS WITHIN EACH AND EVERY SUPERVISORIAL DISTRICT THAT ENCOMPASSES ALL OR PART OF THE PROPOSED GROWTH AREA, IN ADDITION TO BEING APPROVED IN A COUNTYWIDE VOTE AS PROVIDED IN SUBSECTION C OF THIS SECTION. IF THE VOTERS WITHIN A SUPERVISORIAL DISTRICT THAT ENCOMPASSES ALL OR PART OF A PROPOSED URBAN GROWTH AREA REJECT THE ESTABLISHMENT OF THE PROPOSED GROWTH AREA, THIS REJECTION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PROVISIONS OF THE GROWTH MANAGEMENT PLAN OR AMENDMENT THERETO, AND TO THIS END THE PROVISIONS ESTABLISHING AN URBAN GROWTH AREA IN UNINCORPORATED TERRITORY SHALL BE SEVERABLE FROM THE REST OF THE PLAN OR AMENDMENT. WHERE VOTER APPROVAL IS REQUIRED, A PLAN, GROWTH AREA, AMENDMENT OR EXCEPTION SHALL NOT BE DEEMED ADOPTED UNTIL VOTER APPROVAL HAS BEEN OBTAINED.

E. A GROWTH MANAGEMENT PLAN MAY BE ADOPTED OR AMENDED AT ANY REGULARLY SCHEDULED STATE OR LOCAL GENERAL ELECTION VIA INITIATIVE PROPOSED BY THE REQUISITE NUMBER OF QUALIFIED ELECTORS OF THE JURISDICTION GOVERNED BY THE PLAN. UPON DETERMINATION THAT A SUFFICIENT NUMBER OF VALID SIGNATURES HAS BEEN SUBMITTED AND PRIOR TO THE ELECTION, THE GOVERNING BODY OF THE MUNICIPALITY OR COUNTY SHALL HOLD A PUBLIC HEARING ON THE INITIATIVE, PRECEDED BY NOTICE AS PROVIDED IN SUBSECTION B OF THIS SECTION.

11-1607. COMPLIANCE WITH URBAN GROWTH LIMITS

A MUNICIPALITY OR COUNTY, OR ANY OFFICER, EMPLOYEE, DEPARTMENT, BOARD OR COMMISSIONER THEREOF, SHALL NOT ACT IN A MANNER THAT VIOLATES OR IS CONTRARY TO THE PROVISIONS OF THE JURISDICTION'S ADOPTED GROWTH MANAGEMENT PLAN OR THIS ACT. LIKEWISE, A MUNICIPALITY OR COUNTY, OR ANY OFFICER, EMPLOYEE, DEPARTMENT, BOARD OR COMMISSIONER THEREOF, SHALL NOT FAIL TO ACT IN A MANNER THAT IS REQUIRED BY THE PLAN OR THIS ACT.

11-1608. ENFORCEMENT

THE ATTORNEY GENERAL SHALL ENFORCE THE PROVISIONS OF THIS ACT TO EFFECTUATE ITS PURPOSES. ANY PERSON, INCLUDING THE ATTORNEY GENERAL, MAY FILE A CIVIL ACTION IN SUPERIOR COURT ALLEGING VIOLATION OF THIS ACT BY ANY PERSON AND SEEKING INJUNCTIVE AND OTHER APPROPRIATE RELIEF.

11-1609. EXISTING USES AND PRIVATE PROPERTY RIGHTS PROTECTED

THIS ACT SHALL NOT BE CONSTRUED TO CAUSE OR ALLOW A TAKING OF PRIVATE PROPERTY, AND NO GROWTH MANAGEMENT PLAN OR AMENDMENT THERETO SHALL BE WRITTEN OR CONSTRUED SO AS TO CAUSE A TAKING. THIS ACT SHALL NOT AFFECT THE CONTINUATION OR IMPROVEMENT OF LAND USES IN EXISTENCE BEFORE THE EFFECTIVE DATE OF THIS ACT, LAND USE RIGHTS THAT HAVE VESTED BEFORE THAT DATE, OR USES, RIGHTS OR SERVICES PROTECTED UNDER SECTION 11-1603, SUBSECTIONS B AND C.

11-1610. SAVINGS CLAUSE

MUNICIPALITIES AND COUNTIES SHALL HAVE THE POWER TO MANAGE URBAN GROWTH OR REGULATE LAND USE IN ANY MANNER THAT IS CONSISTENT WITH THIS ACT, AND THE LEGISLATURE SHALL NOT ABROGATE OR LIMIT THAT POWER. NOTHING IN THIS ACT SHALL BE CONSTRUED AS LIMITING THE EXISTING POWERS OF MUNICIPALITIES AND COUNTIES TO MANAGE URBAN GROWTH OR REGULATE LAND USE IN A MANNER THAT IS CONSISTENT WITH THIS ACT.

11-1611. SEVERABILITY

IF A PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ACT THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

11-1612. INTERIM GROWTH LIMITS

FROM THE EFFECTIVE DATE OF THIS ACT UNTIL THE EARLIEST OF JANUARY 1, 2003 OR THE DATE IT ADOPTS A GROWTH MANAGEMENT PLAN, A MUNICIPALITY OR COUNTY SHALL NOT APPROVE A SUBDIVISION OR REZONE LAND TO ALLOW AN INCREASE IN THE DENSITY OR INTENSITY OF DEVELOPMENT EXCEPT BY A FOUR-FIFTHS VOTE OF ALL MEMBERS OF THE GOVERNING BODY. THIS SECTION SHALL NOT APPLY TO A MUNICIPALITY WITH A POPULATION OF LESS THAN TWO THOUSAND FIVE HUNDRED PERSONS AS OF THE EFFECTIVE DATE OF THIS ACT.

11-1613. IMPACT FEES

MUNICIPALITIES AND COUNTIES ARE GRANTED EXPRESS AUTHORITY TO ASSESS AND COLLECT IMPACT FEES PURSUANT TO PLAN PROVISIONS ADOPTED UNDER SECTION 11-1602, SUBSECTION A. THE AUTHORITY GRANTED HEREIN IS IN ADDITION TO THE AUTHORITY OF MUNICIPALITIES TO ASSESS AND COLLECT DEVELOPMENT FEES UNDER SECTION 9-463.05 AND THE AUTHORITY OF COUNTIES TO ASSESS AND COLLECT DEVELOPMENT FEES UNDER SECTION 11-812.

11-1614. STATE LANDS

WITH RESPECT TO LANDS OWNED OR HELD IN TRUST BY THIS STATE, THE REQUIREMENTS OF THIS ACT SHALL APPLY TO THE MAXIMUM EXTENT ALLOWED BY THE ENABLING ACT AND THE CONSTITUTION OF ARIZONA.

11-1615. DEFINITIONS

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CONTINUATION OR IMPROVEMENT OF LAND USES IN EXISTENCE" MEANS THE CONTINUATION OF A LAWFUL EXISTING USE AS WELL AS ANY RELATED REPAIR, ALTERATION, ENLARGEMENT, REPLACEMENT, LAND IMPROVEMENT, OR ADDITION OF FACILITIES OR STRUCTURES, TO THE EXTENT THE FOREGOING ARE OTHERWISE LEGALLY ALLOWABLE WITHOUT A CHANGE IN THE APPLICABLE ZONING ORDINANCE. BY WAY OF EXAMPLE, CONTINUATION OR IMPROVEMENT OF AN EXISTING RESIDENTIAL USE INCLUDES THE REPAIR, ALTERATION, ENLARGEMENT, AND REPLACEMENT OF EXISTING STRUCTURES AND ACCESSORY USES, AS WELL AS THE ADDITION OF FACILITIES SUCH AS CARPORTS; GARAGES; DRIVEWAYS; GUEST HOUSES; PATIOS; PORCHES; FENCES; WALLS; UTILITIES; LANDSCAPING; POOLS; HEATING AND COOLING SYSTEMS; WELLS, SEPTIC TANKS AND APPURTENANT LINES; AND OTHER ACCESSORY USES, TO THE EXTENT THE FOREGOING ARE OTHERWISE LEGALLY ALLOWABLE WITHOUT A CHANGE IN THE APPLICABLE ZONING ORDINANCE.

2. "D.E.S." MEANS THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY.

3. "FULL COST OF ADDITIONAL PUBLIC FACILITY NEEDS" MEANS THE COST OF ADDITIONAL PUBLIC FACILITY NEEDS NECESSITATED BY A NEW COMMERCIAL, INDUSTRIAL OR SUBDIVISION PROJECT THAT WOULD OTHERWISE BE BORNE BY THE MUNICIPALITY OR COUNTY OR THE TAXPAYERS WITHIN THE MUNICIPALITY OR COUNTY.

4. "IMPACT FEES" MEANS FEES CHARGED TO A DEVELOPER TO OFFSET THE COST OF PUBLIC FACILITY NEEDS CREATED BY DEVELOPMENT.

5. "INCREASE IN THE DENSITY OF DEVELOPMENT" MEANS AN INCREASE IN THE NUMBER OF DWELLING UNITS ALLOWED PER ACRE.

6. "INCREASE IN THE INTENSITY OF DEVELOPMENT" MEANS:

(a) CONVERSION FROM OPEN SPACE OR AGRICULTURAL USE TO RESIDENTIAL, COMMERCIAL OR INDUSTRIAL USE; OR

(b) CONVERSION FROM RESIDENTIAL USE TO COMMERCIAL OR INDUSTRIAL USE.

7. "MUNICIPALITY" MEANS AN INCORPORATED CITY OR INCORPORATED TOWN.

8. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, MUNICIPALITY, COUNTY, POLITICAL SUBDIVISION, THIS STATE, THE UNITED STATES, AND ANY OFFICER OR AGENCY OF THE FOREGOING.

9. "POLITICAL SUBDIVISION" MEANS ALL POLITICAL SUBDIVISIONS OF THE STATE, INCLUDING ALL COUNTIES, MUNICIPALITIES, SCHOOL DISTRICTS, SPECIAL DISTRICTS, AND TAX LEVYING PUBLIC IMPROVEMENT DISTRICTS.

10. "PUBLIC FACILITY" MEANS ROADS; SCHOOLS; POLICE AND FIRE PROTECTION FACILITIES; PARKS; WATER STORAGE, TREATMENT, AND DISTRIBUTION FACILITIES, OTHER THAN FOR AGRICULTURE; SEWAGE COLLECTION, TREATMENT, RECLAMATION, AND DISPOSAL FACILITIES; STORM WATER COLLECTION, MANAGEMENT, AND DISPOSAL FACILITIES; FLOOD CONTROL FACILITIES; SOLID WASTE MANAGEMENT FACILITIES; PUBLIC TRANSIT FACILITIES; PEDESTRIAN AND BICYCLE PATHS; MOUNTAIN AND OTHER OPEN SPACE PRESERVES; AND ALL STRUCTURES, LANDS, EQUIPMENT AND FACILITIES ASSOCIATED WITH THE FOREGOING.

11. "PUBLIC SERVICES" MEANS THE FOLLOWING SERVICES PROVIDED BY A POLITICAL SUBDIVISION OR A PUBLIC SERVICE CORPORATION: POTABLE WATER SUPPLY SERVICE, WASTEWATER COLLECTION AND TREATMENT, AND GARBAGE COLLECTION SERVICE.

12. "ROAD" INCLUDES ROADS, STREETS, HIGHWAYS, AND SIMILAR FACILITIES.

13. "TAKING" OR "TAKING OF PRIVATE PROPERTY" MEANS A TAKING OF PRIVATE PROPERTY FOR WHICH COMPENSATION WOULD BE REQUIRED UNDER THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION OR ARTICLE 2, SECTION 17, CONSTITUTION OF ARIZONA.

14. "THIS ACT" MEANS THIS CHAPTER.

15. "URBAN SPRAWL" MEANS URBAN DEVELOPMENT THAT OCCURS IN URBAN FRINGE AND RURAL AREAS, AND THAT TYPICALLY MANIFESTS ITSELF IN ONE OR MORE OF THE FOLLOWING PATTERNS: A) LEAPFROG DEVELOPMENT; B) RIBBON OR STRIP DEVELOPMENT; C) DEVELOPMENT SEPARATED FROM CONTINUOUS URBAN DEVELOPMENT BY VACANT, LOW DENSITY, OR RURAL LAND; AND D) DEVELOPMENT THAT INVADERS LANDS IMPORTANT FOR ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION OR SCENIC VALUE.

16. "VESTED RIGHT" OR "LAND USE RIGHT THAT HAS VESTED" MEANS A VESTED RIGHT TO USE OR DEVELOP LAND AS THOSE TERMS ARE DEFINED UNDER PUBLISHED ARIZONA APPELLATE COURT DECISIONS AS OF DECEMBER 31, 1998.

17. "ZONING ORDINANCE" MEANS A MUNICIPALITY OR COUNTY ORDINANCE REGULATING THE USE OF LAND OR STRUCTURES, OR BOTH.

Sec. 2. Laws 1998, chapter 204, section 1 is amended to read:

Section 1. The growing smarter act; description; intent

A. This act shall be known as "The Growing Smarter Act".

B. The Growing Smarter Act consists of comprehensive municipal, county and state land department land use planning and zoning reforms, provides for the acquisition and preservation of open spaces and establishes a program for continuing study and consideration of pertinent issues relating to public land use policies, all in order to further the best interests of our citizens by protecting our natural heritage and wisely managing the growth of our communities.

C. Key components of the Growing Smarter Act are:

1. A ballot proposition presented to the voters to fund grants of money from existing state revenues to conserve open spaces in or near urban areas and other areas experiencing high growth pressures.
2. Reforms to local planning laws.
3. Greater public participation.
4. Mandatory rezoning compliance with general and comprehensive plans.
5. State trust land planning.
6. An urban and rural growth study commission.
7. Protections and assurances for owners of private property:

(a) Sections 2 through 10 of this act:

(i) Shall not be construed to cause or allow a taking of private property. No general or comprehensive plan or amendment to a general or comprehensive plan may be written or construed so as to cause a taking as defined by section 9-500.13 or 11-811, Arizona Revised Statutes.

(ii) Do not affect the continuation or improvement of land uses, public services and development agreements in existence before the effective date of this act, protected development rights under title 9, chapter 11 and title 11, chapter 9, Arizona Revised Statutes, or any land use and public service rights that have vested before the effective date of this act. For purposes of this paragraph, "rights that have vested" means a vested right to use or develop land as defined under published Arizona court decisions.

(iii) Are intended to increase the value and utility of the general and comprehensive planning processes by providing that rezoning actions shall be more effectively guided by a community's general and comprehensive plans.

(b) This act shall not be construed to require downzoning or require a rezoning to a more intensive land use classification of private property by the governing body of a city, town or county in order to place all lands in conformity with current or future comprehensive plans.

~~D. The comprehensive reforms in The Growing Smarter Act conflict with the initiative styled "The Citizens Growth Management Act" which mandates the establishment of urban growth areas, growth management plans and limits the expansion of public services.~~

~~E. The citizens of this state are thus given a clear choice in the direction they want counties and municipalities to follow in planning and managing the growth that is inevitable in this state. The Growing Smarter Act and the Citizens Growth Management Act are not compatible. The Growing Smarter Act, can take effect and work successfully only if the Citizens Growth Management Act is defeated by the voters.~~

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

Sec. 3. Repeal. Proposition 303 of the 1998 General Election, section 1 is repealed, as follows:~~Section 1. The growing smarter act; description; intent~~

~~A. The legislature has enacted "The Growing Smarter Act" consisting of comprehensive municipal, county and state land department land use planning and zoning reforms, providing for the acquisition and preservation of open spaces and establishing a program for continuing study and consideration of pertinent issues relating to public land use policies.~~

~~B. This proposition presents to the voters a key component of the Growing Smarter Act. It funds grants of money from existing state revenues to conserve open spaces in or near urban areas and other areas experiencing high growth pressures. Combined with more specific and more detailed community plans, greater public participation in creating and amending community plans, mandatory rezoning conformity with adopted plans, state trust land planning and an urban and rural growth study commission, this funding furthers the best interests of our citizens by protecting our natural heritage and wisely managing the growth of our communities.~~

~~C. These comprehensive reforms conflict with the initiative styled "The Citizens Growth Management Act" which mandates the establishment of urban growth areas, growth management plans and limits the expansion of public services. The proposals in The Citizens Growth Management Act are inconsistent with state funded acquisition and preservation of open space within urban growth areas and with providing affordable housing and other urban land use needs. Moreover, local tax bases may be eroded by the acquisition of urban open space property by government entities under this act unless local governments are allowed to continue to annex new territory.~~

~~D. The voters are thus presented a clear choice in the direction they want counties and municipalities to follow in planning and managing the growth that is inevitable in this state. The Growing Smarter Act and the Citizens Growth Management Act are not compatible. This proposition, the Growing Smarter Act, can take effect and work successfully only if the Citizens Growth Management Act is not approved by the voters and does not become effective.~~

Sec. 4. Repeal. Proposition 303 of the 1998 General Election, section 4 is repealed, as follows:~~Sec. 4. Conditional repeal~~

~~Section 2 of this act is repealed if the initiative styled "The Citizens Growth Management Act" and designated by the secretary of state as 12198 is approved by the voters at the general election held November 3, 1998 and becomes effective pursuant to article IV, part 1, section 1, Constitution of Arizona.~~

Sec. 5. Section 9-461.05, Arizona Revised Statutes, is amended to read:~~9-461.05. General plans; authority; scope~~

~~A. Each planning agency shall prepare and the legislative body of each municipality shall adopt a comprehensive, long-range general plan for the development of the municipality. The planning agency shall coordinate the production of its general plan with the creation of the state land department conceptual land use plans under title 37, chapter 2, article 5.1 and cooperate with the state land department regarding integrating the conceptual state land use plans into the municipality's general land use plan. The general plan shall include provisions that identify changes or modifications to the plan that constitute amendments and major amendments. The plan shall be adopted and readopted in the manner prescribed by section 9-461.06. THE GENERAL PLAN SHALL BE CONSISTENT WITH AND CONFORM TO THE MUNICIPALITY'S GROWTH MANAGEMENT PLAN ADOPTED UNDER TITLE 11, CHAPTER 11. WHERE THE GENERAL PLAN AND THE GROWTH MANAGEMENT PLAN ARE IN CONFLICT, THE GROWTH MANAGEMENT PLAN SHALL SUPERSEDE THE GENERAL PLAN.~~

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

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

1. A land-use element which designates the proposed general distribution and location and extent of such uses of the land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space and such other categories of public and private uses of land as may be appropriate to the municipality. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various land-use categories covered by the plan. The land use element shall identify specific programs and policies that the municipality may use to promote infill or compact form development activity and locations where those development patterns should be encouraged. The land use element shall include consideration of air quality and access to incident solar energy for all general categories of land use. The land use element shall include policies that address maintaining a broad variety of land uses including the range of uses existing in the municipality when the plan is adopted, readopted or amended.

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

D. For cities and towns having a population of more than two thousand five hundred persons according to the most recent United States decennial census, the general plan shall include, and for other towns the general plan may include:

1. An open space element that includes:

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

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

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

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

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

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

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

3. An environmental planning element that contains analysis, policies and strategies to address anticipated effects, if any, of plan elements on air quality, water quality and natural

resources associated with proposed development under the general plan. The policies and strategies to be developed under this element shall be designed to have community-wide applicability and shall not require the production of an additional environmental impact statement or similar analysis beyond the requirements of state and federal law.

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

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

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

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

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

- (a) The reclamation of land.
- (b) Flood control.
- (c) Prevention and control of the pollution of streams and other waters.
- (d) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (e) Prevention, control and correction of the erosion of soils, beaches and shores.
- (f) Protection of watersheds.

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

- (a) Natural reservations.
- (b) Parks.
- (c) Parkways and scenic drives.
- (d) Beaches.
- (e) Playgrounds and playfields.
- (f) Open space.
- (g) Bicycle routes.
- (h) Other recreation areas.

3. The circulation element provided for in subsection C, paragraph 2 shall also include for cities of fifty thousand persons or more and may include for cities of less than fifty thousand persons recommendations concerning parking facilities, building setback requirements and the delineations of such systems on the land, a system of street naming and house and building numbering and such other matters as may be related to the improvement of circulation of traffic. The circulation element may also include: (a) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts and grade separations. This element of the plan may also include port, harbor, aviation and related facilities.

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

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

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

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

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

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

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

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

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

Sec. 6. Section 9-461.06, Arizona Revised Statutes, is amended to read:
9-461.06. Adoption and amendment of general plan: expiration and readoption

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

B. The governing body shall:

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

- (a) The broad dissemination of proposals and alternatives.
- (b) The opportunity for written comments.
- (c) Public hearings after effective notice.
- (d) Open discussions, communications programs and information services.
- (e) Consideration of public comments.

2. Consult with and advise public officials and agencies, the county, school districts, associations of governments, public land management agencies, other appropriate government jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners and citizens generally to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the general plan.

C. At least sixty days before the general plan or a portion, element or amendment of a general plan is adopted, the planning agency shall transmit the proposal to the legislative body and submit a review copy for information purposes to:

1. The planning agency of the county in which the municipality is located.
2. Each county or municipality that is contiguous to the corporate limits of the municipality or its area of extra-territorial jurisdiction.
3. The regional planning agency within which the municipality is located.
4. The department of commerce or any other state agency that is subsequently designated as the general planning agency for this state.
5. Any person or entity that requests in writing to receive a review copy of the proposal.

D. If the municipality has a planning commission, the planning commission shall hold at least one public hearing before approving a general plan or any amendment to such plan. When the general plan or any major amendment is being adopted, planning commissions in municipalities having populations over twenty-five thousand shall hold two or more public hearings at different locations within the municipality to promote citizen participation. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen and not more than thirty calendar days before the hearing by:

1. Publication at least once in a newspaper of general circulation published or circulated in the municipality, ~~or if there is none, AND BY POSTING the notice shall be posted in at least ten public places in the municipality.~~
2. Such other manner in addition to publication as the municipality may deem necessary or desirable.

E. Action by the planning commission on the general plan or any amendment to the plan shall be transmitted to the legislative body of the municipality.

F. Before adopting the general plan, or any amendment to it, the municipal legislative body shall hold at least one public hearing. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection D. A PUBLIC HEARING HELD BY THE MUNICIPALITY LEGISLATIVE BODY TO AMEND THE GENERAL PLAN TO ALLOW A REZONING OF PROPERTY MUST OCCUR AT LEAST 30 DAYS PRIOR TO THE PUBLIC HEARING HELD ON THE REZONING OF THE PROPERTY PURSUANT TO SECTION 9-462.04.

G. The adoption or readoption of the general plan or any amendment to such plan shall be by resolution of the legislative body of the municipality, after notice as provided for in subsection D. The adoption or readoption of or a major amendment to the general plan shall be approved by affirmative vote of at least ~~two-thirds~~ THREE-FOURTHS of the members of the legislative body of the municipality. The general plan, or any amendment to the plan, shall be endorsed in the manner provided by the legislative body to show that it has been adopted by the legislative body. For purposes of this subsection, "major amendment" means any of the following:

1. A change of land use designation on the plan that:
 - (a) Increases the DENSITY OR intensity of use on the property.
 - (b) Decreases the DENSITY OR intensity of use on the property at the initiative of the governing body or zoning body.
2. Deletion of a requirement for the reservation or dedication of land for public purposes, except for minor boundary adjustments or street alignments.
3. Establishment of a new, ~~or deletion of a planned,~~ freeway, expressway, parkway or limited access arterial street ~~shown on the general plan.~~

H. If the municipality does not have a planning commission, the only procedural steps required for the adoption of the general plan, or any amendment to such plan, shall be those provided in this article for action by the legislative body.

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

J. A general plan, with any amendments, is effective for up to ten years from the date the plan was initially adopted, or until the plan is readopted or a new plan is adopted pursuant to this subsection and becomes effective. On or before the tenth anniversary of the plan's most recent adoption, the legislative body of the municipality shall either readopt the existing plan for an additional term of up to ten years or shall adopt a new general plan as provided by this article.

