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PRESS RELEASE

FOR IMMEDIATE RELEASE

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Clarkdale Adopts Water Adequacy Requirements

Clarkdale, AZ – August 13, 2008 - The Town of Clarkdale becomes the second municipality in the State of Arizona to adopt water adequacy provisions under the terms of SB 1575.

The Clarkdale Town Council adopted ordinance #314 on August 12, 2008, making it the second municipality in Arizona to enact regulations requiring new subdivisions of 6 or more lots to receive an adequacy determination from the Arizona Department of Water Resources before they are allowed to build in the Town.

The Arizona Legislature adopted SB 1575 in 2007 after the Statewide Water Advisory Group (SWAG) recommended the water adequacy requirement as one of a number of methods to provide reliable future water supplies and develop long-term water resource development for the state. It was the only recommendation from the SWAG that made it through the legislative process to become law.

Clarkdale Mayor Doug Von Gausig stated, "While this is certainly not a panacea for water in Clarkdale, we consider it an important step in reaching sustainable water use in our Town. The legislature's adoption of SB 1575 was a first step, and our hope is that the other recommendations put forward by SWAG will be adopted by the legislature so that we can begin to provide meaningful protection of our long-term water supplies."

Under current law, when a developer applies for approval of a subdivision that is outside an Active Management Area (AMA), the Arizona Department of Water Resources (ADWR) determines if the subdivision will have an adequate or inadequate water supply. An adequate water supply is one that will be available for current and committed uses for at least 100 years. The one hundred year supply must be physically, legally and continuously available. If the

supply is determined to be inadequate, lots may still be sold, however the information regarding the supply must be included in documents pertaining to the initial sale of the property.

SB 1575 authorizes a county board of supervisors to adopt a provision, by unanimous vote, that requires a new subdivision, located outside an AMA, to have an adequate water supply in order for the subdivision to be approved. If a county adopts an adequacy provision, cities and towns within the county must follow the same requirement.

Since Yavapai County did not adopt an adequacy provision, the Town of Clarkdale and the other cities and towns in the County had the authority to individually adopt the requirement for developers to demonstrate that an adequate water supply exists before final plats can be approved.

Mayor Doug Von Gausig noted, "To my knowledge we are the second municipality in Arizona to adopt these provisions, Patagonia was the first. Cochise County has also adopted 1575, and Yuma and Coconino Counties are considering it."

The new requirements become effective 30 days following adoption, on September 11, 2008.

For additional information contact:

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Town Manager Gayle Mabery at (928) 639-2400 or Gayle.Mabery@clarkdale.az.gov

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ORDINANCE # 314

**AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA,
AMENDING SECTION 12-1, SUBDIVISION REGULATIONS, GENERAL PROVISIONS; BY
CREATING SECTION 12-1-21, WATER ADEQUACY OF THE CODE OF THE TOWN OF
CLARKDALE, DELETING SECTION 12-3-6 (B) (12) (d) AND SECTION 12-3-13 (B) (12) (d),
SUBDIVISION REGULATIONS, SUBDIVISION PLATTING PROCEDURES AND
REQUIREMENTS, STAGE IV – FINAL PLAT, FORM OF PRESENTATION FOR THE FINAL
PLAT; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR
SEVERABILITY**

**BE IT ORDAINED BY THE MAYOR AND THE COMMON COUNCIL OF THE TOWN OF
CLARKDALE, ARIZONA THAT:**

SECTION 1: Section 12-1-21 Subdivision Regulations, General Provisions, Water Adequacy be created to read:

- A. The Common Council shall not approve a final plat for a subdivision, as defined in A.R.S. § 32-2101, unless one of the following applies:
 - 1. The Director of the Arizona Department of Water Resources has determined that there is an adequate water supply for the subdivision pursuant to A.R.S. § 45-108, and the subdivider has included the report with the plat.
 - 2. The subdivider has obtained a written commitment of water service for the subdivision from a city, town, or private water company designated as having an adequate water supply by the Director of the Arizona Department Water Resources pursuant to A.R.S. § 45-108.
- B. The requirements of Subsection 12-1-21 (A) do not apply to:
 - 1. A proposed subdivision that the Director of the Arizona Department of Water Resources has determined will have an inadequate water supply pursuant to A.R.S. § 45-108, if the Director grants an exemption for the subdivision pursuant to A.R.S. § 45-108.2, and the exemption has not expired, or the Director of the Arizona Department of Water Resources grants an exemption pursuant to A.R.S. § 45-108.3.
 - 2. A proposed subdivision that received final plat approval from the Town before the requirement for an adequate water supply became effective in the Town, if the plat has not been materially changed since it received the final plat approval.
 - a. If changes were made to the plat after the plat received the final plat approval, the Director of the Arizona Department of Water Resources shall determine whether the changes are material.

- C. If the Council approves a final plat for a subdivision pursuant to 12-1-21 (A), the Council shall note on the face of the plat that the Director of the Arizona Department of Water Resources has reported the subdivision has an adequate water supply, or that the subdivider has obtained a commitment of water services for the proposed subdivision from a city, town, or private water company designated as having an adequate water supply pursuant to A.R.S. § 45-108.
- D. If the Council approves a final plat for a subdivision pursuant to an exemption authorized by 12-1-21 (B)(2) or granted by the Director of the Arizona Department of Water Resources pursuant to A.R.S. § 45-108.02, or A.R.S. § 45-108.3, the Council shall:
1. Give written notice of approval to the Director of the Arizona Department of Water Resources and the Director of Environmental Quality.
 2. Include on the face of the plat a statement that the Director of the Arizona Department of Water Resources has determined that the water supply for the subdivision is inadequate along with a statement describing the exemption under which the plat was approved, including a statement that the Council or the Director of the Arizona Department of Water Resources, whichever applies, has determined that the specific conditions of the exemption were met.
 3. If the Director of the Arizona Department of Water Resources subsequently informs the Council that the subdivision is being served by a water provider that has been designated by the Director as having an adequate water supply pursuant to A.R.S. § 45-108, the Council shall record in the County Recorder's office a statement disclosing that fact.

SECTION 2: Section 12-3-6 (B) (12) (d) – Subdivision Regulations, Subdivision Platting Procedures and Requirements, Stage IV - Final Plat, is hereby deleted.

SECTION 3: Section 12-3-13 (B) (12) (d) – Subdivision Regulations, Subdivision Platting Procedures and Requirements, Stage IV - Final Plat, is hereby deleted.

SECTION 4: That all Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.

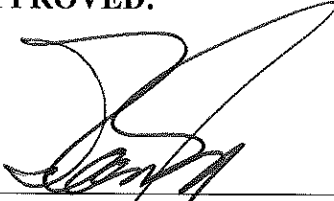
SECTION 5: Any portion of the Town Code repealed by this Ordinance does not affect rights and duties that matured or penalties that were incurred, and proceedings that were begun before the effective date of the repeal.

SECTION 6: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 7: This ordinance shall take effect and be in force thirty (30) days after passage by the Council and approval by the Mayor.

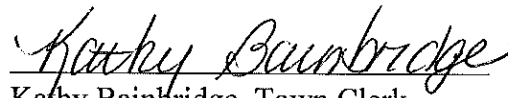
Passed and adopted by the Mayor and Common Council of the Town of Clarkdale, Arizona, this 12th day of August, 2008.

APPROVED:



Doug Von Gausig, Mayor

ATTEST:



Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:

Robert S. Pecharich, Town Attorney