

A.R.S. 11-823

**Water Supply; Adequacy;
Exemptions**

Provides counties outside an active management area the authority to require an adequate water supply prior to approval of a final plat for a subdivision unless there is a commitment of water service is obtained from a city, town or private water company designated as having an adequate water supply

CURRENTLY ADOPTED BY COCHISE COUNTY AND YUMA COUNTY...ALSO CLARKDALE AND PATAGONIA

- ▶ To protect public health and safety, the general regulations adopted by the board pursuant to section 11-821, subsection B, if approved by unanimous vote of the board of supervisors, may provide that, except as provided in subsection C and subsection D, paragraph 1 of this section, the board shall not approve a final plat for a subdivision composed of subdivided lands, as defined in section 32-2101, located outside of an active management area, as defined in section 45-402, unless one of the following applies:

§ 11-823. SECTION A.

▶ If a county adopts mandatory adequacy requirements do they apply to every city and town within the county?

YES

A decorative graphic consisting of several parallel white lines of varying lengths, slanted upwards from left to right, located in the bottom right corner of the slide.

The board may include an exemption if an inadequate water supply is determined and the water supply will be supplied by motor vehicle or train and all of the following apply:

- No feasible alternative
- Water will be withdrawn from a municipal provider that has provided consent (Adequate WS designation?)
- Water withdrawal complies with state statute regarding transportation between groundwater basins
- Compliance with any additional conditions imposed by the county



**WHAT IF MANDATORY ADEQUACY IS
NOT ADOPTED? (OUTSIDE AN AMA)**

- ▶ If an adequate water supply determination is made or there is a written commitment for water service from a supplier with an adequacy determination it shall be noted on the face of the approved plat.
- ▶ If an inadequate water supply determination is made it shall be noted on the face of the approved plat.

TITLE 11 – COUNTIES

11-823. WATER SUPPLY; ADEQUACY; EXEMPTIONS

- ▶ If the director of water resources, pursuant to section 45-108, reports an inadequate on-site supply of water to meet the needs projected by the developer or if no water is available, the state real estate commissioner shall require that all promotional material and contracts for the sale of lots in subdivisions approved by the commissioner adequately display the director of water resources' report or the developer's brief summary of the report as approved by the commissioner on the proposed water supply for the subdivision.



Notification only
required to first
buyer

TITLE 32 – PROFESSIONS AND OCCUPATIONS

32-2181 - NOTICE TO COMMISSIONER OF INTENTION TO
SUBDIVIDE LANDS; UNLAWFUL ACTING IN CONCERT;
EXCEPTIONS; DEED RESTRICTIONS; DEFINITION

▶ **Concerns about
requiring adequacy
based on § 11-823**

- **It mandates county-wide adequacy, including all cities and towns within the county**
- **Current adequacy requirements are hard to meet when using the C & R Aquifers (1,200' depth-to-static WL)**

► Possible fixes to make it work better???

- **Modify the rule for physical availability of groundwater for the C & R Aquifers**
- **Require notification of inadequate water supplies to go with real estate sales subsequent the first purchase**
- **Allow each entity that approves plats to decide for themselves if they wish to adopt the adequacy requirement**

Questions?