K. The adoption or readoption of a general plan, and any amendment to a general plan, shall not be enacted as an emergency measure and is subject to referendum as provided by article iv, part 1, section 1, subsection (8), constitution of Arizona, and title 19, chapter 1, article 4.

Sec. 7. Repeal. Section 9-461.13, Arizona Revised Statutes (Proposition 303 of the 1998 General Election, Section 3), is repealed, as follows:

~~9-461.13. Prohibited urban growth management requirements~~

~~A. There shall not be a state mandate that a city, charter city, town or county:~~

~~1. Adopt by ordinance or otherwise any "growth management" plan, however denominated, containing any provisions relating to such issues as mandatory development fees, mandatory air and water quality controls and street and highway environmental impacts, and requiring that, before adoption, the growth management plan, amendments and exceptions be automatically referred to the voters for approval.~~

~~2. Establish or recognize, formally or informally, urban growth boundaries, however denominated, that effectively prevent new urban development and extension of public services outside those boundaries.~~

~~3. Apply or attempt to apply urban growth management restrictions or boundaries to lands owned or held in trust by this state, unless specifically authorized by act of the legislature.~~

~~B. There shall not be a state mandate that the attorney general file any action in any court in this state against any local government or official to enforce any provision prohibited by this section.~~

Sec. 8. Section 9-462.01, Arizona Revised Statutes, is amended to read:

9-462.01. Zoning regulations; public hearing; definitions

A. Pursuant to the provisions of this article, the legislative body of any municipality by ordinance may in order to conserve and promote the public health, safety and general welfare:

1. Regulate the use of buildings, structures and land as between agriculture, residence, industry, business and other purposes.
2. Regulate signs and billboards.
3. Regulate location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot which may be occupied by a building or structure, access to incident solar energy and the intensity of land use.
4. Establish requirements for off-street parking and loading.
5. Establish and maintain building setback lines.
6. Create civic districts around civic centers, public parks, public buildings or public grounds and establish regulations therefor.

7. Require as a condition of rezoning public dedication of rights-of-way as streets, alleys, public ways, drainage and public utilities as are reasonably required by or related to the effect of the rezoning.

8. Establish floodplain zoning districts and regulations to protect life and property from the hazards of periodic inundation. Regulations may include variable lot sizes, special grading or drainage requirements, or other requirements deemed necessary for the public health, safety or general welfare.

9. Establish special zoning districts or regulations for certain lands characterized by adverse topography, adverse soils, subsidence of the earth, high water table, lack of water or other natural or man-made hazards to life or property. Regulations may include variable lot sizes, special grading or drainage requirements, or other requirements deemed necessary for the public health, safety or general welfare.

10. Establish districts of historical significance provided that:

(a) The ordinances may require that special permission be obtained for any development within the district if the legislative body has adopted a plan for the preservation of districts of historical significance which meets the requirements of subdivision (b) of this paragraph, and the criteria contained in the ordinance are consistent with the objectives set forth in the plan.

(b) A plan for the preservation of districts of historical significance shall identify districts of special historical significance, state the objectives to be sought concerning the development or preservation of sites, area and structures within the district, and formulate a program for public action including the provision of public facilities and the regulation of private development and demolition necessary to realize these objectives.

(c) The ordinance establishing districts of historical significance shall set forth standards necessary to preserve the historical character of the area so designated.

(d) The ordinances may designate or authorize any committee, commission, department or person to designate structures or sites of special historical significance in accordance with criteria contained in the ordinance, and no designation shall be made except after a public hearing upon notice of the owners of record of the property so designated. The ordinances may require that special permission be obtained for any development respecting the structures or sites.

11. Establish age specific community zoning districts in which residency is restricted to a head of a household or spouse who must be of a specific age or older and in which minors are prohibited from living in the home. Age specific community zoning districts shall not be overlaid over property without the permission of all owners of property included as part of the district unless all of the property in the district has been developed, advertised and sold or rented under specific age restrictions. The establishment of age specific community zoning districts is subject to all of the public notice requirements and other procedures prescribed by this article.

12. Establish procedures, methods and standards for the transfer of development rights within its jurisdiction. Any proposed transfer of development rights from the sending property or to the receiving property shall be subject to the notice and hearing requirements of section 9-462.04 and shall be subject to the approval and consent of the property owners of both the sending and receiving property. Prior to any transfer of development rights, a municipality shall adopt an ordinance providing for:

(a) The issuance and recordation of the instruments necessary to sever development rights from the sending

property and to affix development rights to the receiving property. These instruments shall be executed by the affected property owners and lienholders.

(b) The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner.

(c) The severance of transferable development rights from the sending property and the delayed transfer of development rights to a receiving property.

(d) The purchase, sale, exchange or other conveyance of transferable development rights prior to the rights being affixed to a receiving property.

(e) A system for monitoring the severance, ownership, assignment and transfer of transferable development rights.

(f) The right of a municipality to purchase development rights and to hold them for resale.

B. For the purposes prescribed in subsection A of this section the legislative body may divide a municipality, or portion of a municipality, into zones of the number, shape and area it deems best suited to carry out the purpose of this article and articles 6, 6.2 and 6.3 of this chapter.

C. All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulations in one type of zone may differ from those in other types of zones as follows:

1. Within individual zones, there may be uses permitted on a conditional basis under which additional requirements must be met, including requiring site plan review and approval by the planning agency. The conditional uses are generally characterized by any of the following:

(a) Infrequency of use.

(b) High degree of traffic generation.

(c) Requirement of large land area.

2. Within residential zones, the regulations may permit modifications to minimum yard lot area and height requirements.

D. To carry out the purposes of this article and articles 6 and 6.2 of this chapter, the legislative body may adopt overlay zoning districts and regulations applicable to particular buildings, structures and land within individual zones. For the purposes of this subsection, "overlay zoning district" means a special zoning district that includes regulations which modify regulations in another zoning district with which the overlay zoning district is combined. Overlay zoning districts and regulations shall be adopted pursuant to section 9-462.04.

E. The legislative body may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

F. All zoning and rezoning ordinances or regulations adopted under this article shall be consistent with and conform to the adopted general of the municipality, if any, as adopted under article 6 of this chapter. In the case of uncertainty in constructing or applying the conformity of any part of a proposed rezoning ordinance to the adopted general plan of the municipality, the ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, 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~~ AND intensities

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

within the range of identified uses, densities and intensities of the land use element of the general plan. A ZONING OR REZONING ORDINANCE IS SUBJECT TO REFERENDUM NOTWITHSTANDING THAT THE ORDINANCE IS CONSISTENT WITH AND CONFORMS TO THE ADOPTED GENERAL OR SPECIFIC PLAN.

G. THE LEGISLATURE SHALL NOT REQUIRE THE GOVERNING BODY OR ZONING BODY OF A MUNICIPALITY TO OBTAIN THE CONSENT OF THE LANDOWNER PRIOR TO REZONING LAND.

G. H. For purposes of this section:

1. "Development rights" means the maximum development that would be allowed on the sending property under any general or specific plan and local zoning ordinance of a municipality in effect on the date the municipality adopts an ordinance pursuant to subsection A, paragraph 12 of this section respecting the permissible use, area, bulk or height of improvements made to the lot or parcel. Development rights may be calculated and allocated in accordance with factors including dwelling units, area, floor area, floor area ratio, height limitations, traffic generation or any other criteria that will quantify a value for the development rights in a manner that will carry out the objectives of this section.

2. "Receiving property" means a lot or parcel within which development rights are increased pursuant to a transfer of development rights. Receiving property shall be appropriate and suitable for development and shall be sufficient to accommodate the transferable development rights of the sending property without substantial adverse environmental, economic or social impact to the receiving property or to neighboring property.

3. "Sending property" means a lot or parcel with special characteristics, including farmland, woodland, desert land, mountain land, floodplain, natural habitats, recreation or parkland, including golf course area, or land that has unique aesthetic, architectural or historic value that a municipality desires to protect from future development.

4. "Transfer of development rights" means the process by which development rights from a sending property are affixed to one or more receiving properties.

Sec. 9 Repeal. Section 9-463.06, Arizona Revised Statutes, is repealed, as follows:

~~9-463.06. Standards for enactment of moratorium; land development; limitations; definitions~~

~~A. A city or town shall not adopt a moratorium on construction or land development unless it first:~~

~~1. Provides notice to the public published once in a newspaper of general circulation in the community at least thirty days before a final public hearing to be held to consider the adoption of the moratorium.~~

~~2. Makes written findings justifying the need for the moratorium in the manner provided for in this section.~~

~~3. Holds a public hearing on the adoption of the moratorium and the findings that support the moratorium.~~

~~B. For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of essential public facilities that would otherwise occur during the effective period of the moratorium. This demonstration shall be based on reasonably available information and shall include at least the following findings:-~~

~~1. A showing of the extent of need beyond the estimated capacity of existing essential public facilities expected to result from new land development, including identification of any essential public facilities currently operating beyond capacity and the portion of this capacity already committed to development, or in the case of water resources, a showing that, in an active management area, an assured water supply cannot be provided or, outside an active management area, a sufficient water supply cannot be provided, to the new land development,~~

~~including identification of current water resources and the portion already committed to development.~~

~~2. That the moratorium is reasonably limited to those areas of the city or town where a shortage of essential public facilities would otherwise occur and on property that has not received development approvals based upon the sufficiency of existing essential public facilities.~~

~~3. That the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining essential public facility capacity.~~

~~C. A moratorium not based on a shortage of essential public facilities under subsection B of this section may be justified only by a demonstration of compelling need for other public facilities, including police and fire facilities. This demonstration shall be based on reasonably available information and shall include at least the following findings:-~~

~~1. For urban or urbanizable land:-~~

~~(a) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas.~~

~~(b) That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city or town are not unreasonably restricted by the adoption of the moratorium.~~

~~(c) Stating the reasons that alternative methods of achieving the objectives of the moratorium are unsatisfactory.~~

~~(d) That the city or town has determined that the public harm that would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands and the overall impact of the moratorium on population distribution.~~

~~(e) That the city or town proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.~~

~~2. For rural land:-~~

~~(a) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas.~~

~~(b) Stating the reasons that alternative methods of achieving the objectives of the moratorium are unsatisfactory.~~

~~(c) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium.~~

~~(d) That the city or town proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.~~

~~D. Any moratorium adopted pursuant to this section does not affect any express provision in a development agreement entered into pursuant to section 9-500.05 or as defined in section 11-1401 governing the rate, timing and sequencing of development, nor does it affect rights acquired pursuant to a protected development right granted according to chapter 11 of this title or title 11, chapter 9. Any moratorium adopted pursuant to this section shall provide a procedure pursuant to which an individual landowner may apply for a waiver of the moratorium's applicability to its property by claiming rights obtained pursuant to a development agreement, a protected development right or any vested right or by providing the public facilities that are the subject of the moratorium at the landowner's cost.~~

~~E. A moratorium adopted under subsection C, paragraph 1 of this section shall not remain in effect for more than one hundred twenty days, but such a moratorium may be extended for additional periods of time of up to one hundred twenty days if the city or town adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that:~~

- ~~1. Verify the problem requiring the need for the moratorium to be extended.~~
- ~~2. Demonstrate that reasonable progress is being made to alleviate the problem resulting in the moratorium.~~
- ~~3. Set a specific duration for the renewal of the moratorium.~~

~~F. A city or town considering an extension of a moratorium shall provide notice to the general public published once in a newspaper of general circulation in the community at least thirty days before a final hearing is held to consider an extension of a moratorium.~~

~~G. Nothing in this section shall prevent a city or town from complying with any state or federal law, regulation or order issued in writing by a legally authorized governmental entity.~~

~~H. A landowner aggrieved by a municipality's adoption of a moratorium pursuant to this section may file, at any time within thirty days after the moratorium has been adopted, a complaint for a trial de novo in the superior court on the facts and the law regarding the moratorium. All matters presented to the superior court pursuant to this section have preference on the court calendar on the same basis as condemnation matters and the court shall further have the authority to award reasonable attorney fees incurred in the appeal and trial pursuant to this section to the prevailing party.~~

~~I. In this section:~~

- ~~1. "Compelling need" means a clear and imminent danger to the health and safety of the public.~~
- ~~2. "Essential public facilities" means water, sewer and street improvements to the extent that these improvements and water resources are provided by the city, town or private utility.~~
- ~~3. "Moratorium on construction or land development" means engaging in a pattern or practice of delaying or stopping issuance of permits, authorizations or approvals necessary for the subdivision and partitioning of, or construction on, any land. It does not include denial or delay of permits or authorizations because they are inconsistent with applicable statutes, rules, zoning or other ordinances.~~
- ~~4. "Rural land" means all property in the unincorporated area of a county or in the incorporated area of the city or town with a population of two thousand nine hundred or less persons according to the most recent United States decennial census.~~
- ~~5. "Urban or urbanizable land" means all property in the incorporated area of a city or town with a population of more than two thousand nine hundred persons according to the most recent United States decennial census.~~
- ~~6. "Vested right" means a right to develop property established by the expenditure of substantial sums of money pursuant to a permit or approval granted by the city, town or county.~~

Sec. 10 Section 11-806.01, Arizona Revised Statutes, is amended to read:

11-806.01. Subdivision regulation; platting rules; violation; classification; easement vesting; DEFINITIONS

A. The county board of supervisors shall regulate the subdivision of all lands within its corporate limits, except subdivisions which are regulated by municipalities.

B. No plat of a subdivision of land within the area of jurisdiction of such county shall be accepted for recording or recorded until it has been approved by the board. The approval of the board shall be endorsed in writing on the plat and shall also include specific identification and approval of the assurances except those for hiking and equestrian trails required by this section. ~~Where~~ IF a county planning and zoning commission exists, the plat may be referred to such commission for its consideration and the board may receive the recommendation of the commission. If the subdivision is comprised of

subdivided land, as defined in section 32-2101, and is within a groundwater active management area, as defined in section 45-402, the plat shall not be approved unless it is accompanied by a certificate of assured water supply issued by the director of water resources, or unless the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an assured water supply by the director of water resources pursuant to section 45-576 or is exempt from such requirement pursuant to section 45-576. The board shall note on the face of the plat that a certificate of assured water supply has been submitted with the plat or that the subdivider has obtained a commitment of water service for the proposed subdivision from FROM a city, town or private water company designated as having an assured water supply, pursuant to section 45-576.

C. Any person ~~causing~~ WHO SUBDIVIDES IMPROVED OR UNIMPROVED LAND WITHOUT COMPLIANCE WITH THE ORDINANCES AND REGULATIONS GOVERNING SUBDIVISIONS ADOPTED BY THE BOARD OR WHO CAUSES a final plat to be recorded without first submitting the plat and obtaining approval of the board shall be IS guilty of a class 2 misdemeanor. IT IS LIKEWISE UNLAWFUL FOR A PERSON OR GROUP OF PERSONS ACTING IN CONCERT TO ATTEMPT TO AVOID THE PROVISIONS OF THIS SECTION OR THE SUBDIVISION LAWS OF THIS STATE BY ACTING IN CONCERT OR UNDER A COMMON SCHEME OR PLAN OF DEVELOPMENT TO DIVIDE A PARCEL OF LAND INTO FOUR OR MORE LOTS OR SELL OR LEASE FOUR OR MORE LOTS BY USING A SERIES OF OWNERS OR CONVEYANCES. No county recorder shall accept for recording or record any plat which has not been approved as provided by this article. A COUNTY SHALL NOT ISSUE A BUILDING PERMIT FOR ANY LOT, PARCEL OR TRACT CREATED IN VIOLATION OF THIS SECTION.

D. The ground of refusal or approval of any plat submitted, including citation of or reference to the rule or regulation violated by the plat, shall be stated upon the record of the board.

E. The commission shall recommend to the board and the board shall adopt general rules and regulations of uniform application governing PRELIMINARY AND FINAL plats and DESIGN OF subdivisions of land within its area of jurisdiction. The regulations adopted shall secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets, highways or bicycle facilities or to the official map for adequate and convenient open spaces for traffic, utilities, drainage, access of fire fighting apparatus, recreation, light and air. The board may adopt general rules and regulations to provide for the proper arrangement of hiking and equestrian trails in relation to existing or planned streets or highways, and if adopted, such hiking and equestrian trails shall conform to the official map for adequate and convenient open spaces for traffic, utilities, drainage, access of fire fighting apparatus, recreation, light and air. The general rules and regulations may provide for modification by the commission in planned area development or specific cases where unusual topographical or other exceptional conditions may require such action. The regulations shall include provisions as to the extent to which streets and other highways shall be graded and improved and to which water, sewer or other utility mains, piping or other facilities shall be installed or provided for on the plat as a condition precedent to the approval of the final plat.

F. On recording of a plat, the fee of the streets, alleys, avenues, highways, easements, parks and other parcels of ground reserved to the use of the public vests in trust in the county for the uses and to the extent depicted on the plat including, but not limited to, ingress and egress easements depicted on such plat. On annexation by any city or town such fee automatically vests in the city or town.

G. Boards of supervisors ~~of counties~~ shall prepare specifications and make orders, inspections, examinations and certificates as may be necessary to protect and complete the provisions and make them effective. The regulations shall require the posting of performance bonds, assurances or such other security as may be appropriate.

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

ate and necessary to assure the installation of required street, sewer, electric and water utilities, drainage, flood control and improvements meeting established minimum standards of design and construction.

H. Before adoption of rules and regulations by the board or any amendment thereof as provided in this article, a public hearing shall be held by the commission. A copy of the rules and regulations shall be certified by the commission to the county board of supervisors which shall hold a public hearing after notice of the time and place has been given by one publication fifteen days prior to the public hearing in a newspaper of general circulation in the county.

I. Approval of a plat shall not be deemed to constitute or effect an acceptance by the county for designation of any street, highway, bicycle facility or other way or open space shown upon the plat into the county maintenance system except for hiking and equestrian trails which shall be constructed and maintained by the county. However, at such time as the streets, highways, bicycle facilities or other ways are fully completed in accordance with the approved plat and written specifications made by the county board, the county shall accept such streets, highways, bicycle facilities and other ways into the county maintenance system within one year of completion.

J. COUNTY BOARDS OF SUPERVISORS MAY ADOPT ORDINANCES AND REGULATIONS GOVERNING LAND DIVISIONS IN THE UNINCORPORATED COUNTY, INCLUDING REGULATIONS CONCERNING:

1. APPLICABLE ZONING REQUIREMENTS.

2. LEGAL ACCESS TO ALL PARCELS CREATED BY LAND DIVISION INCLUDING PUBLIC UTILITY FACILITY ACCESS. IF THE LEGAL ACCESS TO A LOT, PARCEL OR TRACT IS NOT A PUBLIC ROADWAY, A COUNTY MAY REQUIRE, AS A CONDITION OF LAND DIVISION APPROVAL:

(a) A PROPERTY OWNER TO SUBMIT A SEPARATE, RECORDED GRANT OR EASEMENT THAT PROVIDES LEGAL ACCESS TO THE PROPOSED LOTS, PARCELS OR TRACTS, OR A DEED CREATING THE LAND DIVISION THAT INCLUDES A GRANT OR EASEMENT PROVIDING LEGAL ACCESS TO SUCH LOTS, PARCELS OR TRACTS, AND A NOTARIZED AFFIDAVIT THAT IS SIGNED BY THE PROPERTY OWNER AND THAT STATES THAT THE LEGAL ACCESS IS TRAVERSABLE BY EMERGENCY AND OTHER VEHICLES.

(b) THE DEED OR GRANT PROVIDING LEGAL ACCESS AND THE AFFIDAVIT STATING THAT THE LEGAL ACCESS DESCRIBED IS TRAVERSABLE SHALL BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER AND SHALL RUN WITH THE LAND.

K. IF THE LEGAL ACCESS TO A LOT, PARCEL OR TRACT IS SUBSEQUENTLY FOUND NOT TRAVERSABLE BY EMERGENCY OR OTHER VEHICLES, NEITHER THE COUNTY NOR ITS AGENTS OR EMPLOYEES ARE LIABLE FOR ANY DAMAGES RESULTING FROM THE ERRORS OR DEFICIENCIES IN THE ACCESS TO A LOT, PARCEL OR TRACT, OR THE FAILURE OF EMERGENCY OR OTHER VEHICLES TO REACH SUCH LOT, PARCEL OR TRACT.

L. A COUNTY MAY DENY ISSUANCE OF A BUILDING PERMIT FOR A LOT, PARCEL OR TRACT THAT WAS CREATED WITHOUT COMPLIANCE WITH THE REQUIREMENTS OF A DULY ADOPTED LAND DIVISION ORDINANCE.

M. FOR PURPOSES OF THIS SECTION AND SECTION 11-806.02, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "DESIGN" MEANS STREET ALIGNMENT, GRADES AND WIDTHS, ALIGNMENT AND WIDTHS OF EASEMENTS AND RIGHTS-OF-WAY FOR DRAINAGE AND SANITARY SEWERS AND THE ARRANGEMENT AND ORIENTATION OF LOTS.

2. "FINAL PLAT" MEANS A MAP OF ALL OR PART OF A SUBDIVISION CONFORMING TO AN APPROVED PRELIMI-

NARY PLAT AND PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND THOSE OF ANY APPLICABLE COUNTY ORDINANCE OR REGULATION.

3. "FRACTIONAL INTEREST" MEANS AN UNDIVIDED INTEREST IN IMPROVED OR UNIMPROVED LAND, LOTS OR PARCELS OF ANY SIZE CREATED FOR THE PURPOSE OF SALE OR LEASE AND EVIDENCED BY A RECEIPT, CERTIFICATE, DEED OR OTHER DOCUMENT CONVEYING THE INTEREST. UNDIVIDED INTERESTS IN LAND, LOTS OR PARCELS CREATED IN THE NAMES OF A HUSBAND AND WIFE AS COMMUNITY PROPERTY, JOINT TENANTS OR TENANTS IN COMMON, OR IN THE NAMES OF OTHER PERSONS WHO, ACTING TOGETHER AS PART OF A SINGLE TRANSACTION, ACQUIRE THE INTERESTS WITHOUT A PURPOSE TO DIVIDE THE INTERESTS FOR PRESENT OR FUTURE SALE OR LEASE ARE DEEMED TO CONSTITUTE ONLY ONE FRACTIONAL INTEREST.

4. "LAND DIVISION" MEANS THE DIVISION OF IMPROVED OR UNIMPROVED LAND OF LESS THAN ONE HUNDRED SIXTY ACRES INTO TWO OR THREE LOTS, PARCELS, TRACTS OR FRACTIONAL INTERESTS FOR THE PURPOSE OF SALE OR LEASE, WHETHER IMMEDIATE OR FUTURE, THAT DO NOT RESULT IN A SUBDIVISION.

5. "LEGAL ACCESS" MEANS A PUBLIC OR PRIVATE RIGHT, INCLUDING A RIGHT BY PUBLIC UTILITY FACILITIES, OF VEHICULAR INGRESS AND EGRESS TO A PUBLIC STREET OR HIGHWAY FROM A LOT, PARCEL OR TRACT CREATED AS THE RESULT OF A LAND DIVISION OR SUBDIVISION. LEGAL ACCESS SHALL BE DIRECTLY FROM EITHER THE LOT, PARCEL OR TRACT TO A PUBLIC STREET OR HIGHWAY PURSUANT TO A PERMANENT GRANT OR EASEMENT RECORDED IN THE OFFICE OF THE COUNTY RECORDER.

6. "PARCEL" MEANS AN INDIVIDUAL LOT OR PARCEL OF LAND THAT IS OWNED BY A PERSON OR OWNED BY ANY COMBINATION OF PERSONS JOINTLY OR IN COMMON AND THAT CAN BE IDENTIFIED BY A LEGAL DESCRIPTION, INDEPENDENT OF ANY OTHER PARCEL OF LAND, IN A DOCUMENT ON FILE IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER'S OFFICE.

7. "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP OR COMPANY AND ANY OTHER FORM OF MULTIPLE ORGANIZATION FOR CARRYING ON BUSINESS, FOREIGN OR DOMESTIC.

8. "PLAT" MEANS A MAP OF A SUBDIVISION.

