House Engrossed

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 112

HOUSE BILL 2158

AN ACT

AMENDING SECTION 9-461.05, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO SHOOTING RANGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. 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 governing 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 shall 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.

B. The general plan shall be so prepared that all or individual elements of it may be adopted by the governing 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 that:

(a) 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 other categories of public and private uses of land as may be appropriate to the municipality.

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

(c) Identifies 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.

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

(e) Includes 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.

(f) For cities and towns with territory in the vicinity of a military airport as defined in section 28-8461, includes consideration of military airport operations.

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 but less than ten thousand persons and whose population growth rate exceeded an average of two per cent per year for the ten year period before the most recent United States decennial census and for cities and towns having a population of ten thousand or more persons according to the most recent United States decennial census, the general plan shall include, and for other cities and 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 that are allowed by law and 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.

5. A water resources element that addresses:

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

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

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

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 of the following elements:

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 of this section 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 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 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, for 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 artificial 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 water resources element of the general plan does not require:

1. New independent hydrogeologic studies.

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

G. THE LAND USE ELEMENT OF A GENERAL PLAN OF A CITY WITH A POPULATION OF MORE THAN ONE MILLION PERSONS SHALL INCLUDE PROTECTIONS FROM ENCROACHING DEVELOPMENT FOR ANY SHOOTING RANGE THAT IS OWNED BY THIS STATE AND THAT IS LOCATED WITHIN OR ADJACENT TO THE EXTERIOR MUNICIPAL BOUNDARIES ON OR BEFORE JANUARY 1, 2004. THE GENERAL PLAN SHALL ESTABLISH LAND USE CATEGORIES WITHIN AT LEAST ONE-HALF MILE FROM THE EXTERIOR BOUNDARIES OF THE SHOOTING RANGE THAT ARE CONSISTENT WITH THE CONTINUED EXISTENCE OF THE SHOOTING RANGE AND THAT EXCLUDE INCOMPATIBLE USES SUCH AS RESIDENCES, SCHOOLS, HOTELS, MOTELS, HOSPITALS OR CHURCHES EXCEPT THAT LAND ZONED TO PERMIT THESE INCOMPATIBLE USES ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION ARE EXEMPT FROM THIS EXCLUSION. FOR THE PURPOSES OF THIS SUBSECTION, "SHOOTING RANGE" MEANS A PERMANENTLY LOCATED AND IMPROVED AREA THAT IS DESIGNED AND OPERATED FOR THE USE OF RIFLES, SHOTGUNS, PISTOLS, SILHOUETTES, SKEET, TRAP, BLACK POWDER OR ANY OTHER SIMILAR SPORT SHOOTING IN AN OUTDOOR ENVIRONMENT. SHOOTING RANGE DOES NOT INCLUDE:

1. ANY AREA FOR THE EXCLUSIVE USE OF ARCHERY OR AIR GUNS.

2. AN ENCLOSED INDOOR FACILITY THAT IS DESIGNED TO OFFER A TOTALLY CONTROLLED SHOOTING ENVIRONMENT AND THAT INCLUDES IMPENETRABLE WALLS, FLOOR AND CEILING, ADEQUATE VENTILATION, LIGHTING SYSTEMS AND ACOUSTICAL TREATMENT FOR SOUND ATTENUATION SUITABLE FOR THE RANGE'S APPROVED USE.

3. A NATIONAL GUARD FACILITY LOCATED IN A CITY OR TOWN WITH A POPULATION OF MORE THAN ONE MILLION PERSONS.

4. A FACILITY THAT WAS NOT OWNED BY THIS STATE BEFORE JANUARY 1, 2002.

~~G.~~ H. 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. 2. Title 17, chapter 6, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. DISCLOSURE OF PROXIMITY TO SHOOTING RANGE

17-621. <u>Recording proximity to shooting range; definition</u>

A. A CITY WITH A POPULATION OF MORE THAN ONE MILLION PERSONS SHALL EXECUTE AND RECORD IN THE OFFICE OF THE COUNTY RECORDER A DOCUMENT RELATING TO REAL PROPERTY LOCATED WITHIN ONE-HALF MILE OF THE EXTERIOR BOUNDARIES OF ANY SHOOTING RANGE THAT IS OWNED BY THIS STATE AND THAT IS LOCATED WITHIN OR ADJACENT TO THE EXTERIOR MUNICIPAL BOUNDARIES ON OR BEFORE JANUARY 1, 2004.

