

Board of Supervisors

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RESOLUTION 08- 20 (Docket R-08-01)

AUTHORIZING AMENDMENT OF THE COCHISE COUNTY SUBDIVISION REGULATIONS REVISING SECTIONS 303.02C.1C AND 408.03 TO REQUIRE THAT THE DIRECTOR OF THE ARIZONA DEPARTMENT OF WATER RESOURCES HAS DETERMINED THAT THERE IS AN ADEQUATE WATER SUPPLY BEFORE SUBDIVISION FINAL PLAT APPROVAL BY THE BOARD OF SUPERVISORS

WHEREAS, Chapter 20, Article 1 of Title 32 of the Arizona Revised Statutes gives the County Board of Supervisors the authority to adopt regulations directing the subdivision of land;

WHEREAS, Cochise County has adopted Subdivision Regulations as permitted by law;

WHEREAS, Subdivision Regulations were originally adopted in Cochise County by the County Board of Supervisors in 1974 and revised in 2004;

WHEREAS, ARS 11-806.01 § F authorizes Counties to adopt a requirement that the Director of the Arizona Department of Water Resources has determined that a subdivision has an adequate water supply before final plat approval by the Board of Supervisors unless exempted as noted in Exhibit A;

WHEREAS, it is the overall intent of Docket R-08-01 to amend the Subdivision Regulations to include a requirement that the Director of the Arizona Department of Water Resources has determined that a subdivision have an adequate water supply before final plat approval by the Board of Supervisors unless exempted as noted in Exhibit A;

WHEREAS, a public hearing has been held before the Cochise County Planning Commission on February 13, 2008 where the Commission recommended approval of Docket R-08-01 to the Board of Supervisors; and

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NOW, THEREFORE BE IT RESOLVED, that the Cochise County Subdivision Regulations are hereby amended as set forth in Exhibit A, to be effective from and after April 18, 2008. Upon the effective date of these amended Cochise County Subdivision Regulations all regulations and ordinances, or any portions of them, in conflict or inconsistent with these amended regulations shall be deemed to be repealed.

PASSED AND ADOPTED THIS 18th DAY OF March, 2008.



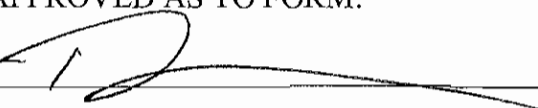
Richard Searle, Chairman
Cochise County Board of Supervisors

ATTEST:



Katie Howard
Clerk of the Board

APPROVED AS TO FORM:



Britt Hanson
County Attorney



FEE # 080307372
OFFICIAL RECORDS
COCHISE COUNTY
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REQUEST OF
COCHISE COUNTY BOARD OF SUPV
CHRISTINE RHODES-RECORDER
FEE : PAGES : 3

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Exhibit A

Revise Section 303.02C.1c. by requiring a note on the final plat stating:

The Arizona Department of Water Resources issued a determination of adequate water supply on (insert date).

Revise Section 408.03 *Water Adequacy*

- A. When submitting a tentative plat, the subdivider shall include a copy of the application submitted to the Arizona Department of Water Resources (ADWR) for water adequacy determination.
- B. Pursuant to ARS 11-806.01 § F and Resolution 08- 20 , the Board of Supervisors shall not approve a final plat for a subdivision unless one of the following applies:
 1. The director of water resources has determined that there is an adequate water supply for the subdivision 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 water resources.
- C. The Board of Supervisors may exempt a subdivision from § 408.03B if the director of water resources has determined the subdivision will have an inadequate water supply because the water supply will be transported to the subdivision by motor vehicle or train if all of the following apply:
 1. The Board determines that there is no feasible alternative water supply for the subdivision and that the transportation of water to the subdivision will not constitute a significant risk to the health and safety of the residents of the subdivision.
 2. If the water to be transported to the subdivision will be withdrawn or diverted in the service area of a municipal provider as defined in ARS §45-561 and the municipal provider has consented to the withdrawal or diversion.
 3. If the water to be transported is groundwater, the transportation complies with the provisions governing the transportation of groundwater in ARS title 45, chapter 2, and article 8.
 4. The transportation of water to the subdivision meets any additional conditions imposed by the county.

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