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Carmen J. Juarez
Director, Community Development
City of Somerton
150 W Main Street
P.O. Box 638
Somerton, AZ 85350

Re: City of Somerton Zoning Ordinance

Dear Director Juarez,

It has come to the attention of the Arizona Attorney General that the City of Somerton's zoning ordinance may directly conflict with Arizona law. The purpose of this letter is to encourage the City to amend its zoning ordinance to avoid any potential legal action.

In 2010, the Arizona Legislature added a land use provision to the state's Free Exercise of Religion Act ("FERA") that mirrors federal law and generally protects Arizona citizens' right to practice religion without undue government interference. The added provision, A.R.S. § 41-1493.03, states in relevant part: "Government shall not impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution, regardless of a compelling government interest."

Despite this provision, the City of Somerton's zoning ordinance requires religious assemblies to obtain conditional use permits in "mixed use districts." However, the ordinance provides that similar non-religious assemblies, including community recreation centers, fraternal or social clubs, and social service facilities, do not have the same permitting requirement. Thus, the City's zoning ordinance treats religious assemblies "on less than equal terms" with non-religious assemblies—a seemingly direct violation of A.R.S. § 41-1493.03.

Please let me know if you have any questions.

Sincerely,

Evan Daniels
Assistant Attorney General