THE CITY ATTORNEY SHALL PREPARE THE DOCUMENT IN RECORDABLE FORM. THE DOCUMENT MUST BE ON EIGHT AND ONE-HALF INCH BY ELEVEN INCH PAPER CONTAINING THE FOLLOWING INFORMATION IN TWELVE POINT TYPE:

1. A LEGAL DESCRIPTION OF THE PROPERTY WITHIN ONE-HALF MILE OF THE EXTERIOR BOUNDARIES OF THE SHOOTING RANGE. TO ASSIST IN IDENTIFYING THAT PROPERTY, THE GAME AND FISH COMMISSION SHALL SUBMIT THE LEGAL DESCRIPTION OF THE SHOOTING RANGE TO THE CITY ATTORNEY.

2. THE FOLLOWING DISCLOSURE:

THIS PROPERTY IS LOCATED WITHIN ONE-HALF MILE OF THE EXTERIOR BOUNDARIES OF A SHOOTING RANGE AND MAY BE SUBJECT TO:

1. INCREASED NOISE.

2. RESTRICTIONS ON THE USE OF THE PROPERTY UNDER THE CITY'S GENERAL PLAN AND ZONING ORDINANCES.

B. THE GAME AND FISH COMMISSION SHALL NOT CLOSE A SHOOTING RANGE DESCRIBED IN THIS SECTION UNLESS ALL OF THE FOLLOWING OCCUR:

1. THE DIRECTOR OF THE DEPARTMENT RECOMMENDS THE CLOSURE IN WRITING.

2. THE COMMISSION ISSUES A REPORT DETAILING THE BASIS FOR THE RECOMMENDATION.

3. THE COMMISSION UNANIMOUSLY APPROVES THE CLOSURE AFTER PUBLIC HEARINGS HAVE BEEN HELD TO DISCUSS THE CLOSURE IN THE THREE COUNTIES WITH THE HIGHEST POPULATION.

4. THE JOINT COMMITTEE ON CAPITAL REVIEW REVIEWS THE CLOSURE RECOMMENDATION.

5. THE GOVERNOR APPROVES THE CLOSURE IN AN EXECUTIVE ORDER.

C. FOR THE PURPOSES OF THIS SECTION, "SHOOTING RANGE" MEANS A PERMANENTLY LOCATED AND IMPROVED AREA THAT IS DESIGNED AND OPERATED FOR THE USE OF RIFLES, SHOTGUNS, PISTOLS, SILHOUETTES, SKEET, TRAP, BLACK POWDER OR ANY OTHER SIMILAR SPORT SHOOTING IN AN OUTDOOR ENVIRONMENT. SHOOTING RANGE DOES NOT INCLUDE:

1. ANY AREA FOR THE EXCLUSIVE USE OF ARCHERY OR AIR GUNS.

2. AN ENCLOSED INDOOR FACILITY THAT IS DESIGNED TO OFFER A TOTALLY CONTROLLED SHOOTING ENVIRONMENT AND THAT INCLUDES IMPENETRABLE WALLS, FLOOR AND CEILING, ADEQUATE VENTILATION, LIGHTING SYSTEMS AND ACOUSTICAL TREATMENT FOR SOUND ATTENUATION SUITABLE FOR THE RANGE'S APPROVED USE.

3. A NATIONAL GUARD FACILITY LOCATED IN A CITY OR TOWN WITH A POPULATION OF MORE THAN ONE MILLION PERSONS.

4. A FACILITY THAT WAS NOT OWNED BY THIS STATE BEFORE JANUARY 1, 2002.

APPROVED BY THE GOVERNOR APRIL 19, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2004.