

Property Owners Right in Arizona.

Property Owner Rights apply to eminent domain taking of land by governing bodies for public use, and to land use regulations enacted AFTER a landowner purchases property.

Does this apply to Conditional Use Permit (CUP) application 22-13? NO.

The purchased property is zoned Agricultural. The owner has no restrictions on uses of the property that conform to the Agricultural Zoning standard. By applying for a Conditional Use Permit the property owner is asking for an exception to the existing zoning standards.

The property owner should expect and does receive due process through the Conditional Use Permit application process whereby his application is considered by the County Planning & Zoning Commission for a possible recommendation to the County Board of Supervisors for them to approve the exceptional or conditional use.

The Planning & Zoning Commission is expected to follow County regulations such as the County Zoning Ordinance and the County Comprehensive Plan as well as governing community plans that instruct them whether the requested conditional use is harmonious with surrounding properties and with the intent of Apache County regulations and the Alpine Community Plan.

The County is not obligated to provide the property owner with a Conditional Use Permit as a CUP is an exception to regulations not a standard.

Text of state law regarding Property Owner Rights is located in the Arizona Revised Statutes under Title 12-(Courts and Civil Proceedings), then in Chapter 8 (Special actions and proceedings related to property), then in Article 2.1(Private Property Rights Protection Act), and most specifically in 12-1134 (Diminution in value; just compensation). Or go to www.azleg.gov then under Legislative Council, select revised Revised Arizona Statutes on the drop down menu and scroll to and click on Title 12, Court Proceedings... There you can scroll to Chapter 8, Article 2.1 Private Property Rights Protection Act.