



# *Legal Requirements* *for Tucson's General Plan* *September 2008*

## **Arizona's Growing Smarter Legislation**

As growth rates significantly increased in the 1990s in Arizona, a critical mass of political support emerged to provide more tools to assist in responding to the consequences of rapid growth. In 1998, the Arizona Legislature passed the *Growing Smarter Act*, which clarified and strengthened planning elements in the required plans of municipalities and counties. In 2000, the Legislature passed *Growing Smarter Plus* to further enhance land use planning statutes in Arizona.

## **General Plan Requirements for Tucson**

A.R.S. 9-461.05 mandates the adoption of a General Plan, defined as a comprehensive, long-range plan for the development of Tucson.

Tucson's General Plan is required to include:

- A. A statement of community goals and development policies, along with maps, diagrams and text setting forth objectives, principles, standards and plan proposals.
- B. Provisions that identify changes or modifications to the plan that constitute amendments and major amendments.
- C. Measures to encourage effectuation of the General Plan including plans, regulations, financial reports and capital budgets. An annual report shall be rendered to the legislative body on the status of the plan and progress in its application (9-461.07).
- D. The following elements (specific requirements for each element are listed in the following pages):
  - 1. Land Use
  - 2. Circulation
  - 3. Open Space
  - 4. Growth Area
  - 5. Environmental Planning
  - 6. Cost of Development
  - 7. Water Resources
  - 8. Conservation
  - 9. Recreation
  - 10. Public Services and Facilities
  - 11. Public Buildings
  - 12. Housing
  - 13. Conservation, Rehabilitation and Redevelopment
  - 14. Safety
  - 15. Bicycle
  - 16. Energy
  - 17. Neighborhood Preservation and Revitalization

## **1. Land Use Element**

The Land Use Element designates the proposed general distribution and location and extent of housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space and other categories of public and private uses of land. This element must:

- a) Include a statement of the standards of population density and building intensity recommended for the various land use categories in the plan.
- b) Identify specific programs and policies to promote infill or compact form development and locations where those development patterns should be encouraged.
- c) Include consideration of air quality and access to incident solar energy for all general categories of land use.
- d) Include policies that address maintaining a broad variety of land uses including the range of uses existing when the plan is adopted, readopted or amended.
- e) Include consideration of military airport or ancillary military facility operations and identify the boundaries of the high noise or accident potential zone in its general plan for purposes of planning land uses in the high noise or accident potential zone that are compatible with the operation of the military airport or ancillary military facility pursuant to ARS § 28-8481(J).
- f) Include protection of state-owned shooting ranges (ARS 9-461.05(G))
- g) Coordinate with the creation of the Arizona State Land Department (ASLD) conceptual land use plans. The City shall cooperate with the ASLD regarding the integration of the conceptual state land use plans into the Tucson General Plan.

## **2. Circulation Element**

The Circulation Element consists 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, correlated with the land use element of the plan. The element shall also include 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.

## **3. Open Space Element**

The Open Space Element 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.

In applying an open space element or a growth element of a general plan a municipality shall not designate private land or state trust land as open space, recreation, conservation or agriculture unless the municipality receives the written consent of the landowner or provides an alternative, economically viable designation in the general plan or zoning ordinance, allowing at least one

residential dwelling per acre. If the landowner is the prevailing party in any action brought to enforce this subsection, a court shall award fees and other expenses to the landowner. A municipality may designate land as open space without complying with the requirements of this subsection if the land was zoned as open space and used as a golf course pursuant to a zoning ordinance adopted pursuant to article 6.1 of this chapter before May 1, 2000 and the designation does not impose additional conditions, limitations or restrictions on the golf course, unless the land is state trust land that was not planned and zoned as open space pursuant to title 37, chapter 2, article 5.1.

#### **4. Growth Area Element**

The Growth Area Element shall specifically identify those areas 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.

#### **5. Environmental Planning Element**

The Environmental Planning Element contains analyses, policies and strategies to address anticipated effects 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.

#### **6. Cost of Development Element**

The Cost of Development Element identifies policies and strategies 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 mechanisms allowed by law 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 mechanisms adopted under this element result in a beneficial use to the development and bear a reasonable relationship to the burden imposed on the city to provide additional necessary public services to the development.

#### **7. Water Resources Element**

The Water Resources Element shall address:

- 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.

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

- a) New independent hydrogeologic studies.
- b) The city or town to be a water service provider.

## **8. Conservation Element**

The Conservation Element shall address 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.

## **9. Recreation Element**

The Recreation Element shall show a comprehensive system of areas and public sites for recreation, their locations and proposed development, including:

- 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.

## **10. Public Services and Facilities Element**

The Public Services and Facilities Element shall show general plans for police, fire, emergency services, sewage, refuse disposal, drainage, local utilities, rights-of-way, easements and facilities for them.

## **11. Public Buildings Element**

The Public Buildings Element shall show locations of civic and community centers, public schools, libraries, police and fire stations and other public buildings.

## **12. Housing Element**

The Housing Element shall address 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.

### **13. Conservation, Rehabilitation and Redevelopment Element**

The Conservation, Rehabilitation and Redevelopment Element shall consist 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.

### **14. Safety Element**

The Safety Element plans 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.

### **15. Bicycles Element**

The Bicycle Element shall consist of proposed bicycle facilities such as bicycle routes, bicycle parking areas and designated bicycle street crossing areas.

### **16. Energy Element**

The Energy Element includes:

- a) A component that identifies policies that encourage and provide incentives for efficient use of energy.
- b) An assessment that identifies policies and practices that provide for greater uses of renewable energy sources.

### **17. Neighborhood Preservation and Revitalization**

The Neighborhood Preservation and Revitalization Element includes:

- a) A component that identifies city programs that promote home ownership, provide assistance for improving the appearance of neighborhoods and promote maintenance of both commercial and residential buildings in neighborhoods.
- b) A component that identifies city programs that provide for the safety and security of neighborhoods.