9. "PRELIMINARY PLAT" MEANS A PRELIMINARY MAP OF A SUBDIVISION, INCLUDING SUPPORTING DATA, THAT INDICATES A PROPOSED SUBDIVISION DESIGN AND THAT IS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND THOSE OF ANY APPLICABLE COUNTY ORDINANCE OR REGULATION.

10. "SALE OR LEASE" MEANS EVERY DISPOSITION, TRANSFER OR OFFER OR ATTEMPT TO DISPOSE OF OR TRANSFER REAL PROPERTY, OR AN INTEREST, USE OR ESTATE IN REAL PROPERTY, INCLUDING THE OFFERING OF THE PROPERTY AS A PRIZE OR GIFT IF A MONETARY CHARGE OR CONSIDERATION FOR WHATEVER PURPOSE IS REQUIRED.

11. "SUBDIVIDE" OR "SUBDIVIDING" MEANS THE ONE-TIME OR SUCCESSIVE DIVIDING, LAYING OUT OR SEPARATING OF LOTS OR PARCELS FROM OR WITHIN A PARENT PARCEL OR PARENT TRACT THAT RESULTS IN A SUBDIVISION.

12. "SUBDIVIDER" MEANS ANY PERSON WHO OFFERS FOR SALE OR LEASE FOUR OR MORE LOTS, PARCELS OR FRACTIONAL INTERESTS IN A SUBDIVISION OR CAUSES LAND TO BE SUBDIVIDED INTO A SUBDIVISION

FOR THE PERSON OR FOR OTHERS, OR WHO UNDERTAKES TO DEVELOP A SUBDIVISION. "SUBDIVIDER" DOES NOT INCLUDE A PUBLIC AGENCY OR OFFICER AUTHORIZED BY LAW TO CREATE SUBDIVISIONS.

13. "SUBDIVISION" OR "SUBDIVIDED LANDS" MEANS IMPROVED OR UNIMPROVED LAND DIVIDED OR PROPOSED TO BE DIVIDED, AT ONE TIME OR THROUGH SUCCESSIVE DIVISIONS, FOR THE PURPOSE OF FINANCING, SALE OR LEASE, WHETHER IMMEDIATE OR FUTURE, INTO FOUR OR MORE LOTS, PARCELS, TRACTS OR FRACTIONAL INTERESTS, OR IF A NEW STREET IS INVOLVED, ANY SUCH PROPERTY THAT IS DIVIDED INTO TWO OR MORE LOTS, PARCELS, TRACTS OR FRACTIONAL INTERESTS, OR ANY SUCH PROPERTY, THE BOUNDARIES OF WHICH HAVE BEEN FIXED BY A RECORDED PLAT, THAT IS DIVIDED INTO MORE THAN TWO PARTS. "SUBDIVISION" OR "SUBDIVIDED LANDS" INCLUDE A STOCK COOPERATIVE AND LANDS DIVIDED OR PROPOSED TO BE DIVIDED AS PART OF A COMMON PROMOTIONAL PLAN. "SUBDIVISION" OR "SUBDIVIDED LANDS" DO NOT INCLUDE THE FOLLOWING:

(a) LEASEHOLD OFFERINGS OF ONE YEAR OR LESS.

(b) THE DIVISION OR PROPOSED DIVISION OF LAND INTO LOTS OR PARCELS EACH OF WHICH IS, OR WILL BE, ONE HUNDRED SIXTY ACRES OR MORE IN AREA INCLUDING TO THE CENTER LINE OF DEDICATED ROADS OR EASEMENTS, IF ANY, CONTIGUOUS TO THE LOT OR PARCEL.

(c) THE LEASING OF AGRICULTURAL LANDS, OR OF APARTMENTS, OFFICES, STORES, HOTELS, MOTELS, PADS OR SIMILAR SPACE WITHIN AN APARTMENT BUILDING, INDUSTRIAL BUILDING, RENTAL RECREATIONAL VEHICLE COMMUNITY, RENTAL MANUFACTURED HOME COMMUNITY, RENTAL MOBILE HOME PARK OR COMMERCIAL BUILDING, EXCEPT THAT RESIDENTIAL CONDOMINIUMS AS DEFINED IN SECTION 33-1202 ARE INCLUDED IN THIS DEFINITION.

(d) THE SUBDIVISION INTO OR DEVELOPMENT OF PARCELS, PLOTS OR FRACTIONAL PORTIONS WITHIN THE BOUNDARIES OF A CEMETERY THAT HAS BEEN FORMED AND APPROVED PURSUANT TO TITLE 32, CHAPTER 20.

(e) THE SALE OR EXCHANGE OF PARCELS OF LAND TO OR BETWEEN ADJOINING PROPERTY OWNERS RESULTING IN AN ADJUSTMENT OF THE COMMON BOUNDARY BETWEEN ADJOINING PROPERTY, IF NO ADDITIONAL PARCEL OR LOT IS CREATED AND IF THE SIZE AND SHAPE OF THE RESULTING PARCELS OR LOTS COMPLY WITH APPLICABLE ZONING REGULATIONS.

(f) A CONVEYANCE OF LAND, WHETHER IN FEE, EASEMENT, OR BY LEASE OR LICENSE, TO A GOVERNMENTAL AGENCY OR PUBLIC ENTITY, INCLUDING ANY POLITICAL SUBDIVISION, OR TO A PUBLIC UTILITY OR SUBSIDIARY OF A PUBLIC UTILITY FOR RIGHTS OF WAY.

14. "TRACT" MEANS TWO OR MORE PARCELS THAT:

(a) SHARE A COMMON PROPERTY LINE AND ARE UNDER THE SAME OWNERSHIP.

(b) ARE UNDER DIFFERENT OWNERSHIP, BUT FOR WHICH THE OWNERS ACT IN CONCERT OR PURSUANT TO A COMMON PROMOTIONAL PLAN.

Sec. 11 Repeal. Section 11-809, Arizona Revised Statutes, is repealed, as follows:

~~11-809. Review of land divisions; definitions.~~

~~A. For purposes of this chapter, land or lands that are proposed to be divided for purposes of sale or lease into five or fewer lots, parcels or fractional interests, which do not result in a subdivision or subdivided lands as defined in section 32-2101, shall result in lots, parcels or fractional interests each of which comply with the minimum applicable county zoning requirements and have legal access. If no legal access is available, the legal access does not allow access by emergency vehicles or the county zoning requirements are not met, the access or zoning deficiencies shall be noticed in the deed. If a county by ordinance requires a legal access of more than twenty four feet roadway width, the county is responsible for the improvement and maintenance of the improvement. If the legal access does not allow access to the lots, parcels or fractional interests by emergency vehicles, neither the county nor its agents or employees are liable for damages resulting from the failure of emergency vehicles to reach such lot, parcel or fractional interest.~~

~~B. A county may adopt ordinances and regulations pursuant to this chapter for staff review of land divisions of five or fewer lots, parcels or fractional interests but only to determine compliance with minimum applicable county zoning requirements and legal access, and may grant waivers from the county zoning and legal access requirements of subsection A of this section. The county may not deny approval of any land division that meets the requirements of this section or where the deficiencies are noticed in the deed. A county may not require a public hearing on a request to divide five or fewer lots, parcels or fractional interests, and if review of the request is not completed within thirty days from receipt of the request, the land division shall be deemed approved.~~

~~C. It shall be unlawful for a person or group of persons acting in concert to attempt to avoid the provisions of this section or the subdivision laws of this state by acting in concert to divide a parcel of land into six or more lots or sell or lease six or more lots by using a series of owners or conveyances. This prohibition may be enforced by any county where the division occurred or by the state real estate department pursuant to title 32, chapter 20.~~

~~D. In this section:~~

~~1. "Legal access" means a public right of vehicular ingress and egress between the lots, parcels or fractional interests being created.~~

~~2. "Minimum applicable county zoning requirements" means the minimum acreage and dimensions of the resulting lot, parcel or fractional interest as required by the county's zoning ordinance.~~

Sec. 12 Title 11, chapter 6, article 1 is amended by adding section 11-812, as follows:

11-812. DEVELOPMENT FEES: IMPOSITION BY COUNTIES

A COUNTY SHALL HAVE THE SAME AUTHORITY TO ASSESS DEVELOPMENT FEES TO OFFSET COSTS ASSOCIATED WITH PROVIDING NECESSARY PUBLIC SERVICES TO A DEVELOPMENT AS DOES A MUNICIPALITY UNDER SECTION 9-463.05.

Sec. 13 Section 11-821, Arizona Revised Statutes, is amended to read:

11-821. County plan; definitions

A. The commission shall formulate and the board of supervisors shall adopt or readopt a comprehensive long-term county plan for the development of the area of jurisdiction in the manner prescribed by this article. ~~The planning commission shall coordinate the production of the county plan with the creation of the conceptual state land use plans under title 37, chapter 2, article 5.4.~~ The county plan, with the accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the area of jurisdiction together with the general zoning regulations. The county plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the area of jurisdiction. In the preparation of the county plan the commission shall make surveys and studies of the present conditions

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

and prospective future growth of the area of the jurisdiction. ~~The commission shall cooperate with the state land department regarding integrating the conceptual state land use plans into the county plan.~~ The county plan shall include provisions that identify changes or modifications that constitute amendments and major amendments to the plan. THE COUNTY PLAN SHALL BE CONSISTENT WITH AND CONFORM TO THE COUNTY'S GROWTH MANAGEMENT PLAN. WHERE THE COUNTY PLAN AND THE GROWTH MANAGEMENT PLAN CONFLICT, THE GROWTH MANAGEMENT PLAN SHALL SUPERSEDE THE COUNTY PLAN.

B. In addition to the other matters that are required or authorized under this section and article 1 of this chapter, the county plan:

1. Shall provide for zoning, shall show the zoning districts designated as appropriate for various classes of residential, business and industrial uses and shall provide for the establishment of setback lines and other plans providing for adequate light, air and parking facilities and for expediting traffic within the districts.

2. May establish the percentage of a lot or parcel which may be covered by buildings, and the size of yards, courts and other open spaces.

3. Shall consider access to incident solar energy.

4. May provide for retirement community zoning districts.

5. May provide for the regulation and use of business licenses, adult oriented business manager permits and adult service provider permits in conjunction with the establishment or operation of adult oriented businesses and facilities, including adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments and nude model studios. With respect to cabarets, the plan shall not conflict with specific statutory or valid regulatory requirements applicable to persons licensed to dispense alcoholic beverages, but the plan may include regulation of the age and conduct of erotic entertainers in a manner at least as restrictive as rules adopted under title 4.

C. In addition to the other matters that are required or authorized under this section and article 1 of this chapter, for counties having a population of more than one hundred thousand persons according to the most recent united states decennial census, the county plan shall include, and for other counties the county plan may include:

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

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

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

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

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

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

D. In addition to the other matters that are required or authorized under this section and article 1 of this chapter, for counties having a population of more than two hundred thousand persons according to the most recent United States decennial census, the county plan shall include, and for other counties the county plan may include:

1. Planning for open space acquisition and preservation.

The open space plan shall include:

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

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

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

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

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

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

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

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

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

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

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

E. To carry out the purposes of this article, the board may adopt overlay zoning districts and regulations applicable to particular buildings, structures and land within individual zones. For the purposes of

this subsection, "overlay zoning district" means a special zoning district that includes regulations which modify regulations in another zoning district with which the overlay zoning district is combined. Overlay zoning districts and regulations shall be adopted pursuant to section 11-829. The provisions of overlay zoning shall apply retroactively to authorize overlay zoning districts and regulations adopted before April 20, 1993.

F. The policies and strategies to be developed under these elements shall be designed to have regional applicability, and this section does not authorize the imposition of dedications, exactions, fees or other requirements that are not otherwise authorized by law.

G. For the purposes of this section:

1. "Adult arcade" means any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

2. "Adult bookstore or video store" means a commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

(a) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes or reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas.

(b) Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

3. "Adult live entertainment establishment" means an establishment that features either:

(a) Persons who appear in a state of nudity.

(b) Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

4. "Adult motion picture theater" means a commercial establishment in which for any form of consideration films, motion pictures, videocassettes, slides or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.

5. "Adult oriented business" means adult arcades, adult bookstores or adult video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments that offer adult service or nude model studios.

6. "Adult oriented business manager" means a person on the premises of an adult oriented business who is authorized to exercise overall operational control of the business.

7. "Adult service" means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening or other performances or activities conducted for any consideration in an adult oriented business by a person who is nude or seminude during all or part of the time that the person is providing the service.

8. "Adult service provider" or "erotic entertainer" means any natural person who provides an adult service.

9. "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

10. "Cabaret" means an adult oriented business licensed to provide alcoholic beverages pursuant to title 4, chapter 2, article 1.

11. "Discernibly turgid state" means the state of being visibly swollen, bloated, inflated or distended.

12. "Massage establishment" means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This paragraph does not apply to:

(a) Physicians licensed pursuant to title 32, chapter 7, 8, 13, 14 or 17.

(b) Registered nurses, licensed practical nurses or technicians who are acting under the supervision of a physician licensed pursuant to title 32, chapter 13 or 17.

(c) Persons who are employed or acting as trainers for a bona fide amateur, semiprofessional or professional athlete or athletic team.

(d) Persons who are licensed pursuant to title 32, chapter 3 or 5 if the activity is limited to the head, face or neck.

13. "Nude model studio" means a place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or other consideration. Nude model studio does not include a proprietary school that is licensed by this state, a college, community college or university that is supported entirely or in part by taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college, community college or university that is supported entirely or in part by taxation or a structure to which the following apply:

(a) A sign is not visible from the exterior of the structure and no other advertising appears indicating that a nude person is available for viewing.

(b) A student must enroll at least three days in advance of a class in order to participate.

(c) No more than one nude or seminude model is on the premises at any time.

14. "Nude", "nudity" or "state of nudity" means any of the following:

(a) The appearance of a human anus, genitals or female breast below a point immediately above the top of the areola.

(b) A state of dress that fails to opaquely cover a human anus, genitals or female breast below a point immediately above the top of the areola.

15. "Principal business purposes" means that a commercial establishment derives fifty per cent or more of its gross income from the sale or rental of items listed in paragraph 2.

16. "Seminude" means a state of dress in which clothing covers no more than the genitals, pubic region and female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

17. "Specific anatomical areas" means any of the following:

(a) A human anus, genitals, pubic region or a female breast below a point immediately above the top of the areola that is less than completely and opaquely covered.

(b) Male genitals in a discernibly turgid state even if completely and opaquely covered.

18. "Specific sexual activities" means any of the following:

(a) Human genitals in a state of sexual stimulation or arousal.

(b) Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.

(c) Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.

(d) Excretory functions as part of or in connection with any of the activities under subdivision (a), (b) or (c) of this paragraph.

Sec. 14 Section 11-824, Arizona Revised Statutes, is amended to read:

11-824. Adoption and amendment of county plan by board of supervisors: expiration and readoption

A. The board of supervisors may adopt the county comprehensive plan as a whole, or by successive actions adopt separate parts of the plan. The adoption or readoption of the comprehensive plan or any amendment to the plan shall be by resolution of the board.

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

C. The adoption or readoption of, or a major amendment to, the county comprehensive plan shall be approved by the affirmative vote of at least ~~two-thirds~~ THREE-FOURTHS of the members of the board. The adoption or readoption of a county plan, and any amendment to a county plan, shall not be enacted as an emergency measure and is subject to referendum as provided by article IV, part 1, section 1, subsection (8), Constitution of Arizona, and title 19, chapter 1, article 4. For purposes of this subsection, "major amendment" means any of the following:

1. A change of land use designation on the plan that:
 - (a) Increases the DENSITY OR intensity of use on the property.
 - (b) Decreases the DENSITY OR intensity of use on the property at the initiative of the board of supervisors.
2. Deletion of a requirement for the reservation or dedication of land for public purposes, except for minor boundary adjustments or street alignments.
3. Establishment of a new, ~~or deletion of a planned,~~ freeway, expressway, parkway or limited access arterial street ~~shown on the general plan.~~

D. Upon adoption or readoption, the plan, or any part thereof, shall be the official guide for the development of the area of jurisdiction.

E. Any change, amendment, extension or addition of the county plan may be made only in accordance with the provisions of this chapter.

F. THE PUBLIC HEARING HELD BY THE BOARD OF SUPERVISORS ON THE AMENDMENT OF THE COUNTY PLAN TO ALLOW A REZONING OF PROPERTY MUST OCCUR AT LEAST 30 DAYS PRIOR TO THE PUBLIC HEARING HELD ON THE REZONING OF THE PROPERTY PURSUANT TO SECTION 11-829.

Sec. 15. Section 11-829, Arizona Revised Statutes, is amended to read:

11-829. Amendment of ordinance or change of zoning district boundaries; definition

A. A property owner or authorized agent of a property owner desiring an amendment or change in the zoning ordinance changing the zoning district boundaries within an area previously zoned shall file an application for the amendment or change. All zoning and rezoning ordinances, regulations or specific plans adopted under this article shall be consistent with and conform to the adopted county plan. In the case of uncertainty in constructing or applying the conformity of any part of a proposed rezoning ordinance to the adopted county plan, the ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the county plan. A rezoning ordinance conforms with the county plan if it proposes land uses,

densities ~~or~~ AND intensities within the range of identified uses, densities and intensities of the county plan. A ZONING OR REZONING ORDINANCE IS SUBJECT TO REFERENDUM NOTWITHSTANDING THAT THE ORDINANCE IS CONSISTENT WITH AND CONFORMS TO THE ADOPTED COUNTY PLAN.

B. Upon receipt of the application the board shall submit it to the commission for a report. Prior to reporting to the board, the commission shall hold at least one public hearing thereon after giving at least fifteen days' notice thereof by one publication in a newspaper of general circulation in the county seat and by posting of the area included in the proposed change. In case of a rezoning, the posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. The commission shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within three hundred feet of the proposed amendment or change and each county and municipality which is contiguous to the area of the amendment or change. The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered, a general description of the area of the proposed amendment or change, how the real property owners within the zoning area may file approvals or protests of the proposed rezoning, and notification that if twenty per cent of the property owners by area and number within the zoning area file protests, an affirmative vote of three-fourths of all members of the board will be required to approve the rezoning. The following specific notice provisions also apply:

1. In proceedings that are initiated by the commission involving rezoning, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred feet of the property to be rezoned.

2. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 3:

- (a) A ten per cent or more increase or decrease in the number of square feet or units that may be developed.
- (b) A ten per cent or more increase or reduction in the allowable height of buildings.
- (c) An increase or reduction in the allowable number of stories of buildings.
- (d) A ten per cent or more increase or decrease in setback or open space requirements.
- (e) An increase or reduction in permitted uses.

3. In proceedings governed by paragraph 2, the county shall provide notice to real property owners pursuant to at least one of the following notification procedures:

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

(b) If the county issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the county shall include notice of such changes with such utility bills or other mailings.

(c) The county shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the county. The changes shall be published in a display advertisement covering not less than one-eighth of a full page.

4. If notice is provided pursuant to paragraph 3, subdivision (b) or (c), the county shall also send notice by first class mail to persons who register their names and addresses with the county as being interested in receiving such notice. The county may charge a fee not to exceed five dollars per year for provid-

ing this service and may adopt procedures to implement this paragraph.

5. Notwithstanding the notice requirements set forth in paragraph 2, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a county for which the notice was given.

C. If the planning commission or hearing officer has held a public hearing, the board may adopt the recommendations of the planning commission or hearing officer through use of a consent calendar without holding a second public hearing if there is no objection, request for public hearing or other protest. If there is an objection, a request for public hearing or a protest, the board shall hold a public hearing thereon at least fifteen days' notice of which shall be given by one publication in a newspaper of general circulation in the county seat and by posting the area included in the proposed change. After holding the hearing the board may adopt the amendment, but if twenty per cent of the owners of property by area and number within the zoning area file a protest to the proposed change, the change shall not be made except by a three-fourths vote of all members of the board. If any members of the board are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths of the remaining membership of the board, except that the required number of votes in no event shall be less than a majority of the full membership of the board. In calculating the owners by area, only that portion of a lot or parcel of record situated within three hundred feet of the property to be rezoned shall be included. In calculating the owners by number or area, county property and public rights-of-way shall not be included.

D. The planning commission may on its own motion propose an amendment to the zoning ordinance and may, after holding a public hearing as required by this chapter, transmit the proposal to the board which shall thereupon proceed as set forth in this chapter for any other amendment.

E. Notwithstanding the provisions of Title 19, Chapter 1, Article 4, a decision by the governing body involving rezoning of land which is not owned by the county and which changes the zoning classification of such land or which changes the zoning standards of such land as set forth in subsection B, paragraph 2 may not be enacted as an emergency measure and such a change shall not be effective for at least thirty days after final approval of the change in classification by the board. Unless a resident files a written objection with the board of supervisors, the rezoning may be enacted as an emergency measure that becomes effective immediately by a four-fifths majority vote of the board for those counties with five or more supervisors or a two-thirds majority vote of the board for those counties with less than five supervisors.

F. ~~The legislature finds that a rezoning of land that changes the zoning classification of the land or that restricts the use or reduces the value of the land is a matter of statewide concern and such a change in zoning that is initiated by the governing body or zoning body shall not be made without the express written consent of the property owner. The county shall not adopt any change in a zoning classification to circumvent the purpose of this subsection. THE LEGISLATURE SHALL NOT REQUIRE THE GOVERNING BODY OR ZONING BODY OF A COUNTY TO OBTAIN THE CONSENT OF THE LANDOWNER PRIOR TO REZONING LAND.~~

G. For the purposes of this section "zoning area" means the area within three hundred feet of the proposed amendment or change.

