

From: [Andrew Miller](#)
To: [Council Member Scott Moore](#)
Cc: [Jeremy Knapp](#); [Paul Michaud](#); [Jill Keimach](#)
Subject: Assured Water Supply Requirement for Subdivisions
Date: Thursday, March 12, 2020 8:11:15 PM

Council Member Moore,

Your question regarding the certificate of assured water supply requirement was good as I had not looked into this detail in quite some time. I did look up the state law to confirm that the text of the relevant statutes do indeed only apply the certificate requirement to subdivisions of 6 or more lots. I did find the statutory requirement in ARS 9-463.01 and § 45-576 both tie back to a definition of “subdivision” in ARS § 32-2101. Both of the key statutes that define the certificate requirement as applying to subdivisions or 6 or more lots are noted below. Good question! Thanks.

9-463.01. Authority

A. Pursuant to this article, the legislative body of every municipality shall regulate the subdivision of all lands within its corporate limits.

I. If the subdivision is comprised of subdivided lands, as defined in section 32-2101, and is within an active management area, as defined in section 45-402, the final plat shall not be approved unless it is accompanied by a certificate of **assured water supply** issued by the director of **water** resources, or unless 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 **assured water supply** by the director of **water** resources pursuant to section 45-576 or is exempt from the requirement pursuant to section 45-576. The legislative body of the municipality shall note on the face of the final plat that a certificate of **assured water supply** has been submitted with the plat or that the subdivider has obtained a written commitment of **water** service for the proposed subdivision from a city, town or private **water** company designated as having an **assured water supply**, pursuant to section 45-576, or is exempt from the requirement pursuant to section 45-576.

45-576. Certificate of assured water supply; designated cities, towns and private water companies; exemptions; definition

A. Except as provided in subsections G and J of this section, a person who proposes to offer subdivided lands, as defined in section 32-2101, for sale or lease in an active management area shall apply for and obtain a certificate of assured water supply from the director prior to presenting the plat for approval to the city, town or county in which the land is located, where such is required, and prior to filing with the state real estate commissioner a notice of intention to offer such lands for sale or lease, pursuant to section 32-2181, unless 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 assured water supply pursuant to this section.

B. Except as provided in subsections G and J of this section, a city, town or county may approve a subdivision plat only if the subdivider has obtained a certificate of assured water supply from the director or 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 assured water supply pursuant to this section. The city, town or county shall note on the face

of the approved plat that a certificate of assured water supply has been submitted with the plat or that the subdivider has obtained a written commitment of water service for the proposed subdivision from a city, town or private water company designated as having an assured water supply pursuant to this section.

32-2101. Definitions

In this chapter, unless the context otherwise requires:

56. "Subdivider" means any person who offers for sale or lease six or more lots, parcels or fractional interests in a subdivision or who causes land to be subdivided into a subdivision for the subdivider or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to create subdivisions.

57. "Subdivision" or "subdivided lands":

(a) Means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels or fractional interests.

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