Sec. 16. Repeal. Section 11-833, Arizona Revised Statutes, is repealed, as follows:

~~11-833. Standards for enactment of moratorium; land development; limitations; definitions-~~

~~A. A county shall not adopt a moratorium on construction or land development unless it first:~~

~~1. Provides notice to the public published once in a newspaper of general circulation in the community at least thirty days before a final public hearing to be held to consider the adoption of the moratorium-~~

~~2. Makes written findings justifying the need for the moratorium in the manner provided for in this section-~~

~~3. Holds a public hearing on the adoption of the moratorium and the findings that support the moratorium-~~

~~B. For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of essential public facilities that would otherwise occur during the effective period of the moratorium. This demonstration shall be based on reasonably available information and shall include at least the following findings:-~~

~~1. A showing of the extent of need beyond the estimated capacity of existing essential public facilities expected to result from new land development, including identification of any essential public facilities currently operating beyond capacity and the portion of this capacity already committed to development, or in the case of water resources, a showing that, in an active management area, an assured water supply cannot be provided, or outside an active management area, a sufficient water supply cannot be provided, to the new land development, including identification of current water resources and the portion already committed to development-~~

~~2. That the moratorium is reasonably limited to those areas of the county where a shortage of essential public facilities would otherwise occur and on property that has not received development approvals based upon the sufficiency of existing essential public facilities-~~

~~3. That the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining essential public facility capacity-~~

~~C. A moratorium not based on a shortage of essential public facilities under subsection B of this section may be justified only by a demonstration of compelling need for other public facilities, including police and fire facilities. This demonstration shall be based on reasonably available information and shall include at least the following findings:-~~

~~1. For urban or urbanizable land:-~~

~~(a) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas-~~

~~(b) That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the county are not unreasonably restricted by the adoption of the moratorium-~~

~~(c) Stating the reasons that alternative methods of achieving the objectives of the moratorium are unsatisfactory-~~

~~(d) That the county has determined that the public harm that would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands and the overall impact of the moratorium on population distribution-~~

~~(e) That the city or town proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium-~~

~~2. For rural land:-~~

~~(a) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas-~~

(b) ~~Stating the reasons that alternative methods of achieving the objectives of the moratorium are unsatisfactory.~~

(c) ~~That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium.~~

(d) ~~That the county proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.~~

~~D. Any moratorium adopted pursuant to this section does not affect any express provision in a development agreement entered into pursuant to section 9-500.06 or as defined in section 11-1101 governing the rate, timing and sequencing of development, nor does it affect rights acquired pursuant to a protected development right granted according to chapter 9 of this title or title 9, chapter 11. Any moratorium adopted pursuant to this section shall provide a procedure pursuant to which an individual landowner may apply for a waiver of the moratorium's applicability to its property by claiming rights obtained pursuant to a development agreement, a protected development right or any vested right or by providing the public facilities that are the subject of the moratorium at the landowner's cost.~~

~~E. A moratorium adopted under subsection C, paragraph 1 of this section shall not remain in effect for more than one hundred twenty days, but such a moratorium may be extended for additional periods of time of up to one hundred twenty days if the county adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that:~~

~~1. Verify the problem requiring the need for the moratorium to be extended.~~

~~2. Demonstrate that reasonable progress is being made to alleviate the problem resulting in the moratorium.~~

~~3. Set a specific duration for the renewal of the moratorium.~~

~~F. A county considering an extension of a moratorium shall provide notice to the general public published once in a newspaper of general circulation in the community at least thirty days before a final hearing is held to consider an extension of a moratorium.~~

~~G. Nothing in this section shall prevent a city or town from complying with any state or federal law, regulation or order issued in writing by a legally authorized governmental entity.~~

~~H. A landowner aggrieved by a county's adoption of a moratorium pursuant to this section may file, at any time within thirty days after the moratorium has been adopted, a complaint for a trial de novo in the superior court on the facts and the law regarding the moratorium. All matters presented to the superior court pursuant to this section have preference on the court calendar on the same basis as condemnation matters, and the court shall further have the authority to award reasonable attorney fees incurred in the appeal and trial pursuant to this section to the prevailing party.~~

~~I. In this section:~~

~~1. "Compelling need" means a clear and imminent danger to the health and safety of the public.~~

~~2. "Essential public facilities" means water, sewer and street improvements and water resources to the extent that these improvements and water resources are provided by the county or private utility.~~

~~3. "Moratorium on construction or land development" means engaging in a pattern or practice of delaying or stopping issuance of permits, authorizations or approvals necessary for the subdivision and partitioning of, or construction on, any land. It does not include denial or delay of permits or authorizations because they are inconsistent with applicable statutes, rules, zoning or other ordinances.~~

~~4. "Rural land" means all property in the unincorporated area of a county or in the incorporated area of the city or town with a population of two thousand nine hun-~~

~~dred or less persons according to the most recent United States decennial census.~~

~~5. "Urban or urbanizable land" means all property in the incorporated area of a city or town with a population of more than two thousand nine hundred persons according to the most recent United States decennial census.~~

~~6. "Vested right" means a right to develop property established by the expenditure of substantial sums of money pursuant to a permit or approval granted by the city, town or county.~~

Sec. 17. Repeal. Title 11, chapter 8, article 1, Arizona Revised Statutes, is repealed, as follows:

Article 1. General Provisions

11-1101. Definitions

In this chapter, unless the context otherwise requires:

~~1. "Benefit area" means a geographic area in which public facilities are of direct benefit to development within the area.~~

~~2. "Benefit area plan" means a map identifying the benefit area of a public facility and a budget for the public facility's capital costs.~~

~~3. "Board" means the board of supervisors.~~

~~4. "Developer" means any person, corporation, organization or other legal entity undertaking development.~~

~~5. "Development" means any construction or expansion of a building or structure, any change in the use of a building or structure or any land use change that affects a county's need for public facilities.~~

~~6. "Development agreement" means an agreement between a county and either a community facilities district pursuant to section 48-709, subsection C, a landowner or any other person having an interest in real property that may specify or is otherwise related to any of the following:~~

~~(a) The duration of the agreement.~~

~~(b) The permitted uses of property subject to the development agreement.~~

~~(c) The density and intensity of uses and the maximum height and size of proposed buildings within such property.~~

~~(d) Provisions for reservation or dedication of land for public purposes and provisions to protect environmentally sensitive lands.~~

~~(e) Provisions for preservation and restoration of historic structures.~~

~~(f) The phasing or time of construction or development on property subject to the agreement.~~

~~(g) Conditions, terms, restrictions and requirements for public infrastructure and the financing of public infrastructure and subsequent reimbursements over time.~~

~~(h) Conditions, terms, restrictions and requirements relating to the governing body's intent to form a special taxing district pursuant to title 48.~~

~~(i) Conditions of sewer service.~~

~~(j) Any other matters relating to the development of the property.~~

~~7. "Development fee" means a fee imposed on a benefit area by the board to pay for a proportionate share of the public facilities required to serve a development.~~

~~8. "Development fees projects plan" means a public document which identifies all benefit area plans including all proposed expenditures for projects funded with development fees in the current fiscal year and at least the four fiscal years thereafter.~~

~~9. "Discount rate" means the interest rate which is expressed in terms of a percentage per year and which is used to adjust past or future financial or monetary payments to present value.~~

10. "Encumbered" means the award of a contract for a public facility for which a development fee has been imposed.

11. "Exaction" means a condition or requirement which is attached to a development approval and which compels the payment, dedication or contribution of goods, services, land or money to a public or quasi-public entity.

12. "Present value" means the current value of past, present or future payments which are adjusted to a base period by a discount rate.

13. "Proportionate share" means that share, or portion, of total public facility capital cost which is reasonably attributable to or caused by an individual development.

14. "Public facilities" means capital improvements for roadways, wastewater collection systems and treatment facilities, effluent delivery systems and treatment facilities, flood control, neighborhood parks intended to serve development within a one-half mile radius, and potable water distribution systems and treatment facilities which have a life expectancy of three or more years.

15. "Public facilities capital costs" means capital costs associated with the project planning, design and construction of new or expanded publicly owned facilities and equipment which have a life expectancy of three or more years and the related land acquisition, land improvement, design and engineering. These costs do not include routine and periodic maintenance expenditures, personnel training or other operating costs.

16. "Roadways" means right of way acquisition and construction of roads, road shoulders, curbs, gutters and sidewalks, and traffic signal installation.

11-1102. Development fees; limitations-

A. Counties may assess, impose, levy and collect development fees for new development within their jurisdictional limits only pursuant to the development fee requirements of this chapter. A county may not assess, impose, levy or collect a development fee for a public facility unless it has adopted a development fee ordinance for the public facility for which the development fee is collected.

B. Development fees may be imposed only for one or more public facilities which are identified in a benefit area plan.

11-1103. Development fees; intergovernmental agreements; purposes-

A county may enter into an intergovernmental agreement to accept or disburse development fees for construction of a public facility pursuant to a benefit area plan, including an agreement with a city or special taxing district for the joint establishment of a needs assessment, the adoption of a benefit area plan and the imposition, collection and disbursement of development fees to implement a joint plan for development.

11-1104. Development fee program requirement-

A county shall not require as a condition of development approval the construction of any public facility or other exaction for which a development fee ordinance has been adopted unless the county credits the reasonable value of facilities advanced, dedicated or improved by a developer against the development fees. A development fee ordinance shall not be adopted for that cost of a public facility which is funded by general obligation bond proceeds, highway user revenue fund proceeds, community facilities districts or improvement districts.

11-1105. Development fee standards; recoupment; exemptions-

- A. A development fee shall meet the following standards:
1. The cost of public facilities for which a development fee may be assessed, imposed, levied or collected shall be reasonably attributable or reasonably related to the service demands of the benefit area.
 2. Development fees assessed, imposed, levied or collected from development shall not exceed a proportionate share of the costs incurred or to be incurred in providing a public facility.

3. Development fees shall be used and expended for the benefit of the benefit area that pays the development fee. In order to satisfy this requirement, the implementing ordinance must specifically contain the following:

(a) On collection, development fees shall be accounted for in a fund that clearly identifies the type of public facility for which the fee was imposed, and development fees shall be invested with all interest accruing to the fund.

(b) A benefit area plan shall be established and recorded on final adoption of the development fee ordinance. Any benefit areas which are established shall be appropriate to the nature of the particular public facility and the nature of the jurisdiction.

(c) Except for recoupment as provided in subsection C, development fees shall not be collected from a development until public facilities which bear a reasonable relationship to the needs created by the development are included in a benefit area plan.

(d) Development fees collected shall be encumbered for public facilities within five years after the date of collection unless a development agreement provides for a longer term.

(e) If the development fees are not encumbered within five years after the date of collection, a county shall refund the amount of the development fee along with accrued interest on the amount of the fee at the average annual rate of interest earned by the trust fund during the five year period to the owner of the property on which the fee was paid, unless a development agreement provides otherwise.

B. For purposes of refunds pursuant to subsection A, paragraph 3, subdivision (e), the owner of the property on which a development fee was paid is the owner of record at the time that the refund is paid. An action brought to obtain a refund may only be commenced within one year after the date the refund becomes due.

C. A county may recoup through a development fee the costs of excess capacity in existing public facilities to the extent development is served by existing public facilities.

D. Development fees may be used to repay a developer for public facilities constructed or paid for by the developer pursuant to a development agreement.

E. A county may waive development fees for all development that constitutes affordable housing to moderate, low or very low income households as defined by the United States department of housing and urban development, provided that the waiver does not result in an increase in the development fee for other properties in the benefit area.

F. A county may waive from development fee programs particular types and locations of development that are determined to serve an overriding public interest, provided that the waiver does not result in an increase in the development fee for other properties in the benefit area.

11-1106. Development fee needs assessment; requirements-

A. A county which desires to adopt a development fee ordinance shall first conduct a needs assessment for the type of public facility or public facilities for which the development fee is to be assessed, imposed, levied or collected. The needs assessment must distinguish between existing deficiencies and new development needs and must contain components which inventory existing facilities and identify level of service standards for which the fee is to be assessed, imposed, levied or collected and the projected community needs. The needs assessment may be a separate document from an ordinance establishing a development fee. A county shall use or base the needs assessment on supporting data used to develop its development fee projects plan. The development fee projects plan shall be updated and adopted annually by the board.

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

~~B. The data sources and methodology on which the assessment of the development fee is based shall be made available to the public on request.~~

~~C. The amount of development fee imposed shall be based on actual public facilities capital costs or reasonable estimates of capital costs for the expansion of public facilities incurred as a result of anticipated new development.~~

~~D. In determining the total amount of monies a development fee ordinance is to raise, the county shall reasonably provide for credits that reflect the present value of contributions or exactions that new development may have made for the same public facility. The determination of credits shall be made at the time of the calculation of the amount of the development fee. The method for calculating credits and the calculation of the amount of the development fee shall be reviewed and updated at least every two years. The revised determination of credits and the amount of the development fee shall not be applied retroactively to amounts already paid.~~

~~E. If a development fee ordinance has been adopted to provide for neighborhood parks, credit shall be given for any existing and planned on-site park or recreational facility provided by the developer.~~

~~F. The development fee ordinance shall identify, for the type of facility covered by the fee, any existing deficiencies, based on adopted level of service standards, and must describe how the county intends to remedy the deficiency. Nothing in this section shall be construed to require a county to remedy existing public facilities deficiencies before adopting or imposing a development fee pursuant to this chapter.~~

~~G. The amount of the development fee shall not include the cost of remedying existing public facilities deficiencies.~~

~~H. The capital improvements element of land use plans shall list anticipated development fee revenues as a projected source of revenue together with the percentages of development fee dollars to be used for funding public facility capital improvements.~~

~~11-1107. Development fee; hearing; notice; procedures~~

~~A. The needs assessment and a proposed benefit area plan shall be submitted to the board at a public hearing. Notice of the hearing shall be published in a display advertisement covering not less than one-eighth of a full page in a newspaper of general circulation in the county.~~

~~B. At or after the conclusion of the public hearing prescribed in subsection A, if the board decides to go forward with the proposed development fee ordinance, the board shall set a time and date for the final adoption of the ordinance. Notice of the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the benefit area shall be given at least fifteen days before the hearing by publication at least once in a newspaper of general circulation published or circulated in the county and by mail to each owner of record in the benefit area. A new or increased development fee assessed pursuant to this chapter is not effective until ninety days after its adoption by the board.~~

~~11-1108. Development fee; assessments~~

~~A. All development fees imposed pursuant to this chapter shall be assessed at the time the building permit is issued and may be collected, at the option of the county, on issuance of the building permit or certificate of occupancy or as may be provided for in a development agreement. The county may provide for payment of a development fee on an installment basis. All development fee ordinances shall require that real estate closing documents involving a parcel of land or improvements for which a development fee has been assessed or paid within five years of the closing shall include a written notification of the fact that a development fee has been assessed or paid and the location of a public office where information in regard to the rights and obligations arising from the assessment or payment of the fee can be obtained.~~

~~B. A development fee ordinance shall not assess, impose, levy or collect a development fee on development constructed with a valid building permit in effect on the effective date of the ordinance.~~

~~11-1109. Development fee; appeal~~

~~Development fee ordinances shall provide for an appeal from a determination of the development fee to be paid by any individual development to the board.~~

Sec. 18. Section 37-331.03, Arizona Revised Statutes, is amended to read:

37-331.03. Conceptual urban state trust land use plans; five year state trust land disposition plans; definitions

A. The commissioner shall MAY create conceptual land use plans for all urban state trust land in this state and other state trust lands the commissioner considers to be appropriate. The commissioner shall:

1. Prioritize the creation of ANY conceptual plans to the extent possible to:

(a) Correlate with the rate of population growth in the urban areas in this state.

(b) Coincide with the production of municipal general plans under title 9, chapter 4, article 6 and county plans under title 11, chapter 6, article 2.

2. ~~Revise REVIEW and update each ANY CONCEPTUAL plan PLANS at least every ten years AS MAY BE NECESSARY.~~

3. Consult with the city, town or county in which the land is located and with any regional planning organization regarding ~~integrating CONFORMING the conceptual plan into~~ TO the general land use AND GROWTH MANAGEMENT ~~plan~~ PLANS of the city, town or county.

4. CONFORM THE CONCEPTUAL PLANS TO THE GENERAL LAND USE AND GROWTH MANAGEMENT PLANS OF THE CITY, TOWN OR COUNTY TO THE MAXIMUM EXTENT ALLOWED BY THE ENABLING ACT AND THE ARIZONA CONSTITUTION.

~~4.~~ 5. Submit each plan, and revision of the plan, to the urban land planning oversight committee for review AND TO ENSURE CONFORMITY WITH THE GENERAL LAND USE AND GROWTH MANAGEMENT PLANS OF THE CITY, TOWN OR COUNTY.

B. The commissioner shall MAY create five year disposition plans for all state trust land in this state, based at a minimum on market demand, anticipated transportation and infrastructure availability. The commissioner shall:

1. Review and update ~~each ANY FIVE YEAR DISPOSITION plan~~ PLANS each year as may be necessary.

2. Consult with the city, town or county in which the land is located and with any regional planning organization.

3. Submit each plan and revision to the urban land planning oversight committee to ensure conformity with the conceptual plan under subsection A.

C. IN CREATING CONCEPTUAL LAND USE PLANS AND FIVE YEAR DISPOSITION PLANS, THE COMMISSIONER SHALL GIVE PRIORITY TO NATURAL OPEN SPACE USES TO THE MAXIMUM EXTENT ALLOWED BY THE ENABLING ACT AND THE ARIZONA CONSTITUTION.

D. For purposes of this section:

1. "Conceptual land use plan" means a plan that is developed for urban state land and that identifies:

(a) Appropriate land uses, including commercial, industrial, residential, CONSERVATION and open space uses.

(b) Transportation corridors and infrastructure requirements.

(c) All natural and man-made constraints and opportunities associated with the land.

2. "Five year disposition plan" means a plan that identifies the land projected to be sold, leased, reclassified for conservation purposes, master planned or zoned during the next five years.

3. "NATURAL OPEN SPACE USE" MEANS MAINTAINING THE LAND, INCLUDING HYDROLOGIC FEATURES, IN ITS SUBSTANTIALLY NATURAL STATE. "NATURAL OPEN SPACE USE" DOES NOT INCLUDE USE FOR GOLF COURSES, CEMETERIES, SPORTS FACILITIES, AGRICULTURE, GRAZING, OR ANY OTHER USE THAT RESULTS IN MORE THAN MINIMAL DEVELOPMENT OR ALTERATION BY HUMANS OR LIVESTOCK.

Sec. 19. Section 41-511.23, Arizona Revised Statutes, is amended to read:

41-511.23. Conservation acquisition board; land conservation fund; conservation donation and public conservation accounts

A. The conservation acquisition board is established, as an advisory body to the Arizona state parks board, consisting of the following members who are appointed by the governor, at least one of whom shall be experienced in soliciting money from private sources:

1. One state land lessee.
2. One member who is qualified by experience in managing large holdings of private land for income production or conservation purposes.
3. One member of the state bar of Arizona who is experienced in the practice of private real estate law.
4. One real estate appraiser who is licensed or certified under title 32, chapter 36.
5. One member who is qualified by experience in marketing real estate.
6. One representative of a conservation organization.
7. One representative of a state public educational institution.

B. The governor shall designate a presiding member of the board. The term of office is five years except that initial members shall assign themselves by lot to terms of one, two, three, two members for four and two members for five years in office.

C. The conservation acquisition board shall:

1. Solicit donations to the conservation donation account.
2. Consult with entities such as private land trusts, state land lessees, the state land department, the Arizona state parks board, CONSERVATION ORGANIZATIONS and others to identify conservation areas that are reclassified pursuant to section 37-312 and NATURAL AREAS AS DEFINED UNDER SECTION 41-501 that are suitable for funding.
3. Recommend to the Arizona state parks board appropriate grants from the conservation fund.

D. The land conservation fund is established consisting of the following accounts:

1. The conservation donation account consisting of monies received as donations. Donations to the account are subject to any lawful conditions the donor may prescribe, including any conditions on the use of the money or reversion to the donor. Monies in the account are exempt from the provisions of section 35-190 relating to lapsing of appropriations.
2. The public conservation account consisting of monies appropriated to the account from the state general fund and monies from any other designated source. In fiscal years 2000-2001 through 2010-2011, the sum of twenty million dollars is appropriated each fiscal year from the state general fund to the public conservation account in the land conservation fund for the purposes of this section. Monies in the account are appropriated for the purposes of this section, and the Arizona state parks board may spend monies in the account without further legislative authorization. ~~Each~~ THE ARIZONA STATE PARKS BOARD MAY REQUIRE THAT THE expenditure of monies from the public conservation account for purposes listed under sub-

section G, paragraph 1 of this section shall be matched by an equal expenditure of monies from the conservation donation account or from other private or governmental sources.

E. If the legislature fails to appropriate monies to the public conservation account in a fiscal year, and if there are no other monies in the public conservation account, the Arizona state parks board may either grant nothing from the fund in that year or, on recommendation by the conservation acquisition board, may grant available monies in the conservation donation account for purposes authorized in subsection G of this section.

F. The monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

G. Monies in the public conservation account, with ANY matching monies from the conservation donation account are appropriated to the Arizona state parks board for the exclusive purpose of granting monies:

1. To the state or any of its political subdivisions, or to a nonprofit organization that is exempt from federal income taxation under section ~~501(e)~~ 501(c)(3) of the internal revenue code and that has the AS ITS PRIMARY purpose THE CONSERVATION OF THE NATURAL ENVIRONMENT OR THE ~~preserving~~ PRESERVATION OF NATURAL open space, for the following purposes only:

(a) To purchase or lease state trust lands that are classified as suitable for conservation purposes pursuant to title 37, chapter 2, article 4.2. ~~A grant of money under this subdivision to a nonprofit organization is conditioned on the organization providing reasonable public access to any land that is wholly or partly purchased with that money. The organization shall agree with the Arizona state parks board that it will impose a restrictive covenant, running with the title to the land, granting such access and providing for reversion to this state of any interest in the property acquired with money granted under this subdivision on the failure to comply with the terms of the covenant. The Arizona state parks board and the state land commissioner have standing to either enforce the covenant or recover the amount of the grant from the current owner, with interest from the date the grant was awarded to the nonprofit organization.~~

(b) To purchase the development rights of state trust lands throughout this state under the following conditions:

(i) The development rights shall be sold at public auction as provided in section 37-258.01.

(ii) The lessee of the state trust land at the time the development rights are purchased shall be notified of the purchase in writing.

~~(iii) The purchase of the development rights shall not result in cancellation or modification of the current lease.~~

~~(iv) The purchase of the development rights shall not affect the existing lessee's current economic use of the land and rights pursuant to title 37, chapter 2, article 4.2.~~

~~(v)~~ (iii) As a condition of the sale of the development rights, the purchaser shall agree in perpetuity not to exercise the development rights and that the land shall remain as open space.

~~(vi)~~ (iv) The state trust land shall retain any other rights and attributes as prescribed by law at the time of the purchase.

(v) A PURCHASER OF DEVELOPMENT RIGHTS SHALL NOT RESTRICT NOR IN ANY WAY IMPEDE PUBLIC ACCESS TO THE STATE TRUST LAND THAT IS THE SUBJECT OF THE PURCHASE EXCEPT TO THE EXTENT NECESSARY TO PRESERVE THE LAND'S NATURAL TERRESTRIAL OR

AQUATIC ECOSYSTEMS; RARE SPECIES OF PLANTS OR ANIMALS; OUTSTANDING GEOLOGIC OR HYDROLOGIC FEATURES; OR CULTURAL, HISTORIC OR ARCHAEOLOGICAL RESOURCES.

(c) TO PURCHASE PUBLIC OR PRIVATE LANDS THAT QUALIFY AS NATURAL AREAS UNDER SECTION 41-501 AND THAT ARE IDENTIFIED BY THE CONSERVATION ACQUISITION BOARD AS SUITABLE FOR FUNDING. THE PURCHASE OF A NATURAL AREA SHALL BE SUBJECT TO AN INDEPENDENT APPRAISAL. IN NO EVENT SHALL THE AMOUNT OF MONEY GRANTED FOR THE PURCHASE OF A NATURAL AREA EXCEED THE APPRAISED VALUE OF THE LAND TO BE PURCHASED.

~~2. To an individual landowner or grazing or agricultural lessee of state or federal land who contracts with the Arizona state parks board to implement conservation based management alternatives using livestock or crop production practices, or reduce livestock or crop production, to provide wildlife habitat or other public benefits that preserve open space.~~

2. A GRANT OF MONEY UNDER THIS SUBSECTION IS CONDITIONED ON THE GRANTEE PROVIDING REASONABLE PUBLIC ACCESS TO ANY LAND THAT IS WHOLLY OR PARTLY PURCHASED OR LEASED WITH THAT MONEY, EXCEPT THAT A GRANTEE MAY RESTRICT PUBLIC ACCESS TO THE EXTENT NECESSARY TO PRESERVE THE LAND'S NATURAL TERRESTRIAL OR AQUATIC ECOSYSTEMS; RARE SPECIES OF PLANTS OR ANIMALS; OUTSTANDING GEOLOGIC OR HYDROLOGIC FEATURES; OR CULTURAL, HISTORIC OR ARCHAEOLOGICAL RESOURCES. ANY RESTRICTIONS SHALL BE SUBJECT TO APPROVAL BY THE ARIZONA STATE PARKS BOARD. THE GRANTEE SHALL AGREE WITH THE ARIZONA STATE PARKS BOARD THAT IT WILL IMPOSE A RESTRICTIVE COVENANT, RUNNING WITH THE TITLE TO THE LAND, GRANTING THIS ACCESS AND PROVIDING FOR REVERSION TO THIS STATE OF ANY INTEREST IN THE PROPERTY ACQUIRED WITH MONEY GRANTED UNDER THIS SUBSECTION ON THE FAILURE TO COMPLY WITH THE TERMS OF THE COVENANT. THE ARIZONA STATE PARKS BOARD AND THE STATE LAND COMMISSIONER HAVE STANDING TO EITHER ENFORCE THE COVENANT OR RECOVER THE AMOUNT OF THE GRANT FROM THE CURRENT OWNER, WITH INTEREST ACCRUING FROM THE DATE THE GRANT WAS AWARDED TO THE GRANTEE.

H. The Arizona state parks board shall not grant more than:

~~1. Ten per cent of the monies in the public conservation account for purposes of subsection G, paragraph 2 of this section in any fiscal year.~~

~~2. Fifty per cent of the monies under subsection G of this section with respect to land in one county in any fiscal year.~~

I. A grant of money under subsection G of this section is valid for eighteen months and may be extended one time for twelve additional months if a required public auction has not been held.

J. NO LATER THAN JANUARY 1, 2002, the Arizona state parks board ~~may~~ SHALL adopt rules to establish qualifications of nonprofit organizations for purposes of applying for and receiving money granted ~~for purposes of~~ UNDER subsection G of this section IN ADDITION TO THE QUALIFICATIONS CONTAINED IN SUBSECTION G, PARAGRAPH 1 OF THIS SECTION. THE RULES SHALL INCLUDE TERMS AND CONDITIONS TO ENSURE THAT A NON-PROFIT ORGANIZATION SEEKING A GRANT IS MOTIVATED SOLELY AND EXCLUSIVELY BY A BONA FIDE INTEREST IN THE CONSERVATION OF THE NATURAL ENVIRONMENT OR THE PRESERVATION OF NATURAL OPEN SPACE. THE RULES SHALL ALSO INCLUDE REQUIREMENTS FOR DISCLOSURE OF DIRECT AND INDIRECT FINANCIAL INTERESTS BY THE ORGANIZATION'S INCORPORATORS, OFFICERS, BOARD MEMBERS, AND SIGNIFICANT CONTRIBUTORS WITH RESPECT TO THE TRANSACTION THAT IS THE SUBJECT OF THE GRANT. THE RULES MAY INCLUDE OTHER QUALIFICATIONS AND REQUIREMENTS THAT ARE NOT INCONSISTENT WITH THIS SUBSECTION.

~~K. The owner of property that is wholly or partly acquired or leased with money granted under subsection G, paragraph 1 of this section shall not restrict or unreasonably limit access to private lands. Any sale of land with money granted under subsection G of this section shall include a condition requiring that permanent access to private lands be allowed.~~

L. The Arizona state parks board shall administer the land conservation fund. On notice from the board, the state treasurer shall invest and divest monies in either account in the fund as provided by section 35-313, and monies earned from investments shall be credited to a separate administration account to pay the expenses of administering the land conservation and acquisition program under this section, which shall not exceed five per cent of the amount deposited in the public conservation account in any fiscal year or five hundred thousand dollars, whichever is less. Any unobligated amount remaining in the administration account at the end of the fiscal year shall be credited to the public conservation account for purposes of subsection D of this section.

Sec. 20. Repeal. Section 41-1314, Arizona Revised Statutes, is repealed, as follows:

41-1314. Access to private property

~~Notwithstanding any other law, reasonable access to private property shall not be denied by this state or any political subdivision of this state.~~

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 202 would change these existing growth management statutes to add additional requirements including that all counties and cities and towns having populations of 2,500 or more would have to adopt "growth management plans" in addition to the plans already required under existing law that include specified environmental and growth regulations. A required element of each growth management ordinance is the drawing of "urban growth boundaries" within the incorporated boundaries of the county or municipality. The boundaries could be no larger than necessary to allow ten years worth of population growth, based on state agency (Department of Economic Security) population projections. Outside the urban growth boundaries, development of homes or businesses requiring rezoning of property to a higher density and extension of water, sewer and other public services to landowners would be prohibited except where it could be shown that "extraordinary and compelling circumstances" warrant an exception and the exception is approved by a four-fifths supermajority vote of the governing body, and if the exception is more than 20 acres, the exception is approved by the voters at an election. The boundaries may not be expanded unless the state agency population projections allow for it and the change is approved by the voters. The growth management plans must also ensure compliance with federal and state air and water quality standards and not unreasonably burden the supplies of surface and groundwater.

The additional growth management plans must be adopted in each county, city and town by January 1, 2003 after public hearings and approval by the local voters. Until January 1, 2003 or the date on which the plan is adopted, counties and municipalities are prohibited from approving new commercial or residential subdivisions or rezoning of land to a higher density use without a four-fifths supermajority vote of the members of the governing body. The local voters could use the initiative process to adopt or amend a growth management plan.

Proposition 202 changes existing law to permit any person, regardless of residency in the community, to file a lawsuit against any other person, including any local community, public official, public employee or private party alleging violation of Proposition 202 and seeking injunc-

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tive or other relief.

Proposition 202 would change existing planning and zoning law in other respects:

- Existing law allows counties and municipalities to assess development fees for the cost of public services required by that development including water, sewer, streets, public safety, parks and public administration facilities. Proposition 202 would require counties and municipalities to assess additional fees for the full cost of all provided public facilities including, but not limited to, mountain preserves and mass transit.
- A number of existing county and municipal planning and zoning procedures would be repealed, including elements of municipal general plans and county comprehensive plans, as well as the standards for imposing a development moratorium.
- Each general plan and comprehensive plan (the existing growth management plans) would have to conform to the additional growth management plan required by Proposition 202, and adoption of each general plan or comprehensive plan or major amendment would require a three-fourths supermajority vote of the governing body.

Proposition 202 also proposes numerous changes to existing county and municipal planning and zoning procedures to increase public control over how land is used and developed. Counties would be given authority to regulate "wildcat subdivisions" outside of cities and towns, including lot splits (into two or three parcels) and subdivisions (into four or more parcels). State land held in trust for funding public schools and other public institutions in the State of Arizona would also have to comply with county and municipal land use plans and growth management plans, and priority would be given in state land use plans for maintaining state lands in a "natural" state, without development or alteration by humans or livestock, to the maximum extent allowed by the state constitution and Enabling Act.

There is an existing program for preserving undeveloped land owned by the State of Arizona, and \$20 million in state grants per year is available for that purpose. Each grant of state money must be matched by private donations. Proposition 202 would use that money to preserve other qualifying public and private "natural areas", in addition to state land, and eliminates the requirement that applicants provide matching money. Organizations participating in the program would have to have the primary purpose and sole and exclusive motivation of conserving the natural environment or preserving natural open space. This measure removes the requirement that lands that are purchased or leased through this program be open to public access except to protect and preserve natural ecosystems or other rare and unique features. This measure eliminates monies available under this program for conservation based livestock or agriculture management, and current provisions under the program for existing leases on state trust land sold or leased for conservation.

This measure eliminates the requirement that landowners consent to rezoning of their land when such rezoning restricts their use or reduces the value.

This measure eliminates the prohibition against government entities denying reasonable access to private property.

Proposition 202 Fiscal Impact Summary

Proposition 202 would require cities and counties with populations over 2,500 persons to develop growth management plans by January 1, 2003. The fiscal impact of this Proposition will depend on how these growth management plans are implemented. The precise form of these growth management plans will not be known for several years. As a result, it is not possible to predict the Proposition's precise impact on the state economy at this time.

If the creation of the growth management plans results in less development in the long-term, the Proposition would probably negatively affect the state's economy and state and local government revenues. Slower development would cause declines in the construction industry. This could lead to lost state and local revenue from taxes on the construction industry. This same negative impact could also occur in the short-term if the approval of the initiative delays the start of new development projects.

If the Proposition channels development into specific geographic areas without slowing growth, the fiscal impact is more difficult to predict. The more limited geographic opportunities for development would probably increase land prices. Higher land prices could increase property tax collections, but could also lead to a reduced demand for development.

The growth management plans could generate local government savings as developers would be required to pay the full cost of infrastructure development, such as streets and sewers. If developers are not currently paying these full costs, this provision would increase local revenues. The developers, however, could pass these additional costs along to consumers or businesses in the form of higher prices.

In addition, local governments could realize efficiency gains if construction is directed inward where services such as police & fire protection are already provided.

ARGUMENTS "FOR" PROPOSITION 202

On behalf of the 40 community groups and businesses in our coalition, Citizens for Growth Management strongly urges Arizonans to vote yes on Proposition 202.

Proposition 202 gives local voters, not developers, the power to determine how their communities grow. It will help address Arizonans' concerns about traffic congestion, school crowding, uncertain water supplies, declining air quality, vanishing open spaces, and tax subsidies for developers. Proposition 202 will protect our quality of life and unique natural heritage by giving those of us living here a say as to where, when, and how we grow.

Proposition 202 requires that:

- ✓ local voters approve growth plans and major amendments;
- ✓ developers pay for the cost of new public facilities (like roads, schools, and police and fire protection facilities);
- ✓ all counties and all cities and towns with more than 2,500 people develop growth management plans which accommodate 10 years of growth; and
- ✓ plans identify growth areas defined by boundaries outside of which new development and services will be limited.

Proposition 202 is a balanced and effective way to manage growth. Local communities will have the tools they need to plan, and voters will have more say in the planning process.

Developers and politicians have refused to consider meaningful solutions addressing the effects of Arizona's poorly-planned growth: the brown cloud, developer subsidies, crowded schools, and the loss of natural open spaces. Developers are promising to pay more than \$3.6 million to defeat Proposition 202 and ensure that politicians keep dragging their feet.

Please say "yes" to giving voters more say in how our local communities grow— vote YES on Proposition 202.

Lila J. Schwartz, Chairperson, Citizens for Growth Management, Sun City West

Kathleen A. Roediger, Treasurer, Citizens for Growth Management, Phoenix

Paid for by Citizens for Growth Management

The League of Women Voters of Arizona supports growth management controlled by the people. The Citizens Growth Management Initiative will protect our quality of life by requiring that voters have the final say in how our communities grow. Developers will be required to pay the full cost of public facility needs created by new developments such as roads, sewers and schools.

Developers would have us believe that trashing the environment is offset by economic benefits. Is it? Can the serenity of the desert and the beauty of our mountains be quantified?

Dire predictions are being made by developers that if we plan growth, housing costs will skyrocket and Arizona's economy will suffer a downturn. Such speculations ignore the facts.

Today, the median new house price in the Valley is \$148,000 up more than \$10,000 from two years ago. It certainly wasn't growth management that caused the escalation in housing prices. Runaway growth has resulted in a doubling of the state's population in 20 years. In Phoenix alone, an acre an hour is lost to development; in Tucson, 12 acres a day.

We do not have to speculate that Arizona faces a water crisis. Occasional seasonal drought is not the major cause but rather a rapidly expanding population that depletes ground and water supplies.

The Citizens Growth Management Initiative does not create a "Big Brother" who will dictate how cities grow, but rather the voters in each community will make their own decisions. Passing the Citizens Growth Management Initiative will protect our natural heritage.

The League of Women of Arizona urges a "yes" vote before more of Arizona's pristine landscape is wasted.

Ann Eschinger, President, League of Women Voters of Arizona, Phoenix

Willi Waltrip, 2nd Vice President, League of Women Voters of Arizona, Peoria

Paid for by League of Women Voters of Arizona

We support Citizens Growth Management Initiative because it has several public health benefits.

1. Safer wells and septic systems: Wildcat subdivisions are currently unregulated and escape the usual public health protections. Neighbors' wells can be dangerously close to a septic system next door, so there is a risk that bacteria could contaminate nearby drinking water. In some counties the arsenic level in well water may exceed safe standards. By current law, counties do not have the authority to regulate and enforce well or septic systems in wildcat subdivisions. Standards for wells and septic systems, currently in force in cities and planned developments, would be extended to wildcat subdivisions under this initiative. All Arizona residents deserve the same protections.

2. Air quality improvement: Airborne particulates, called PM10, contribute to decreased lung function and asthma attacks, leading to increased hospitalization and even death. Main sources of PM10 pollution include vehicle exhaust and dust from unpaved roads. Areas in 8 counties, both urban and rural, do not meet current EPA standards for PM10. In 1998, the Governor's Air Quality Strategies Task Force reported, "The continued growth of the (Phoenix) Metro Area counteracts the technological innovations, ..." such as cleaner-burning engines and fuels, ... "that have been relied on to reduce air pollution." This initiative requires municipalities & counties to adopt growth management plans that protect air quality and ensure steady progress toward meeting state and federal standards. Multi-modal transit and paying of heavily traveled dirt roads are two strategies which could improve air quality under this initiative.

Concerned citizens have the rare opportunity to shape public health policy by casting a "Yes" vote for the Citizens' Growth Management Initiative.

Jane Pearson, President, St Luke's Charitable Health Trust, Phoenix Cheri Levenson, President-Elect, Phoenix

Paid for by Arizona Public Health Association

REP America, a grassroots organization of Republicans for Environmental Protection, and its Arizona members strongly urges a "yes" vote on Proposition 202.

Proposition 202, the Citizens' Growth Management Initiative, will allow the public a voice in the growth of their communities. It requires voter approval of growth management plans at the town, city and county levels. It requires urban growth areas defined by boundaries that will help control leapfrog development. It requires that developers pay the costs of schools and roads, and police, fire, water and sewer facilities associated with their developments rather than placing those costs on the backs of taxpayers. It requires that new development be consistent

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with air and water quality standards and groundwater and surface water availability. It gives counties the needed authority to control wildcat subdivisions.

In short, Proposition 202 requires that future growth in Arizona is evaluated and adjusted for its impact on each community and our quality of life, not for its impact on the pocketbooks and quality of life of developers.

Vote "yes" on Proposition 202.

Aurie Kryzuda, Vice President, San Diego, CA Jim DiPeso, Secretary, Kent, Washington
Paid for by Kathleen Anne Roediger

YES to Proposition 202

A YES vote on Proposition 202 will allow citizens to have choice regarding local growth. Developers will have to pay impact fees for roads, sewers, schools, etc. on new developments. Voters will have the ability to approve or reject growth management plans. Vote YES on Proposition 202 for a say in how your community develops.

Citizens for Good Government, A Santa Cruz County Political Action Committee
John L. Michael, President, Sonoita Anna Ostholthoff, Treasurer, Patagonia
Paid for by Citizens for Good Government

Friends of Flagstaff's Future urges you to vote YES on Proposition 202.

As a community-based organization, Friends of Flagstaff's Future is very concerned that poorly managed growth will destroy the quality of life we all enjoy in Arizona.

Currently, Arizona is in the top five of all states in loss of open space. Traffic congestion is growing; our air and water quality is declining; our scenic views are being eroded by unmanaged sprawling development. Something needs to be done to better control developers who are making a killing from the current uncontrolled system of growth.

Proposition 202 provides a balanced, workable response to our problems of poorly managed growth. Most importantly, it puts control of growth where it belongs: in the communities.

Proposition 202 is all about local control. Public input is required for each community's growth management plan. And, best of all, voters get to vote on their plans; voter approval is required for the plans to take effect. Voters get to determine how their communities will grow, where growth will take place, whether there will be low or high density development, and where the protected open spaces ought to be. Finally, voters will have a say in how their communities grow.

Proposition 202 has garnered the support of over 40 endorsing organizations from across the political spectrum, from the League of Women Voters and the Center for Law in the Public Interest to the Arizona Public Health Association and Republicans for Environmental Protection.

Proposition 202 is needed for local control and better management of growth. Let's grow sensibly; let's have the beautiful, prosperous communities we all want.

Vote YES on Proposition 202.

Becky Schipper, Executive Director, Flagstaff Nikolai Ramsey, Vice-President, Flagstaff
Paid for by Friends of Flagstaff's Future

Babbitt's Backcountry Outfitters urges you to vote yes on Proposition 202.

Business needs Proposition 202. We must do everything we can to keep Arizona's economy strong for the long term. We must protect the natural resources that provide a base for the economy. Our tourism industry, especially, is predicated on the scenic, aesthetic amenities that draw visitors to Arizona.

Proposition 202 will protect our communities from poorly managed growth. It requires that growth boundaries be established in most cities and all counties. This requirement provides an efficient, orderly means of development and is good for business.

Regarding growth boundaries, the Portland Chamber of Commerce stated that *"far from being a detriment to economic growth, in fact, it's turned out to be perhaps our strongest tool for the diversification and revitalization of Oregon's economy."*

Proposition 202 is not "no-growth" by any means; it simply takes the reins of growth out of the developers' hands and changes the growth planning process so that growth happens where communities want it to and not where they don't.

Proposition 202 has garnered the support of over 40 endorsing organizations from across the political spectrum, from the United Food & Commercial Workers' Union and League of Women Voters to the Republicans for Environmental Protection and the Arizona Public Health Association.

For an economically prosperous Arizona, vote YES on Proposition 202.

Jim Babbitt, Business Owner, Flagstaff
Paid for by Babbitt's Backcountry Outfitters

Please vote "yes" on Proposition 202 Citizens' Growth Management Initiative

I strongly support the Citizens' Growth Management Initiative, because it will allow local voters throughout Arizona to determine how their communities grow. For far too long development interests have controlled the planning in our communities and have set the agenda at the Arizona legislature.

As a state legislator, I have opposed the ongoing attempts to limit local control of growth management. I have also opposed the sham measures being pushed by development interests in their attempts to undercut the citizens' initiative.

Protecting our quality of life is critical to the future of Arizona both environmentally and economically. Proposition 202 will help us make sure our communities have cleaner air, less traffic congestion, adequate water supply, and plenty of natural open space for wildlife and for recreation.

The Citizens' Growth Management Initiative requires that development pay for itself, meaning you and I will no longer have to subsidize major sprawl development. That too is good for Arizona.

Proposition 202 is important to the future of Arizona. I urge all Arizonans to vote "yes".

Carmine Cardamone, State Representative, District 11, Tucson

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Sierra Club urges "yes" vote on Proposition 202

The Sierra Club's Grand Canyon Chapter and its more than 12,000 members in Arizona strongly urge all Arizonans to vote yes on Proposition 202.

Proposition 202, the Citizens' Growth Management Initiative:

- requires voter approval of growth management plans;
- requires that developers pay for the costs of roads, sewers, and schools associated with their development; and
- requires urban growth boundaries outside of which new development and services will be limited.

Proposition 202 will help protect our quality of life and ensure clean air and clean water for future generations. It requires that new road construction and road widening are evaluated for their impacts before construction goes forward.

In addition, Proposition 202 will make sure that future development pays for itself and that it will not burden taxpayers with the costs of roads, sewers, parks, and water facilities.

Proposition 202 will help us protect our natural heritage, our quality of life, and our pocketbooks and it will put the decisions about how and when communities grow back in the hands of the people.

We strongly urge a "yes" vote on Proposition 202.

Ted Gartner, Treasurer, Sierra Club- Grand Canyon Chapter, Chandler

Sharon Galbreath, Conservation Chair, Sierra Club-Grand Canyon Chapter, Flagstaff

Paid for by Sierra Club Grand Canyon Chapter

The Grand Canyon Trust urges you to vote YES on Proposition 202.

Our beautiful Arizona landscape is increasingly marred by rapid and poorly planned growth across the state. Development gobbles up the Sonoran Desert at over an acre per hour. Unregulated land subdivisions threaten the character of our rural areas.

Proposition 202 will protect our communities from poorly managed growth. It is a balanced, comprehensive approach to growth management, designed to protect our neighborhoods, our natural heritage, and our quality of life.

Proposition 202 is a response to seventy years of growth-inducing policy, a stacked set of 'rules of the game' that have led to unprecedented sprawl, environmental fragmentation and destruction, air pollution, and a huge waste of resources. Proposition 202's strongest opposition comes from those who are making a killing on the current uncontrolled system of growth: the developers, realtors, homebuilders and the politicians whose campaigns are financed by these 'growth at any cost' interests.

Proposition 202 is not 'no-growth' by any means; it simply takes the reins of growth out of the developers' hands and changes the growth planning process so that growth happens where communities want it to and not where they don't. Proposition 202 also ensures that growth is more accountable to environmental needs and capacities.

For these reasons, Proposition 202 has garnered the support of over 30 endorsing organizations from across the political spectrum, from the League of Women Voters and the Center for Law in the Public Interest to the Arizona Public Health Association and Republicans for Environmental Protection.

Vote yes on Proposition 202 to control the sprawl that is fast eroding our natural heritage. Our children's children should be able to enjoy the wonderful Arizona we all share.

Geoffrey Barnard, President, Flagstaff
Paid for by Grand Canyon Trust

Evelyn Sawyers, Deputy Secretary, Flagstaff

Audubon Supports Proposition 202

As Arizona chapters of the National Audubon Society, whose mission is to preserve ecosystems so that birds and other wildlife can flourish and enrich the diversity of our lives on Earth, Maricopa and Tucson Audubon Societies strongly urge a yes vote on Proposition 202, the Citizens' Growth Management Initiative.

Proposition 202 will help Arizona to better manage its growth and provide citizens an opportunity to determine how their communities will grow. It will help protect important habitat for birds and other wildlife by slowing the rate of sprawl that is eating an acre an hour in the Phoenix area and 12 acres per day in Tucson.

Wildlife is increasingly threatened by the out-of-control and unplanned growth in many parts of our state, not just on the outskirts of Phoenix and Tucson. Antelope herds are being crowded out by development in Prescott and Prescott Valley. Growth in Sierra Vista threatens the existence of the San Pedro River on which numerous species of birds and other wildlife depend. Noted Arizona author Barbara Kingsolver published an article in the April 2000 issue of National Geographic magazine which describes the San Pedro River as a critical ecological resource, adding that "if the people at National Geographic can see this need by devoting pages and pages extolling its virtues, surely we living here in full view of this natural glory and enjoying the lifestyle it provides should steel ourselves to do more to protect this God-given resource." We agree.

Proposition 202 also requires that communities look at whether new development will place an unreasonable burden on surface and groundwater supplies. This too, will help protect the San Pedro and other natural areas for wildlife and for future generations.

Please vote "yes" on Proposition 202.

Scott Burge, President, Maricopa Audubon Society, Tempe
Herb Fibel, Treasurer, Maricopa Audubon Society, Tempe

Roger Wolf, President, Tucson Audubon Society, Tucson
Kevin Dahl, Executive Director, Tucson Audubon Society, Tucson

Paid for by Maricopa Audubon Society and Tucson Audubon Society

MCDOWELL PARK ASSOCIATION URGES "YES" VOTE ON PROPOSITION 202

The McDowell Park Association and its members urge Arizonans to vote yes on Proposition 202. This proposition will provide the tools to allow Arizonans to protect for themselves and future generations the unique beauty and features that drew all of us to live in this area. Citizens' Growth Management Initiative, allows citizens control of growth in the following manner:

1. Cities and counties must adopt urban growth management plans. Local citizens vote their approval of these plans and any major amendments.
2. Developers must pay the full cost of roads, schools and other public facility needs created by their new developments.

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

3. Growth management plans must assure that growth is consistent with air and water standards, as well as water availability.

4. Plans must protect neighborhoods and open space.

Citizens' Growth Management Initiative is supported by a wide array of public interest groups. Proposition 100 submitted by the Legislature is a much weaker proposal. Instead of mandating cities and counties to adopt urban growth boundaries, it merely authorizes them to do so, which is a power they have under existing law.

Developers favor Proposition 100 because they know it will not control growth and will just continue present policies. They oppose Citizens' Growth Management Initiative because they know it will control growth. Arizonans have been expressing concerns about uncontrolled growth and the need to protect our quality of life and natural heritage. We strongly urge a "yes" vote on Proposition 202.

Robert R. Eidsmoe, President, McDowell Park Association, Rio Verde Don George, Secretary, McDowell Park Association, Fountain Hills
Paid for by McDowell Park Association

The Tucson Mountains Association was formed in the 1930's to encourage development in Tucson's namesake mountain range. Now we work to protect the remaining natural areas and rural character of this region. Our members have gathered signatures to get this law on the ballot. Please vote Yes.

Should voters have a say in how their communities are planned? Yes. Shall we look ahead with wisdom and plan sensible uses of limited land, water and other resources? Do we all need clean air, functioning roads, a fair tax burden, and some open space in which to breathe? Yes. Should more of the enormous profits from new construction go to pay the huge costs of new roads, water and sewer systems, schools and other infrastructure required by their new developments? Yes.

Some homebuilders respect residents. But many destroy the very heritage they advertise - the beauty around us - for enormous profit. The fact is, our taxes go up to pay for the schools, roads, water systems, fire and police protection required to support each new development. Some of these developments are the size of small towns themselves - and we don't manage growth, it manages us! Prop. 202 requires communities to identify growth areas outside of which development would be limited and services could not be extended at taxpayer expense. Prop. 202 is a great opportunity for cities and towns to make plans which will then be left in place for 10 years, letting neighborhoods relax their constant vigilance on precious open land. Once a city or county plan is in place, major amendments can be made only if voters approve.

We need clean air, water, open space and natural beauty along with a place to live. Let's get our beautiful Arizona in balance. Vote YES on Prop. 202.

Carol Klamerus, President, Tucson

Holly Finstrom, Secretary, Tucson

Paid for by Tucson Mountains Association, Inc.

Neighborhood Coalition of Greater Tucson Supports CGMI

The Neighborhood Coalition of Greater Tucson urges every voter in Arizona to VOTE Yes on the Citizens Growth Management Initiative.

The NCGT has been a long-time supporter of the CGMI because we believe it will help to control and regulate the growth of Pima County and Arizona in ways that preserve the scenic beauty of our urban areas, protect wildlife, control taxes, and strengthen neighborhoods.

The provisions of the CGMI that requires full-cost recovery impact fees will not only protect the taxpayers of this state, it is only fair - every industry should expect to pay the full cost of their profit-making activities and not feed at the public trough. Moreover, hiding development costs in the general taxes and utility bills doesn't reduce those costs - it increases them. Full-cost recovery impact fees will provide market mechanisms that encourage more efficient land uses by new development. They will actually provide a competitive advantage to those developers who can create livable communities that provide services nearby and therefore not clog the roads for everyone.

CGMI actually helps new development by guaranteeing that public services will be available for those new developments, without detracting from the quality of services to the whole community.

CGMI requires that each community do effective planning that will protect the scenic beauty and environmental values that are some of the major attractions which bring new companies to our state and communities. Who wants to create a business in a community with congested streets, high taxes and poor services, and that is also ugly.

The Neighborhood Coalition of Greater Tucson urges you to vote Yes. Yes for the environment, yes for taxpayers, and yes for our future together.

Sharon Chadwick, Co-Chair, Tucson

Sandal English, Secretary, Tucson

Neighborhood Coalition of Greater Tucson

Paid for by Sandal English

Vote yes on Proposition 202. Arizona cities should not be allowed to sprawl like cancers into the mountains, deserts and forests that make the state such an attractive place to live. The Citizens Growth Management Initiative gives local voters the tools to decide their own future and not be at the mercy of developers.

The initiative requires the voters in every city and town of 2,500 or more to draw boundary lines that put control of our precious natural areas in the hands of local residents. New housing will be built within sensible spatial limits.

Urban growth boundaries are only one part of the growth management plans voters will approve. The plans also will protect water and air quality and ensure we existing residents have adequate and affordable water supplies. They will set policies to protect neighborhoods, mountain and other public preserves, historic and archeological sites, and to provide affordable housing.

Under the initiative's terms, it will give relief not only to the environment but also to the taxpayers' pocketbook because developers instead of taxpayers will pay the full cost of public facilities- schools, police and fire stations, parks, streets, and water and sewer lines-their developments require.

Buffers urges Arizona voters to approve the Citizens Growth Management Initiative.

Buffers is a Pima County-based citizens group that works to promote low-impact uses especially near our regional and national parks and monuments.

Gayle Hartmann, Tucson

Nancy Young Wright, Tucson

Paid for by Gayle G. Hartmann

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

As a Flagstaff City Councilmember, I support Proposition 202 because Arizona’s communities need the tools to effectively manage their growth. Critics claim that Proposition 202 is a “one size fits all” proposal. Nothing could be farther from the truth. Proposition 202 restores citizen control to the planning process.

Proposition 202 is a sensible approach to our problems associated with unplanned growth. It puts management of growth where it belongs: in the hands of Arizona’s citizens. It’s flexible enough to allow for growth plans which fit the needs of each of our cities and towns, yet provides the necessary tools to effectively manage our own destiny. Not only do the growth plans get developed by citizens in each community, but they also require local voter approval.

Local governments currently lack the necessary authority to adequately plan our growth, and I see Proposition 202 as the answer to this problem. Cities and towns of Flagstaff’s size and smaller need Proposition 202 to help us retain our character and quality of life.

I know how increased traffic congestion, declining air and water quality, and loss of open space impact communities. Arizona has to take steps now to plan our growth or we will see a decline in our quality of life.

We can have the communities we want. We can grow in a balanced way which retains economic benefits and our overall quality of life. Proposition 202 is the way to achieve that balance.

Please vote YES on Proposition 202.

Karen K. Cooper, Flagstaff City Councilmember, Vice-Mayor, Flagstaff

The Citizens Growth Management Initiative is a democratic plan to halt the subsidy ordinary taxpayers provide to developers. It requires builders pay the full cost for public facilities – schools, parks, police, and fire stations, water and sewer lines, and streets – their developments require.

Urban-growth boundaries like those in the initiative have not dampened local economies or slowed construction work within them. And there is no reason to believe they will in Arizona – in Tucson, for example, more than 45% of the land within the city’s limits, outside Davis-Monthan Air Force Base, is vacant.

But growth boundaries save beautiful deserts and forests from bulldozing for subdivisions and protect people who prefer a rural lifestyle.

Housing prices increase as much or more in cities with runaway growth as in cities with sensible growth-management plans. This citizen’s initiative requires all its growth-management plans to provide for affordable housing.

Under the initiative, citizens work on growth-management plans for cities and towns, proposed plans go to public hearings, and voters decide if they want to adopt the plans.

The process shape’s cities and towns suited to their residents, and are compact so people can spend less time in cars and trucks and more time with families and friends. Public transit can be an option for working people.

Taxpayers will benefit further from paying less for basic services and facilities for piecemeal “wildcat” subdivisions, which a recent study found costs Pima County taxpayers \$35 million to \$55 million a year.

The initiative will help all Arizonans enjoy life in a robust economy and in healthier, more people-friendly communities.

Raúl M. Grijalva, Supervisor, District #5, Pima County Board of Supervisors, Tucson

Paid for by Sandra L. Bahr

YES on Proposition 202. Arizona is long overdue in planning for future growth. The citizens overwhelmingly support managing growth and putting the brakes on sprawl. This measure also gives us the opportunity to revitalize our inner cities and downtown. Our elected officials have irresponsibly ignored this issue to the point that Phoenix and Tucson will soon look like Los Angeles, with congested roads, filthy air, and hundred mile commutes. And to add insult to injury, the Legislature has passed a sham called “Growing Smarter,” which is anything but. It’s time the citizens have a say in our future. Support Proposition 202, the Citizens Growth Management Initiative.

- | | |
|--|--|
| Michael Green, Green Party Candidate, U.S. Congress, District 5, Tucson | William Crosby, Green Party Candidate, Legislative District 9, House, Tucson |
| Jack Strasburg, Green Party Candidate, Legislative District 10, House, Tucson | Chris Ford, Green Party Candidate, Legislative District 11, Senate, Tucson |
| Bill Moeller, Green Party Candidate, Legislative District 11, House, Tucson | Katie Bolger, Green Party Candidate, Legislative District 14, House, Tucson |
| John Scudder, Green Party Candidate, Legislative District 25, House, Phoenix | David Croteau, Green Party Candidate, Pima County Sheriff, Tucson |
| Susan Campbell, Green Party Candidate, Pima County Superintendent of Schools, Tucson | |
| Peter Hormel, Green Party Candidate, Pima County Attorney, Tucson | Bill Zaffer, Green Party Candidate, Pima County Recorder, Tucson |

Paid for by Green Party

Vote YES on Proposition 202. The citizens of Arizona want and deserve REAL growth management, and this initiative provides the tools needed to accomplish this. The Citizens Growth Management Initiative, if approved, gives local citizens a vote on their community’s growth management plans, and ensures that developers pay the full cost of the infrastructure demands created by their subdivisions – for schools, roads, sewers, parks, etc. This is a smart and sensible approach to growth, something that we have not received from our elected officials. We are proud to be involved in a public process regarding growth in Pima County, and look forward to development in all of Arizona being subject to greater public accountability. Please, vote YES on Proposition 202.

THE COALITION FOR SONORAN DESERT PROTECTION:

- | | |
|--|---------------------------------------|
| Arizona Center for Law in the Public Interest | Arizona League of Conservation Voters |
| Arizona Native Plant Society | Buffers |
| Center for Biological Diversity | Center for Environmental Connections |
| Center for Environmental Ethics | Defenders of Wildlife |
| Desert Watch | Drylands Institute |
| Environmental and Cultural Conservation Organization | Friends of Cabeza Prieta |

Friends of the Rillito River
 Gates Pass Area Neighborhood Association
 Neighborhood Coalition of Greater Tucson

Northwest Coalition for Responsible Development
 Pima Farms/Scenic Drive Neighborhood Association
 Saguaro Forest Associates
 Sierra Club-Grand Canyon Chapter
 Silverbell Mountain Alliance
 Sky Island Watch
 Sonoran Arthropod Studies Institute
 Student Environmental Action Coalition/Southwest
 Tucson Herpetological Society
 Tucson Solar Alliance
 Wildlife Damage Review

Rich Genser, Chair, Tucson
 Paid for by Tucson Audubon Society

Friends of Sweetwater
 GREEN-GrassRoots Environmental Effectiveness Network
 Northern Tucson Mountains Resource Conservation-Education Project
 Oro Valley Neighborhood Coalition
 Protect Land and Neighborhoods
 Save the Scenic Santa Ritas
 Sierra Club-Rincon Group
 Sky Island Alliance
 Society for Ecological Restoration/UofA
 Southwest Tucson Environmental Alliance
 Tucson Audubon Society
 Tucson Mountains Association
 The Wildlands Project
 Women for Sustainable Technologies

Kevin Dahl, Treasurer, Tucson

It's time in Arizona to halt the unchecked leapfrog subdivision growth that eats away at our natural heritage and pollutes our air. It's time Arizona voters approved the Citizens Growth Management Initiative.

The Arizona League of Conservation Voters, as our name states, believes firmly in the power of voters to rightly and justly conserve what is best in our world, including the natural beauty of the deserts and forests that attracted so many of us to Arizona— and keeps people coming.

The initiative brings sensible, voter-approved growth management to Arizona, where such a program is decades overdue.

It requires planners to work with citizens to propose growth-management plans that still face public hearings before voters make final decisions on them. Nothing could be more local, more fair, more democratic.

The plans must address air and water quality issues and ensure new growth does not deplete precious water supplies. The must protect scenic vistas, existing neighborhoods, historic areas and archaeological sites.

A feature of these growth-management plans is boundary lines in cities and towns beyond which rezonings and provision of new urban services are banned— no more distant leapfrog high-density subdivisions. Voters must approve major changes in boundary lines.

And for the first time in Arizona, developers will be required to pay the full cost for public facilities for which their developments create a need, not taxpayers. Developers will pay for schools, water and sewer lines, parks, police and fire stations, and streets that serve their developments.

Arizona needs and deserves the Citizens Growth Management Initiative.

Bob Beatson, Executive Director, Sasabe

Billie Hardy, Secretary, Tucson

Paid for by The Arizona League of Conservation Voters

Responsible Residents of the Red Rocks have been on the cutting edge of growth management discussions in Arizona. We know that smaller communities are not immune to the hazards of poorly planned growth. We in the Sedona area are losing beautiful natural open spaces to out-of-control development. Traffic congestion is increasing, long-term water supply remains in question, and many people in the area remain on antiquated septic systems. In spite of these problems, citizens have been held back from influencing land use decisions that affect our area.

We enthusiastically support voting YES on Proposition 202, the Citizens' Growth Management Initiative.

City of Sedona residents approved an initiative to promote more responsible development, but found that state law negated the outcome of the initiative. We like the Citizens' Growth Management Initiative because it requires:

- ✓ that voters in local communities and counties approve growth plans and major amendments;
- ✓ that developers, not taxpayers, pick up the tab for the cost of new public facilities (like roads, schools, and police and fire protection facilities);
- ✓ that all counties and all cities and towns with more than 2,500 people develop growth management plans which accommodate 10 years of growth; and
- ✓ that plans identify growth areas defined by boundaries outside of which new development and services will be limited.

All communities around the state need Proposition 202 in order to have a balanced and effective toolkit with which they can manage growth.

Please join us in voting “yes” to an idea whose time has definitely come for Arizona citizens— vote YES on Proposition 202.

Doris Baumgardner, President, Responsible Residents of the Red Rocks, Sedona

John Rumics, Vice-President, Responsible Residents of the Red Rocks, Sedona

Paid for by Responsible Residents of the Red Rocks

Vote Yes on the Citizens for Growth Management Initiative

Development in Arizona has for too long taken place without regional planning accountable to the residents. Housing is a basic and crucial human need; unfortunately, it is often created at the expense of the resources of our region. It happens piecemeal: a wildlife corridor lost here, a water table dropping there, skies a little browner, schools and emergency services a little more overtaxed....

We want to ensure that we and the generations to follow will continue to enjoy the beauty and the resources of the Sonoran Desert. Vote “Yes” on Proposition 202.

Women for Sustainable Technologies

Vivian Swearingen, President, Tucson

Lisa Stage, Secretary, Tucson

Paid for by Lisa Stage

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Common Cause urges "Yes" on Proposition 202, the Citizens Growth Management Initiative.

The essence of this initiative is that it will give you more power, and the development community less power. Period. That's why the development community is bombarding you with deceptive ads.

Approval of this initiative will give you more control over the urban and natural environment you provide for your family, including the health of your air, the safety of your streets, and the reliability and safety of your water.

Despite the multi-million dollar misinformation campaign, the idea of rationally planning our communities does not mean they will be denser or more expensive. We will plan them the way we want them—dense and compact, or leisurely and rural, which is not presently within our power as citizens, is it?

The disinformation campaign is being funded by developers and their fellow merchants of sprawl who want to retain their free hand to bulldoze Arizona. You can help end their grip on the soul of our beautiful state by saying Yes to this proposition.

Arizona Common Cause is a nonpartisan group of over 3,000 Arizona families with a long history of working for open, clean, and sensible self-government.

Miriam Neiman, Treasurer, Arizona Common Cause, Sun City
Paid for by Dennis Burke

Dennis Burke, Executive Officer, Arizona Common Cause, Phoenix

I urge you to vote YES on Proposition 202.

The loopholes in the law that require developers to build to a decent public standard have created the deterioration of the quality of life in Coconino County and throughout Arizona.

People and their homes are being flooded; their roads are being gated; and reasonable standards for water distribution and wastewater controls are chaotic at best.

The quality of our lives is deteriorating under the current laws and it will continue to deteriorate unless we choose to manage growth.

Anyone who says this initiative will stop growth is naïve. Nothing will stop growth in Arizona. The fundamental question is this: Will we choose to manage growth? I say yes and I encourage you to support Proposition 202.

Please vote YES on Proposition 202.

Tom Chabin, Coconino County Supervisor, Flagstaff

I would like to write you in favor of the Citizen's Growth Management Initiative. I believe this initiative is the only way to ensure voters decide how their communities will grow and developers will pay the costs associated with their developments.

As a native, I like the idea that citizens vote on their local growth plans, so that the voters of Prescott can decide Prescott's future and the voters of Phoenix can decide Phoenix's future.

As a biologist, I like the idea the citizens will decide what wild areas should be saved— not out of state developers.

As a taxpayer, I like the idea that the developer pays for the cost of their development, like schools and fire stations and sewer and water.

Finally, I urge all voters who care about creating a stable and beautiful future for all our communities, join with me and vote yes on the Citizens Growth Management Initiative this November.

Ken G. Sweat, Phoenix

ARGUMENTS "AGAINST" PROPOSITION 202

Proposition 202 is too radical for Arizona. It will:

* drive up the cost of a home to our children and

* trample the property rights of landowners who are not "lucky enough" to be inside the state mandated growth boundaries.

Just ask the people of Portland, Oregon who live under this "group-living bee hive" proposition. Ask them about the availability and affordability of a home. Only 35% of homes sold in Portland are priced so median income earners can afford them. Nationally, 68 percent of homes are priced so median income earners can afford them.

Ask Arizona farmers whose land will be "locked" into agriculture even though commodity prices are low, workers are not available to work the fields, nuisance complaints about normal farming activities are an every day occurrence and farming is just no longer practical in the urban neighborhood. They will become modern day serfs of the land.

The Arizona solution to protect open space and control sprawl is local decisions, made by local citizens, using new land use guidelines, worked out by elected state and local officials. Known as "Growing Smarter", this set of guidelines for local planning and development assures affordable housing in the future and protects a persons right to change the use of their land.

The "Portland" model, brought to you by the Sierra Club, the same group that wants to drain Lake Powell, is not an Arizona solution for Arizonans. From the radical environmentalists point of view, the great "group living" experiment is working in Portland. They believe our choices should be limited and we should live in a row house, apartment, condominium or a home where room, for a child's swing set, is a luxury.

Vote NO on Proposition 202.

Ken Evans, President, Arizona Farm Bureau, Payson Andy Kurtz, Chief Administrative Officer, Arizona Farm Bureau, Phoenix
Paid for by Arizona Farm Bureau Federation

I urge you to vote NO on the Citizens Growth Management Initiative (CGMI).

It has the potential of inflicting harm on the way our Arizona cities have built and financed their critical infrastructure such as sewers, water lines, roads, fire stations and police facilities.

Often these city improvements are financed through the sale of municipal bonds with the city and its property tax base acting as the guarantor. The principal and interest on these bonds are then paid off over long periods of time by user fees and development fees from projects that are being developed in the city.

The CGMI has the potential of interrupting this long standing process with some scary consequences. As a holder of Arizona issued municipal bonds I certainly would not favor something that could trigger a default on those bonds. In addition, if the bonds were to go into default, I as a property tax payer could be left with increased property taxes in order to cure the default. Hardly a pretty picture.

The Sierra Club members, in their out of state offices, have probably never even thought of this problem. They probably don't own any Arizona bonds and they don't pay Arizona property taxes. Vote NO on the CGMI.

Dick Wilson, Phoenix

Proposition 202 is one of the most extreme measures ever placed on an Arizona ballot. If passed, it will effectively halt all growth in Arizona until 2003. The resulting **economic crisis** will take years to overcome.

Before any new zoning changes could occur, Proposition 202 will require every city and county to prepare a lengthy and expensive growth plan that must be approved by voters. Substantial planning already occurs in the major metropolitan areas, but Proposition 202 will require all towns in Arizona to create a growth plan. By placing a mandate on the entire state to control growth regardless of local desires or concerns, Proposition 202 will completely eliminate local control over growth decisions. Some areas of Arizona are desperate for new jobs, but Proposition 202 will effectively eliminate any chance for rural Arizona to attract these new business or job opportunities for its citizens.

Additionally, it will be impossible to implement its requirement that counties adopt "growth areas." Any reasonable person can recognize that counties with vast unincorporated land areas cannot possibly predict what areas will experience growth.

Similar policies to Proposition 202 have been a failure in every area - city, county and state - where they have been tried. Instead of making life better, as its supporters claim it will, Proposition 202 will propel a decline in affordable housing, it will rapidly increase traffic congestion, and it will reduce urban open space. **In short, this plan simply does not work!** It is readily apparent that the true purpose of the proponents of this measure is not to plan growth, but rather to stop it.

Proposition 202 is not the answer to growth problems. Join me in emphatically voting "No.

Carol Springer, Arizona State Treasurer, Prescott

As President of the United Phoenix Firefighters Association, I am concerned about proposals that could make it harder for firefighters to reach emergencies. This could be one result of Proposition 202, and for that reason we encourage a "NO on 202" vote in November. Proposition 202, by mandating artificial boundaries around each of our Arizona cities and towns, will worsen congestion and slow response.

The Phoenix Fire Department is currently serving the community with an extremely short response time. Other cities in the state also have excellent response times. Because it saves lives and homes, we'd like to maintain and improve this high level of service to our citizens. The effect of Proposition 202 could lead to the opposite result.

By pushing all development into a relatively small circle, many more people will be crowded onto the same roads we travel to emergencies. Experiences in places like New York, Chicago and San Francisco demonstrate that this kind of big-city congestion can significantly slow response times, even when fire stations are nearby.

In an emergency, any slowing of response time matters. A couple of minutes can mean the difference between life and death for a drowning child or a heart attack victim.

The Governor and the legislature have worked hard over the past six years to pass a series of new growth management policies under the banner of Growing Smarter and Growing Smarter Plus. Those policies are just beginning to take effect, and we the professional firefighters of Arizona believe Arizonans should give them a chance to work.

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Please join us and VOTE NO on Proposition 202. We should give existing laws a chance to work before adopting much more risky policies.

Billy Shields, President, United Phoenix Firefighters Association (representing firefighters in Phoenix, Chandler, Glendale, Peoria and Tempe), Phoenix

Paid for by Phoenix Firefighters Local 493 Fire PAC Committee

Vote NO on Proposition 202

Westmarc urges you to vote NO on the Citizens Growth Management initiative since it presents a real risk to our state's economy.

The CGMI requires that growth boundaries be drawn around every city over 2,500 people. These boundaries can contain an area no larger than will accommodate 10 years of projected population growth. They can be drawn to allow zero growth. The resulting shortage of developable land will artificially increase the value of the land that builders can use. This will allow sellers to artificially increase their home prices, increasing the cost of living.

A high cost of living will discourage companies from moving to or expanding in Arizona. To stay competitive in their world markets, companies will have to move to other states where their employees can enjoy the same quality of life at an affordable cost of living.

As the growth boundaries choke off new development on the edge of town, will be unable to find land priced to accommodate their new housing projects.

Developers and builders will wind down their operations in Arizona and move to neighboring states. Contractors, suppliers, and all others who participate in the building industry will be out of work. Even municipal employees whose jobs are to deal with new development will be laid off.

Our state's current boom will become a bust. This will be hard to turn around as the major companies will be leery of coming back into a state that so recently drove them all away.

The Citizens Growth Management Initiative is a misguided effort with real dangers.

Please vote NO on Proposition 202.

Submitted by: Westmarc

Janie Holmes, Vice Chairman, Glendale

Paid for by WESTMARC

Diane McCarthy, President, Glendale

The East Valley Chambers of Commerce Alliance opposes Proposition 202. The Alliance comprises more than 4,200 businesses in the communities of Ahwatukee Foothills, Apache Junction, Chandler, Gilbert, Mesa and Tempe as well as the East Valley Partnership.

The members of the Alliance believe that Proposition 202 is an irresponsible approach to growth management in our state. This drastic plan will obstruct economic growth and place an undue burden on job development. Employment opportunities are critical for our economy to remain strong and for our quality of life to remain desirable. Unlike Proposition 100, this approach will cripple our state's economic prosperity. The emphasis on central planning removes local control and freedom for communities to plan their own destiny.

This measure would also cause overcrowding and inflationary housing costs. Our vastly inadequate transportation system will become even more congested in a dense, high-rise environment resulting in more air pollution.

Proposition 202 will also render the State Trust Lands useless as a revenue generator for funding public education.

This measure must be defeated. Vote **NO** on Proposition 202.

Tony Hyland, Chairman, East Valley Chambers of Commerce Alliance, Gilbert

Craig Ahlstrom, Chairman-Elect, East Valley Chambers of Commerce Alliance, Mesa

Paid for by East Valley Chambers of Commerce Alliance

The Sierra Club is promoting the Citizens Growth Management Initiative (CGMI). The Sierra Club members want to redirect development away from the edge of the metropolitan areas back into the center. They say they are doing this to save open space that surrounds our cities. That may suit them if they live on the edge of town. However, those of us in the center of town will bear the cost of their plan.

If the Sierra Club is successful, the CGMI will force me to accept new apartments and condos right down the street from my home. This would require the city to rip up the local streets in order to add additional sewer and water lines to serve these new projects. Who would pay for these improvements? The CGMI will require the city to exempt these projects from development impact fees.

What would the impact be on our local schools which are already overcrowded? We don't have any place to put new schools to accommodate the many new residents that would be located here.

If all the new people moving to Arizona must locate within the existing urban areas, the roads and freeways will quickly reach gridlock. Congestion on the freeways is bad enough as it is without putting even more people right on top of the ones who are already here. It is better to allow new people to locate on the edges of town. Most of their driving is done in their own neighborhoods. Their kids can go to their own schools. Under current Arizona law, they must pay for their own sewers, water lines and roads.

Because of this, I'm going to vote NO on the Proposition 202.

Herman L. Orcutt, Phoenix

The Sierra Club Initiative (CGMI) will have a more negative effect on the Arizona economy and on the average citizen than any other law I have seen in my thirty years of observing the Arizona economy.

There are three pieces of the CGMI that would permanently damage Arizona's economy.

(1) Private right of action – Because of the right to sue provision, just one individual could hold a business or entire community hostage and result in a substantial slowdown in the general economy. There would be significant job losses and everyone would suffer.

(2) Urban growth boundaries – Every community would be required to limit its population, preventing existing employers from growing and making it difficult for new employers to come to town. It would be much more difficult and expensive to build homes and in some parts of the community, building a home would be prohibited altogether. Housing prices and property taxes would rise significantly. Affordability would be greatly reduced. Because more people would live in smaller areas, air quality and traffic congestion would get worse.

(3) Environmental requirements – However, despite already existing Environmental Protection Agency and Arizona Department of Environmental Quality standards, the CGMI will create new standards that would have to be defined by the courts. While this is taking place, com-

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munities and businesses could be held hostage and it is possible no development would take place.

The net effect would be felt far beyond the real estate business and 100,000 construction jobs could be lost. This could cause approximately another 100,000 jobs, including 16,000 retail jobs, 22,000 business services jobs (everything from office equipment sales to messenger services) and 4,000 transportation services jobs to be lost. The damage to Arizona’s economy could be permanent.

Elliott Pollack, Scottsdale

Valley Forward is an historic advocate of responsible land use planning that preserves and enhances the natural and built environment while fostering sustainable development.

People are confused and emotionally charged about growth initiatives on the ballot. Most agree, however, *something* needs to be done to better manage growth. Although well intended, Proposition 202 is not the right answer.

An effective statewide growth management tool must recognize the unique issues associated with urban areas, as well as rural communities. Prop. 202 makes no distinction, but forces every community to utilize the same management tool.

It effectively draws a line in the sand—a growth boundary—between the very groups that should be working together. Places within the boundaries are left to the spoils of growth, good or bad. This initiative encourages direct opposition between balanced approaches and discourages the cooperation necessary to create better communities.

We believe Prop. 202 will result in higher prices when housing affordability is already a problem in our state; unemployment and taxes will also increase.

Prop. 202 will make us vote on every significant land use proposal, resulting in endless ballots. It gives anyone the right to file a lawsuit contesting decisions under the Act, an invitation to lawyers everywhere. Prop. 202 is inflexible. If there’s something in it that doesn’t work, we won’t be able to fix it. This is a bad way to make public policy.

After serious deliberation, Valley Forward opposes Prop. 202. It is not all bad, and there are a few things worthy of consideration. But in the initiative process, we don’t get to pick and choose. Overall, Prop. 202 is unacceptable and will bring great hardship to our community.

Kyle Hultquist, Chair, Valley Forward Association, Phoenix

Diane Brossart, President, Valley Forward Association, Phoenix

Paid for by Valley Forward Association

The Arizona Association of Industries (AAI) encourages a “no” vote on Proposition 202. The Citizens Growth Management Initiative is a classic wolf in sheep’s clothing. The longest, wordiest, and most complicated initiative in state history, Proposition 202 is vague, ambiguous, and will harm employers and the people of Arizona.

AAI is composed of more than 400 manufacturers and their suppliers across the state. Medium- and small-sized businesses comprise the majority of AAI’s membership—businesses whose owners and employees will be hurt by Proposition 202.

Buried in the 12,000-word initiative is a provision that gives special interest groups an unlimited right to use litigation as a weapon against businesses. If Proposition 202 passes, special interests will have the right to sue every business that needs to build or open a new facility if its construction or operation will have even the slightest, benign impact on the environment. The lawsuits won’t stop with employers. Cities and towns can also be sued. The economic development of whole communities—particularly rural areas where a small number of businesses often carry local economies—could grind to a halt under the weight of litigation.

Employees will be hurt also. Housing prices will skyrocket as new “fees” will be placed on every home and apartment built in the state. Traffic congestion will increase as growth boundaries are placed around cities. Worst of all, the citizens of local communities will lose the ability to control their own growth and development—a master plan will be forced on them.

Proposition 202 will harm Arizona business, deny property rights, and tarnish the quality of life for employees who want an affordable home and reasonable commute times. Vote “no” on Proposition 202.

Judith Allen, President/CEO, Arizona Association of Industries, Phoenix

Chuck White, Chairman, Board of Directors, Arizona Association of Industries, Phoenix

Paid for by Arizona Association of Industries

As a fourth-generation Arizona farmer, immediate past president of the League of Cities and Towns, former mayor of Queen Creek, and father of four, I encourage you to vote “no” on Proposition 202.

No matter how hard the Sierra Club tries to color this proposal as mainstream, it remains one of the most extreme and potentially damaging proposals ever placed before Arizona voters. Proposition 202 is a 12,000 word document written by environmental lawyers for the benefit of environmental lawyers and their agenda.

While the Sierra Club only mentions the broad objectives of the initiative, the devil is in the details. Local communities will no longer have control over planning and vision, but will be forced to adhere to strict state controlled requirements. Environmental groups will have the right to sue if they don’t like what a local community is doing.

Sierra Club growth boundaries will severely limit and in most cases prohibit the building of schools, hospital, fire stations, single-family homes, farm buildings, vacation homes, and all other buildings outside of a very small area. This prohibition will be devastating to municipalities, counties, school districts, family farms, ranches, small businesses, retirees, investors, and the thousands of individuals who someday dream of moving outside of the city.

Proposition 202 will only worsen congestion by forcing all new growth into a limited area. This means higher densities (even in those communities that desire larger lots and lower densities), higher home prices, higher living costs, higher taxes, more crime, and a lower standard of living. It is estimated that over 100,000 jobs will be lost if Proposition 202 passes, sending a ripple effect through every sector of Arizona’s economy.

Let’s not ruin our state’s economy and way of life. Please VOTE NO ON PROPOSITION 202.

Mark Schnepf, Queen Creek

I understand the frustration some Arizonans feel about growth in our state. I, too, am mostly dissatisfied with government’s inability to plan for smart growth and protect Arizona’s beautiful landscape.

However, I have studied the costs and benefits of Proposition 202, and I have serious concerns about the long term effect it would have on our state.

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Proposition 202 is a "one-size-fits-all" plan that doesn't account enough for the key differences between urban and rural, city and suburb, Phoenix and Tucson. We Arizonans don't like it when the federal government makes the same rules for New Jersey as they do for Arizona. In the same way, we shouldn't regulate Flagstaff and Yuma as if there were no differences between them.

Also, Proposition 202 will favor wealthy developers over small developers and family farmers. It will require public votes on all rezonings of more than 20 acres. I am very concerned that those who can afford expensive campaigns will be more likely to win elections over those who can't afford them.

Finally, Proposition 202 could have a devastating effect on middle and lower income neighborhoods. It will force more traffic and more density into areas that cannot handle the increased congestion and pollution. And as home prices escalate and property values accelerate upwards, some of our most historic neighborhoods and barrios will be priced out of the reach of the families that have lived there for generations. The historic Menlo Park neighborhood here in Tucson provides affordable housing for its majority Hispanic population just minutes from downtown. I do not know how long Menlo Park and other priceless neighborhoods will be able to withstand the pressure to sell out to the highest bidder.

I believe there are more fair and progressive ways to regulate growth than Proposition 202.

Robert E. Walkup, Mayor of Tucson, Tucson

Valley Business Council Opposes Proposition 202

As an organization representing all chambers of commerce and other key business groups throughout Greater Phoenix, the Valley Business Council stands united in strong opposition to the Citizens Growth Management Initiative.

The Citizens Growth Management Initiative poses a serious threat to the stability of Arizona's economy, its quality of life and the well-being of its citizens.

We contend the Citizens Growth Management Initiative is, at best, misguided. Despite proponents' claims, the proposal offers no viable solution to managing growth in Arizona's communities. Instead, it sets arbitrary growth boundaries based on potentially inaccurate population forecasts, and establishes a virtually no-growth policy.

The initiative fails to recognize that such ill-conceived growth boundaries will dramatically increase density in cities such as Phoenix and Tucson. Consequently, we will witness the rise of traffic and air-quality problems, and the fall of our quality of life.

Citizens Growth Management Initiative proponents want voters to believe that their motivation lies in genuine concern of Arizona's citizens and the future of our state. But we see a sad irony in fact that hard-working taxpayers ultimately will be saddled with cost of long-drawn-out court battles triggered by the Citizens Growth Management Initiative.

We think the best solution to managing Arizona's growth is the Growing Smarter Plus law. The Citizens Growth Management Initiative will undermine Arizona's recent progress in striking back between growth, continued economic prosperity and an exceptional quality of life.

We urge every Arizonan to help us defeat the Citizens Growth Management Initiative by voting no.

Bill Post, Chairman, Valley Business Council, Mesa

Valerie Manning, Secretary, Valley Business Council, Phoenix

Paid for by Valley Business Council

- The Eastern Arizona Counties Organization feels Proposition 202 favors satisfying the needs of an interested few at the expense of most Arizonans
- The Eastern Arizona Counties Organization feels that growth boundaries requested by Proposition 202 will create more congestion and pollution within cities and towns
- The Eastern Arizona Counties Organization finds that local control over growth and zoning will be lost to our citizens
- The Eastern Arizona Counties Organization finds that Proposition 202 will create more government bureaucracy
- The Eastern Arizona Counties Organization feels that Proposition 202 will reduce the tax base and increase taxes
- The Eastern Arizona Counties Organization feels that local decisions will be made in court instead of by the landowners
- The Eastern Arizona Counties Organization feels that Proposition 202 will increase density
- The Eastern Arizona Counties Organization finds that if Proposition 202 passes affordable housing will not exist
- The Eastern Arizona Counties Organization feels that Proposition 202 is a step by the radical environmental community to prohibit use of public recreational lands
- The Eastern Arizona Counties Organization feels that Proposition 202 will destroy jobs

THE EASTERN ARIZONA COUNTIES ORGANIZATION STRONGLY URGES YOU TO VOTE **NO** ON PROPOSITION 202

Lewis Tenney, Board Member, For the Board of Directors, Heber

Martin D. Moore, Ph.D., Executive Director, St. Johns

Paid for by Eastern Arizona Counties Organization

Greater Phoenix Chamber of Commerce Opposes Proposition 202

The Greater Phoenix Chamber of Commerce, representing more than 4,000 individual business members throughout metropolitan Phoenix, stands united in strong opposition to the Citizens Growth Management Initiative.

The Citizens Growth Management Initiative poses a serious threat to the stability of Arizona's economy, its quality of life and the well-being of its citizens.

At best, this measure is misguided. Despite proponents' claims, the proposal offers no viable solution to managing growth in Arizona's communities. Instead, it sets arbitrary growth boundaries based on potentially inaccurate population forecasts, and establishes a virtually no-growth policy.

The initiative fails to recognize that such ill-conceived growth boundaries will dramatically increase density in cities such as Phoenix and Tucson. Consequently, we will witness the rise of traffic and air-quality problems, and the decline of our quality of life.

Proponents of this initiative want voters to believe that their motivation lies in genuine concern for Arizona's citizens and the future of our state. However, it's the hard-working taxpayers that ultimately will be saddled with the cost of lengthy court battles and backlogs.

We think the best solution to managing Arizona's growth is the Growing Smarter Plus law. The Citizen Growth Management Initiative will

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undermine Arizona’s recent progress in striking back between growth, continued economic prosperity and an exceptional quality of life. We urge every Arizonan to help us defeat the Citizens Growth Management Initiative by voting NO on Prop. 202.

Mary Pahissa Upchurch, Chairman, Greater Phoenix Chamber of Commerce, Mesa
 Valerie Manning, President & CEO, Greater Phoenix Chamber of Commerce, Phoenix

Paid for by Greater Phoenix Chamber of Commerce

Arizona’s Ranching Families Vote NO on Proposition 202

Proposition 202 is an unfair proposal for Arizona’s rural families. It will stop our families from giving land for home sites to their children. That is unfair! We have worked hard on these lands and we like to have our families close to home. Proposition 202 proposes to stop us from giving land to our children.

It is a 12,000-word special interest proposal written by lawyers for lawyers. It will allow **anyone** to sue any municipality if they don’t like how they propose to grow. Allowing someone from Phoenix to sue the Town of Snowflake because they don’t agree with how the citizens of Snowflake want to grow – **is unfair!**

We like our rural landscapes in Arizona. We do not need special interest groups with hidden agendas telling us what our rural communities should look like. We believe in protecting – not taking – private property rights. We believe in fairness and we want to protect our rural lifestyles.

We urge all of Arizona to vote NO on Proposition 202.

Jed Flake, Snowflake	Larry McDonald, Yuma	Norman Hinz, Glendale
Les Heiden, Buckeye	Tom Chilton, Tucson	Steve Brophy, Phoenix
Bob Prosser, Winslow	Owen Kelly, Maricopa	Carl Stevenson, Red Rock
Brett Benedict, Casa Grande	Emmett Sturgill, Kingman	Pete Brawley, Safford
Phil Clifton, Willcox	Jeff Menges, Morenci	Sissy Fischler, Duncan
Kent Henry, Mayer		Paid for by Arizona Cattlemen’s Association

The equipment distributors of Arizona provide the big machines that build roads. If you think traffic is bad now, just wait until Proposition 202 passes. It won’t stop people from moving here. It will just force them into smaller and smaller spaces, all the while potentially bringing road and highway construction to a screeching halt. More people. More traffic. Greater density. Fewer roads. This is the wrong recipe for managing Arizona growth. Vote NO on 202.

AEDA
 Paid for by Associated Equipment Distributors of Arizona
 Bernadine Gilmore, President, Phoenix
 Joe Mead, Board of Directors, Phoenix

The American dream has always been to buy a plot of ground and to one day build that dream home. This initiative if passed will rob thousands of Arizonans of their chance at the American dream. Imagine saving every spare dollar for years to buy a lot somewhere in the state and just as you get ready to build your home or cabin, you are told that your land has been stolen from you. It cannot be used to build a home or for any other purpose other than to look at. – all because it is located outside some arbitrary line drawn by the Sierra Club. In other words, your life savings is gone. It has been stolen. You can’t sell the lot. Who would be foolish enough to buy it?

Growth management is a good thing. Many of us came to Arizona to enjoy it’s natural beauty. No one wants to destroy that. But an extreme measure like this, that has the very real potential of stealing the life savings of very real Arizonans isn’t a good thing. Vote NO on Proposition 202. It’s just plain unfair. It’s just plain un-American.

AMIGOS
 Sydney Hay, Executive Director, Phoenix N.L. Thomas, Board of Directors, Phoenix
 Paid for by AMIGOS, Arizona Mining & Industry Get Our Support

I urge all Arizonans to vote NO on Proposition 202. Clearly, this initiative would be a catastrophe for our state. There are several reasons why:

1. This measure creates a legal quagmire. It enables anybody, anywhere to challenge any zoning decision in the courts. The costs to Arizona Taxpayers will be enormous.
2. It takes land use decisions away from local control by mandating statewide regulations.
3. It is elitist. It provides for a public vote for all rezonings of more than twenty acres. Only the wealthy developers who can afford to wage expensive political campaigns will be able to change the rezoning of their property. The low volume builder will not be able to afford such heavy expenses.
4. It will raise the cost of homes to levels that may be unprecedented in Arizona. It will force ever-greater density in existing neighborhoods, increasing pollution and the strain on community infrastructure. The increasing cost of homes will push more people out of the home ownership market.
5. It will throw out all of Arizona’s recently adopted Growing Smarter Plus legislation before it has a chance to work.
6. If passed, Proposition 202 will seriously damage Arizona’s economy. Unemployment will follow not only in the building industry, but in every directly or indirectly related business. Those most severely effected will be working men and women.

Please join me in voting NO.

George Miller, Tucson Mayor 1991-1999, Tucson

We strongly encourage the citizens of the Valley to vote No on Proposition 202, the Sierra Club Citizen’s Growth Management Initiative. As Mayors of Valley communities, we believe decisions affecting the Valley and its future growth policies should be determined at the local level, and not by outside interests. The Sierra Club initiative takes that local control away.

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Working through the public process, Governor Jane Hull and the Legislature have labored for several years to pass comprehensive Growth Management legislation. Growing Smarter and Growing Smarter 2000 address Growth Management laws through preservation of open space, protection of private property rights and increased citizen involvement in the growth planning process.

The Sierra Club Citizens Growth Management Initiative:

1. Requires all communities over 2,500 in population to adopt a mandated population boundary based upon government generated population statistics.
2. Creates two classes of landowners. Property inside the growth boundary is given a windfall in value; property outside the growth boundary is rendered worthless.
3. Provides the right for any person or special interest group—Arizona resident or not—to file a lawsuits that can result in a city or county-wide moratorium on development.
4. Increases taxes on existing resident, property owners and businesses. As growth slows, tax revenues decrease, while existing services still require upkeep.

As Mayors and Valley residents, we encourage you to vote No on Proposition 202. Let's keep control of growth management at the local level, and allow our Valley cities and towns to decide which growth plans work best for them. Let's give Growing Smarter a chance to work.

Joan H. Shafer, Mayor, City of Surprise

We urge all voters to reject the Sierra Club's risky and experimental no-growth proposal.

If you read the fine print of this lengthy initiative, I think you will agree with us. This initiative will create a litigation nightmare for our communities by allowing anyone to sue any city, town, official, or landowner over any land use decision. It is an unfair proposal that will divide our state into winners and losers and it is elitist and discriminatory. We do not want Arizona to turn into the test ground for this risky proposal.

As many people in this State, we are concerned about the growth we have seen in Arizona. That is why we sponsored the "Growing Smarter Plus" legislation, which has been signed by Governor Hull and is in place today to help our communities grow.

Growing Smarter Plus is a comprehensive package of tools that local communities can use to grow within their own framework. We focused this legislation on key principals: local control of growth decisions, voter participation, tools to establish open space, additional planning tools for local communities, additional planning tools for local communities, protecting private property rights, and conservation yet protection of our children's state trust lands. Cities, counties, and citizens can join together to make the decisions on how they want to shape the future of their communities.

The Sierra Club gives you no options. It is a take it or leave it proposal that establishes the same risky scheme for Phoenix as it would for Safford, or any other community in our State. No local control and no local decision-making.

Please vote "NO" on Proposition 202.

Rusty Bowers, Arizona Senator, Mesa

Jake Flake, Arizona Representative, Snowflake

Paid for by Rusty Bowers

I have been involved in Oregon's land use process for nearly 20 years, including a term as a Council member of a small Oregon city, and have lived in Portland since 1987. Many people have asked if the Sierra Club initiative resembles Oregon's land use planning system?

Not hardly. Other than the use of growth boundaries, there is very little in common between the two.

- Oregon's system is plan based. Every city in Oregon has an urban growth boundary, but those boundaries are developed through a planning process based on the city's needs and are intended to move over time. They are not based on an arbitrary set of numbers developed by the State.
- Oregon's system is pro-development. Yes, it is difficult to develop land outside of boundaries. Inside those boundaries, though, it is expected that development will occur. In fact, local governments are prohibited from adopting no-growth measures. The objective of the Sierra Club initiative is to stop growth in Arizona; there is no such component in Oregon law.
- In Oregon, no public votes are allowed on individual development applications. The Sierra Club initiative requires public votes, which will have the effect of turning the approval process into a subjective beauty pageant, increasing costs for consumers and decreasing revenue to local government.
- Growth boundaries in Oregon are a planning tool, designed to save farmland by focusing development inside the boundaries. They are not the objective of the planning process. The Sierra Club initiative would elevate the arbitrary drawing of lines to be the focus of the planning system.

It is simply not accurate to say what we have done in Portland is similar to what the Sierra Club is proposing in Arizona. Arizonans should not volunteer to be the test subjects for a Sierra Club experiment.

Jon Chandler, Portland, Oregon

I am voting "NO" on Proposition 202 because I care about the funding of our public schools. I would encourage you to do the same. This initiative will have a negative impact on public schools.

As a school business official, I have many concerns about this proposal, but none of them compare to the millions of dollars of revenues that our state and local governments will lose due to the negative economic impact of this proposal.

Our State General Fund currently receives millions of dollars from construction sales tax. It is a major funding component for our school systems, which we rely on enormously. If Proposition 202 were to pass, much of this revenue would be lost. That would mean less revenue for our schools and higher tax rates for taxpayers to make up for that lost revenue.

The Arizona State Land Department currently has millions of acres to be sold for the purpose of funding our public schools. This future multi-billion dollar revenue stream is critical for the financial stability of our schools. How valuable will our state trust lands be when they are located outside a so-called "growth boundary"? If you are looking out for the interests of our schools, like I am, then you will join me in voting "NO" on this proposal.

Chuck Essigs, Mesa

The basic premise of the Sierra Club's Growth Management Initiative (Prop. 202) is a fatally flawed one.

It starts with the assumption that when it comes to land use planning, one size fits all. Nothing could be further from the truth.

The planning regimes mandated by the initiative are Draconian because that is the only way that the elitists of the Sierra Club leadership could manage to force their image of what is desirable and what is not. The urban-dwelling drafters of this initiative are convinced that without their dearly superior guidance, rural Arizona will decay. But the real character of the framers of this terrible 12,000-word behemoth is shown in the language that permits anyone to bring an action in the courts. Anyone from anywhere – New York or Little Rock, Ark.

That's right. Proposition 202 gives standing to anybody, no matter their residency or the basis of their alleged interest. Anybody may file a legal action to force compliance with any part of the initiative, even if it has no application in the town that has not even taken action.

Never mind the choking density of Portland, an average of 10 residences per acre, the impossible traffic, the totally unaffordable land and thus housing costs.

When a few people, like the drafters of this initiative, believe that they have failed to convince people of the merits of their various arguments and insist on forcing people, by law, to comply with their theories, it is time for the rest of us to say, "HALT!"

There are many who enjoy a dense housing environment and they are entitled to that. There are many that are opposed to a dense housing environment and they are entitled to what they prefer.

Proposition 202 is not management. It is tyranny.

Sam Steiger, Former U.S. Congressman and Mayor of Prescott, Prescott

Let me get this straight.

Prop 202 requires every city and county with a population over 2500 to establish a growth boundary. Outside of this boundary a city or county cannot extend "public services", even though someone may own land inside the city limits but outside of this so-called growth boundary. Isn't that why we live inside cities, for the services they offer?

This doesn't make sense. So I read further.

"Public Services" are defined in this initiative to mean "potable water supply service, waste water collection and treatment, and garbage collection service".

So anyone outside the boundary who wants additional WATER, SEWER or GARBAGE COLLECTION cannot get those services even though a city provides them. Deny someone garbage collection service? That is not the end of it, you can only get these services if it is approved by a 4/5's vote of the city council or county board AND the all the voters approve it at the next election.

That doesn't make sense. This nation was founded on recognizing the rights of the individual person. This initiative subjects the individual person to the rule of the mob.

Why should anyone be denied service to pick up your garbage, even if a city provides that service right now, unless EVERYONE votes on it? It doesn't matter if you want to pay someone to pick up your garbage, EVERYONE still has to vote on it. While you wait for the election I guess your trash will pile up.

That does not make sense. Sounds like this initiative could use a little garbage collection service.

Vote NO on prop 202.

Harold Vangilder, City Councilman, Sierra Vista

I have served as a police officer for over 20 years and I want to point out the dangers of the Sierra Club's Prop 202.

Prop 202 will force every community to have growth boundaries, which will force higher density and added congestion into our neighborhoods. If it is harder for our officers to travel from point to point, it will be difficult for officers to respond quickly to emergency situations.

Prop 202 will have a negative impact of revenue stream on local governments. Construction related industries contribute a substantial part of local government budgets and if we stop growth and construction, we could see huge cuts in our funding. If we see cuts that big in our state, city and county budgets, we'll have to tighten our belts, and that means fewer officers on the streets to protect you and your family.

Prop 202 will increase the price of housing in Arizona dramatically. Through mandatory full cost impact fees to be paid by new homebuyers, and simple supply and demand, our housing costs will rise, putting home ownership out of reach for many Arizona families. Home ownership contributes to community pride and stability. Neighborhoods with high percentages of renters often have higher crime rates. We need to ensure that all families in Arizona have the opportunity to own a home in a safe neighborhood and be part of a stable community.

Because Prop 202 will force congestion in our communities, affect law enforcement budgets and keep more families out of the home buying market, we hope you'll join me in voting NO.

Tom Powers, Tucson

The Arizona Housing Commission is a non-partisan Commission that advises the Governor, the Legislature, state agencies and city, county and tribal governmental bodies on actions that affect the cost or supply of housing.

The Commission's December 1999 "State of Housing in Arizona" Report cites overwhelming evidence of a growing crisis in housing which denies 28% of Arizona households safe, decent, and affordable housing. There is a growing gap between household incomes and the cost of housing statewide.

By motion of the Commission, adopted by a quorum at the June 29, 2000, regular meeting following public comment, the Commission voted to relay to the voters of the state its opposition to Proposition 202.

The Commission opposes the Citizens Growth Management Initiative for the following reasons:

- Inflexible impact fee provisions will impose enormous financial burdens on all home purchasers.
- The urban growth boundaries will severely limit available land, causing a significant increase in the cost of housing.
- Municipalities will be prohibited from providing services to those unfortunate enough to have land outside of the boundaries, virtually eliminating currently available housing options.
- Imposing one-size-fits-all growth restrictions on a state as diverse as Arizona is premature, and its impact is irreversible. Growing Smarter legislation should be given time to work.

The Arizona Housing Commission advises all Arizona voters to vote NO on Proposition 202.

Daniel R. Miller, Program Coordinator, Arizona Housing Commission, Phoenix

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The AFL-CIO represents over 140,000 working men and women in Arizona. On behalf of each and every one of them I ask that you **vote NO on Proposition 202**, the Sierra Club's Citizens Growth Management Initiative. Proposition 202 is considered by organized labor to be the single greatest threat to working men and women across Arizona.

Today the medium household income in Arizona is approximately \$35,000 annually. The average income necessary to purchase a medium valued home is approximately \$40,000, while the average price of a medium valued home has risen above \$122,000. By decreasing the amount of developable land, forcing more congestion, and artificially increasing the prices of existing homes, Prop 202 will deny opportunity to the working men and women of Arizona striving to purchase their own piece of the American dream.

The Governor and the legislature have supported dramatic growth management reforms through their Growing Smarter and Growing Smarter Plus proposals that have already been adopted into law. Proposition 202 will repeal much of the good work already accomplished and replace it with un-tested, risky and discriminatory land use policies.

On behalf of all Arizona's working men and women we urge you in the strongest way possible to **VOTE NO on Proposition 202**, because it will hurt Arizona's working families.

Charles R. Huggins, Secretary/Treasurer, Phoenix Henry Olea, Vice President, Phoenix
Paid for by Arizona State AFL-CIO

Thoughtful Arizonans should reject Proposition 202:

1. Give Growing Smarter a Chance

Recently Arizona has significantly amended its laws to better manage growth. These changes give citizens and local governments better tools to manage our growth to protect our environment and our lifestyle. Prop. 202 repeals many of these laws and puts additional layers of regulation that don't make sense.

2. Extreme Proposal/Lawsuit Bonanza

The Sierra Club's Growth Boundaries Initiative goes too far. As one example, the initiative gives individuals and special interest groups the right to sue any property owner, business or local government – tying them up in court for years – preventing them from using their land. What's more, these suits can be filed by people who don't even live in Arizona – and they get to collect legal fees!

3. It will hurt people

Proposition 202 will dramatically increase housing prices and cost jobs. The initiative discriminates against middle and lower income families.

4. Radical and Unworkable

Under Prop. 202, any project over 20 acres requires voter approval with no exceptions for schools, churches or senior centers. Every zoning change requires a 4/5ths vote of the elected body. These provisions are unworkable.

5. No Traffic Relief

Prop. 202 does not address our growing traffic problem. In fact, it will make it significantly worse. In areas with growth boundaries – not even as restrictive as this proposal – traffic congestion has increased.

We are concerned about unmanaged growth. We must protect our environment and unique Arizona lifestyle. But, we must do so in a thoughtful way. This proposal is more extreme than any anti-growth measure in the country. And although it may be well-intended, it will damage our ability to preserve what we love about Arizona.

We urge voters to reject Proposition 202.

John McCain, United States Senator, Phoenix
Bob Stump, United States Congressman, Phoenix
J.D. Hayworth, United States Congressman, Cave Creek
John Shadegg, United States Congressman, Phoenix
Paid for by John Shadegg for Congress

Jon Kyl, United States Senator, Phoenix
Jim Kolbe, United States Congressman, Tucson
Matt Salmon, United States Congressman, Mesa

I urge you to vote "no" on Proposition 202.

We shouldn't let a small group of attorneys, many of whom do not even live in Arizona, tell us how we can live. The Sierra Club and their attorneys may be well-meaning, but this time, they have gone way too far. This radical approach threatens our fundamental rights and would pack us into tight boxes like sardines.

Their plan is based on the model in Portland, except it leaves out almost all of the parts that make the Portland plan workable in real life. Even with those softening provisions, Portland is having a terrible time with its growth boundary. Lucky for them, they have a city right across the river where people can actually afford to live, and 65,000 trips are made across the river each day. We do not have that option.

Under the Sierra Club plan, it is almost certain our cities would change in ways we wouldn't like. We would see more crowding in our neighborhoods, increased traffic congestion, and unwanted types of businesses near homes. We would also see housing prices soar beyond the reach of most families and courts clogged with litigation waged by developers and then defended at taxpayer expense.

The bottom line is that Arizonans already have a plan to manage growth called "Growing Smarter." It was developed in public by dedicated citizens who live and work and raise families right here. It addresses all the growth issues, including citizens participation, better planning, and preservation of vast quantities of open space.

Arizonans should send the Sierra Club and their attorneys packing. Vote "no" on Proposition 202 and send a message that out-of-staters with punitive growth boundaries do not know what's best for Arizona.

Jane Dee Hull, Governor, Phoenix

The Arizona Chamber of Commerce believes that it is critical for Arizona's economy to continue to grow and prosper while preserving those precious resources unique to Arizona. Proposition 202 pushed by the San Francisco based Sierra Club, poses one of the most serious threats to Arizona's economy and the rights of property owners in Arizona.

Proposition 202 offers no solutions to manage growth but rather draws an arbitrary growth boundary around each community and requires that all future growth occur within the boundary. This type of growth boundary will lead to greater congestion in our metropolitan areas and worsen our transportation and air quality problems. In the rural areas and small communities it will prohibit much needed growth and economic development.

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

The Arizona Chamber supports private property rights. Under Proposition 202 people would be legally prohibited from building a house or receiving public utilities if they are located outside of the growth boundaries proposed by this initiative. Additionally, the initiative gives special interest groups and individuals anywhere the right to sue government or any private landowner to stop them from using their land. That means the Sierra Club in San Francisco could file a lawsuit against a private property owner in Arizona to prevent them from building a house or using their own property.

The proponents of Proposition 202 want voters to believe that their initiative will help to preserve some of Arizona's most pristine areas. Unfortunately, their initiative does nothing to preserve our state's most treasured lands and resources. In fact, it repeals many of the growth management provisions supported by the Arizona Chamber in the Growing Smarter Act approved by the voters in 1998.

For these reasons, we urge you to **OPPOSE PROPOSITION 202** and give Arizona's voter approved Growing Smarter Act of 1998 a chance to work.

Greg Denk, Chairman of the Board, Arizona Chamber of Commerce, Phoenix
Samantha A. Fearn, VP of Public Affairs, Arizona Chamber of Commerce, Phoenix

Paid for by Arizona Chamber of Commerce

The construction industry in Arizona is united in our opposition to Prop 202. We understand the frustration that many Arizonans have about the rapid growth we have faced over the past several years, we too are concerned. We drive the same roads, send our kids to the same schools and shop the same grocery stores, and we want to make sure Arizona's growth is well planned and that infrastructure is adequate. We also want to make sure that we are planning for housing that serves all segments of our community, not just those that can afford expensive high end houses.

The construction industry opposes Prop 202 for these reasons:

1. It does not manage growth, it stops it! This proposition is so poorly thought out that with all the loopholes and special provisions for groups like the Sierra Club, that it will be nearly impossible to build anything new. That includes highways, roads and buildings communities need, like hospitals, senior centers and grocery stores.

2. Stopping growth will hurt our economy. In Maricopa County one out of every ten jobs is directly related to the construction industry. What will it mean for our economy if we see a drastic reduction in construction related jobs? Elliott Pollack, a noted economist, estimates the economic downturn Prop 202 will cause will be eight times worse than the depression we went through in the late 1980's.

Through mandatory growth boundaries, an immediate re-zoning ban, public votes on all projects over 20 acres, 100% impact fees, permit moratoria encouragement and out of control lawsuits, Prop 202 will destroy our industry and put thousands of Arizonans out of work, and cause affordable housing to be a thing of the past. Join your neighbors in voting NO on the Sierra Club's Prop 202.

Mark Minter, Executive Director, Arizona Builders' Alliance, Scottsdale
Dawn Olson, Administrative Director, Arizona Concrete Contractors Association, Phoenix
Ken Quartermain, President, Arizona Rock Products Association, Phoenix
Connie Wilhelm, President, Home Builders Association of Central Arizona, Phoenix
Carol Warner, Vice-President, Arizona Builders' Alliance, Phoenix
Monte McBroom, 2000 President, Arizona Concrete Contractors Association, Phoenix
Charles Wallace, Chairman of the Board, Arizona Rock Products Association, Gilbert
A.G. Calvis, Board of Directors, Home Builders Association of Central Arizona, Phoenix

Paid for by Mark Minter and Carol Warner

The CGMI is the most extreme anti-growth legislation ever proposed.

(1) The CGMI allows "any person" to sue "any person", including public officials and private individuals, to enforce its many new standards and requirements. This will not only lead to a proliferation of lawsuits but give just one person the right to paralyze a community, its officials and others without regard to the wishes or needs of the public.

(2) Under the CGMI, communities, public officials and staff are prohibited from "failing to act in a manner that is required by [the CGMI]" or "[acting] in a manner that violates or is contrary to [the CGMI]". Yet, the CGMI provides no guidance concerning how to interpret or apply its many new requirements. Local officials and taxpayers (who have to pay for both the cost of defense as well as awards or settlements) become targets for disgruntled persons willing to file a lawsuit.

(3) The CGMI sidesteps existing laws that protect air and water quality and our water resources and, instead, proposes new and untested requirements. Since the courts are the only means for figuring out the new rules, this element provides yet another opportunity for one person to hold an entire community hostage.

(4) The use of DES projections to establish population limits that define the required urban growth areas will detrimentally impact every community in the state.

(5) Outside designated urban growth areas, it would be virtually impossible to expand or build a new business or home requiring additional zoning or public services such as water, sewer or streets.

In practical terms, the CGMI presents Arizona with a "one-size-fits-all" proposition that imposes draconian restrictions not found in any other state, including Oregon.

Rebecca Burnham Pieroni, Phoenix
Gregg N. Wolin, CCIM, INCA Capital, Scottsdale
Lesa J. Storey, Phoenix

Proposition 202, The Citizens Growth Management Initiative or "Sierra Club Initiative" is a drastic measure that ties the hands of local government. It ignores existing state statutes and laws leaving the courts responsible for interpreting the application of new standards that are unproven and not yet clear. This extreme proposal would also likely freeze communities by requiring every city, town or county (over population of 2500) to adopt inflexible "growth boundaries" that leave no place for people to go.

Proposition 202 consists of 22,600 words written without citizen input or public hearing. On the other hand, the Growing Smarter Plus law recently passed by the State Legislature was the product of many hundreds of Arizonans who participated in a public process to draft one of the strictest growth management acts in the United States. Proposition 202 would ignore the voice of Arizona citizens.

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

It is extremely important to involve local government in land use decisions. The initiative wishes to take away that control and turn it over to statewide mandated regulations. Vote NO on proposition 202. Let our citizens decide the future of our land.

Mike Boyd, Pima County Supervisor, Tucson

To endorse the Sierra Club's so-called Citizen's Growth Management Initiative (Prop 202) is to invite chaos; chaos in planning, chaos in many Arizona communities, and chaos in the political process.

The Growing Smarter Legislation sponsored by Governor Hull and passed by the State Legislature is the smart process.

For Arizona agriculture, the passage of the Sierra Club's proposal would put us at substantial risk of having our economic opportunities subject to a process that would "lock us in or lock us out" in the use of our lands. In short, our property rights would be diminished.

Arizona can ill afford Prop 202. Vote NO!

Rick C. Lavis, A friend of agriculture, Phoenix

As members of Arizona's Law Enforcement Community, we encourage you to VOTE NO on Proposition 202.

Prop 202 will require that every city or town of 2,500 or more adopt a rigid growth boundary that is no larger than the Department of Economic Security's 10 year projected population growth. In the case of many Arizona communities this will amount to an economic death sentence. That is not a good choice.

Because of new Growing Smarter laws passed by Governor Hull and the legislature every Arizona city and town has the local option of adopting service boundaries. Under Proposition 202 every city or town greater than 2,500 will be required to adopt a population boundary established by the Department of Economic Security.

The authors of Proposition 202 do not trust local elected officials to make growth management decisions so they will mandate them for all of us.

Mandatory population boundaries will force your local elected officials to adopt ever-increasing densities within existing neighborhoods. Greater densities often cause crime rates to rise as traffic congestion worsens and our local infrastructures get pressed upon to serve growing numbers of residents.

Prop 202 also requires existing property owners to pay an increasing share for government services. Currently many Arizona cities and towns get up to 25% of their local sales tax revenues from new development projects. As these projects begin to wane and disappear, existing property owners will have to pick up a greater share of cost for local services such as police and fire. Without new sources of revenue existing taxes will have to increase or services will have to be cut.

Please join us in rejecting Proposition 202, it is the wrong choice for Arizona.

Clarence Dupnik, Sheriff of Pima County, Tucson

We strongly encourage all Phoenix voters to oppose the Sierra Club's Citizens Growth Management Initiative. Proposition 202 is over 25,000 words long, and has never had a public hearing. Prop 202 is not worthy of Arizona's support.

For the past several years the Governor and the legislature have passed a set of comprehensive growth management laws with Growing Smarter and Growing Smarter Plus. Those changes have dramatically improved the way a local city council can control growth. Among the most significant changes are:

1. Amendments to a city's general plan must be approved by a 2/3 majority of the City Council.
2. City's general plans must contain specific environmental and growth impact elements.
3. Cities and towns may adopt their own service area boundary (as we have done in Phoenix).
4. City's and towns are required that new development pay for its needed infrastructure and services
5. Cities over 10,000 in population and growing at a rate over 2% per year must have their community general plans approved by voters every 10 years.

These changes are but five measures contained within the comprehensive reform package passed over the last four years. Proposition 202 will repeal much of what has already been done and replace it with un-tested growth management policies.

A elected local city officials we have reviewed the proposals and ask that you reject the more extreme and risky Proposition 202 in favor of laws already passed which were publicly debated and thoroughly reviewed. We have the tools to properly manage growth. Proposition 202 is a poorly thought out political response to a serious public policy issue.

Please VOTE NO on Prop. 202

Claude Mattox, Phoenix

Phil Gordon, Phoenix

We strongly encourage the citizens of the State to vote No on the Sierra Club Citizen's Growth Management Initiative. As Mayors of local communities, we believe decisions affecting the communities and their growth policies should be determined at the local level, and not by outside interests. The Sierra Club Initiative takes that local control away.

Working through the public process, Governor Jane Hull and the Legislature have labored for several years to pass comprehensive Growth Management legislation. Growing Smarter and Growing Smarter 2000 address Growth Management laws through preservation of open space, protection of private property rights and increased citizen involvement in the growth planning process.

The Sierra Club Citizens Growth Management Initiative:

1. Requires all communities over 2,500 in population to adopt a mandated population boundary based upon government generated population statistics.
2. Creates two classes of landowners. Property inside the growth boundary is given a windfall in value, property outside the growth boundary is rendered worthless.
3. Provides the right for any person or special interest group-Arizona resident or not- to file a lawsuit that can result in a city or county-wide moratorium on development.
4. Increases taxes on existing residents, property owners and businesses. As growth slows, tax revenues decrease, while existing services still require upkeep

As Mayors we encourage you to vote No on the Citizen's Growth Management Initiative. Let's keep control of growth management at the local level, and allow our cities and towns to decide which growth plans work best for them. Let's give Growing Smarter a chance to work.

John C. Keegan, Mayor, Peoria

Wendy Feldman-Kerr, Mayor, Queen Creek

The "Citizens Growth Management Initiative" (CGMI) will do more to damage the dream of homeownership than anything in Arizona history. That is why the Arizona Mortgage Lenders Association (AMLA) opposes this misguided effort.

MORE TRAFFIC...MORE CONGESTION...MORE DENSITY...MORE SMOG

By forcing all future growth into inflexible boundaries, more houses and cars will be pushed into existing neighborhoods, creating more congestion and more pollution. We could begin to look like Los Angeles.

ECONOMIC COLLAPSE

Elliott Pollack, a noted Arizona economist, says, "Passage of the Sierra Club initiative could ultimately result in the loss of 100,000 construction jobs statewide. The ripple effect of these lost jobs may then result in a loss of over 200,000 total jobs statewide. No industry would be left untouched. Unfortunately, the worst-case scenario is also the most likely scenario."

LAWSUIT BONANZA

Proposition 202 provides that any special interest group like the Sierra Club can sue a local government, farmer, rancher, or landowner to stop them from using their land. The result will be an endless cycle of litigation, with costs being borne by either the taxpayer or small businessmen.

The Arizona Mortgage Lenders Association opposes Proposition 202. The Association looks forward to the opportunity to support a sensible growth management plan that doesn't threaten a growing economy. Please vote against Proposition 202.

Craig Pittman, President-Elect, Arizona Mortgage Lenders Association, Kevin DeMenna, Arizona Mortgage Lenders Association, Phoenix
Phoenix

Paid for by Kevin DeMenna

As co-chairs for Arizonans for Responsible Planning, we represent a broad coalition of Arizonans that promote continued growth management reforms that enhance quality of life issues. However, we are particularly concerned with the Sierra Club's effort to experiment on Arizona.

Proposition 202 was written by lawyers who work for groups like the Sierra Club. This proposal, which never received a public hearing, contains over 22,000 words and has over 600 paragraphs. No growth management plan anywhere in the world comes close to reflecting the experiment that the Sierra Club wants to test here in Arizona.

Prop. 202 supporters say that it will allow local control over the planning and growth management process. In fact, one of Prop. 202's provisions permits any person to sue to enforce any provisions of the initiative in an Arizona court. That is not local control; that is a blatant attempt to control our futures through special interest lawsuits.

Proposition 202 offers a twisted vision for our state, one that is inconsistent with the way we actually choose to live. The consequences of Proposition 202 are enormous; it would have us living in high rises and crowded neighborhoods. It would send unwanted types of businesses into neighborhoods that are already suffering. It would cause East Coast style gridlock on our streets and highways.

Finally, the Governor and the Legislature have dramatically amended existing growth management laws through Growing Smarter and Growing Smarter Plus. Proposition 202 ignores all of the good work they have performed and lays an additional, untested layer of bureaucracy on top of their work.

Proposition 202 is too much, it is too long, too confusing, and too experimental. We hope that Arizona voters will refuse to become the Sierra Club's test subjects, and vote no on proposition 202.

Jeri Byrne, Executive Director of Globe-Miami Chamber of Commerce, Ralph E. Ogden, Sheriff, Yuma County
Globe

Timothy W. Carlton Carpenters Union, Local 897 and Planning and Zoning Commissioner, Bullhead City Sherry Saylor, Public school counselor and farmer, Buckeye

Mayor Ken Edes, Williams

Lewis Tenney, Supervisor, Navajo County, Heber

Phyllis J. McCall, Community activist, Snowflake

Paid for by Arizonans For Responsible Planning

I strongly encourage the citizens of Mesa to vote No on Proposition 202, the Sierra Club Citizen's Growth Management Initiative. As Mayor of an East Valley community, I believe decisions affecting Mesa and its future growth policies should be determined at the local level, and not by outside interests. The Sierra Club Initiative takes that local control away.

Working through the public process, Governor Jane Hull and the Legislature have labored for several years to pass comprehensive Growth Management legislation. Growing Smarter and Growing Smarter Plus address Growth Management laws through preservation of open space, protection of private property rights and increased citizen involvement in the growth planning process.

The Sierra Club Citizens Growth Management Initiative:

1. Requires all communities over 2,500 in population to adopt a mandated population boundary based upon Department of Economic Security- projected 10-year population statistics.

2. Creates two classes of landowners. Property owners outside the growth boundary will not receive needed infrastructure services such as water, sewer, roads and garbage collection.

3. Provides the right for any person or special interest group-Arizona resident or not-to file a lawsuit that can result in a city or countywide moratorium on development.

4. Zoning changes over 20 acres will be subject to a 4/5 vote from local government and voter approval at the next scheduled election.

As a Mayor and Mesa resident, I encourage you to vote No on Proposition 202. Let's keep control of growth management at the local level, and allow our East Valley cities and towns to decide which growth plans work best for them. Let's give Growing Smarter a chance to work.

Keno Hawker, Mayor, Mesa

BALLOT FORMAT

PROPOSITION 202

PROPOSED BY INITIATIVE PETITION

OFFICIAL TITLE

AMENDING TITLE 11, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; AMENDING LAWS 1998, CHAPTER 204, SECTION 1; REPEALING PROPOSITION 303 OF THE 1998 GENERAL ELECTION, SECTION 1; REPEALING PROPOSITION 303 OF THE 1998 GENERAL ELECTION, SECTION 4; AMENDING SECTION 9-461.05, ARIZONA REVISED STATUTES; AMENDING SECTION 9-461.06, ARIZONA REVISED STATUTES; REPEALING SECTION 9-461.13, ARIZONA REVISED STATUTES; AMENDING SECTION 9-462.01, ARIZONA REVISED STATUTES; REPEALING SECTION 9-463.06, ARIZONA REVISED STATUTES; AMENDING SECTION 11-806.01, ARIZONA REVISED STATUTES; REPEALING SECTION 11-809, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES BY ADDING SECTION 11-812; AMENDING SECTION 11-821, ARIZONA REVISED STATUTES; AMENDING SECTION 11-824, ARIZONA REVISED STATUTES; AMENDING SECTION 11-829, ARIZONA REVISED STATUTES; REPEALING SECTION 11-833, ARIZONA REVISED STATUTES; REPEALING TITLE 11, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES; AMENDING SECTION 37-331.03, ARIZONA REVISED STATUTES; AMENDING SECTION 41-511.23, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1314, ARIZONA REVISED STATUTES; RELATING TO URBAN GROWTH MANAGEMENT AND PUBLIC ACCESS TO STATE CONSERVATION LANDS.

DESCRIPTIVE TITLE

REQUIRES MUNICIPALITIES AND COUNTIES TO SUBMIT TO VOTERS GROWTH MANAGEMENT PLANS AND BOUNDARIES FOR MAXIMUM 10 YEARS' ESTIMATED POPULATION GROWTH; LIMITS REZONINGS AND EXTENDING MUNICIPAL SERVICES OUTSIDE BOUNDARIES UNLESS 4/5THS APPROVAL BY GOVERNING BODY PLUS VOTER APPROVAL; REQUIRES FULL-COST DEVELOPMENT IMPACT FEES; PERMITS ENFORCEMENT LAWSUITS; REPEALS OTHER GROWTH MANAGEMENT LAWS.

PROPOSITION 202

<p>A "yes" vote shall have the effect of requiring cities, towns and counties to submit to voters growth management plans with growth management boundaries to allow for a maximum of 10 years' estimated population growth; limiting rezonings and extension of water, sewer and garbage services outside boundaries unless approved by a 4/5ths vote of the governing body plus voter approval; requiring development impact fees to pay the full cost of additional public facility needs; permitting enforcement lawsuits by any person; and repealing other growth management laws.</p>	<p>YES <input type="checkbox"/></p>
<p>A "no" vote shall have the effect of retaining current growth management laws.</p>	<p>NO <input type="checkbox"/></p>

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.