



Bill Number: S.B. 1286

Gowan Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- **Clarifies that a county employee, rather than a person, authorized by an adopted ordinance, may review subdivision plats.**

GOWAN FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1286
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 11-269.27, Arizona Revised Statutes, is amended
3 to read:

4 11-269.27. Administrative review and approval;
5 self-certification program; expedited approval;
6 definitions

7 A. Notwithstanding any other law, the board of supervisors of a
8 county may by ordinance do the following:

9 1. Authorize administrative personnel to review and approve site
10 plans, development plans, land divisions, lot line adjustments, lot ties,
11 ASSURANCES, preliminary plats, final plats and plat amendments without a
12 public hearing HELD BY THE BOARD OF SUPERVISORS.

13 2. Authorize administrative personnel to review and approve design
14 plans based on objective standards without a public hearing.

15 3. Adopt a self-certification program allowing registered
16 architects and professional engineers to certify and be responsible for
17 compliance with all applicable ordinances and construction standards for
18 projects that the ordinance identifies as being qualified for
19 self-certification.

20 4. Allow at-risk submittals for certain on-site preliminary grading
21 and drainage work or infrastructure.

22 5. Allow applicants with a history of compliance with building
23 codes and regulations to be eligible for expedited permit review.

24 B. Applications for a license pursuant to this section are subject
25 to chapter 11, article 1 of this title.

26 C. For the purposes of this section: ~~;~~

27 1. "LICENSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-831.

28 2. "Objective" means not influenced by personal interpretation,
29 taste or feelings of a municipal employee and verifiable by reference to

1 an adopted benchmark, standard or criterion available and knowable by the
2 applicant or proponent.

3 Sec. 2. Section 11-822, Arizona Revised Statutes, is amended to
4 read:

5 11-822. Subdivision approval; platting regulations;
6 violation; classification; easement vesting

7 A. ~~No~~ A plat of a subdivision of land within the area of
8 jurisdiction of the county shall NOT be accepted for recording or recorded
9 until it has been approved by the board OR ~~[PERSON]~~ [A COUNTY EMPLOYEE]
10 WHO IS AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE. The approval of the
11 board OR ~~[PERSON]~~ [A COUNTY EMPLOYEE] WHO IS AUTHORIZED BY THE ADOPTED
12 COUNTY ORDINANCE shall be endorsed in writing on the plat and shall also
13 include specific identification and approval of the assurances, except
14 those for hiking and equestrian trails required by this section. If a
15 county planning and zoning commission exists, the plat may be referred to
16 the commission for its consideration and the board may receive the
17 recommendation of the commission. If the subdivision is comprised of
18 subdivided ~~land~~ LANDS, as defined in section 32-2101, and is within an
19 active management area, as defined in section 45-402, the plat shall not
20 be approved unless it is accompanied by a certificate of assured water
21 supply issued by the director of water resources, or unless the subdivider
22 has obtained a written commitment of water service for the subdivision
23 from a city, town or private water company designated as having an assured
24 water supply by the director of water resources pursuant to section 45-576
25 or is exempt from such a requirement pursuant to section 45-576. The
26 board shall note on the face of the plat that a certificate of assured
27 water supply has been submitted with the plat or that the subdivider has
28 obtained a commitment of water service for the proposed subdivision from a
29 city, town or private water company designated as having an assured water
30 supply pursuant to section 45-576.

31 B. The ground of refusal or approval of any plat submitted,
32 including citation of or reference to the rule or regulation violated by
33 the plat, shall be stated on the record of the board.

34 C. Approval of a plat shall not be deemed to constitute or effect
35 an acceptance by the county for designation of any street, highway,
36 bicycle facility or other way or open space shown on the plat into the
37 county maintenance system except for hiking and equestrian trails that are
38 constructed and maintained by the county. However, at the time the
39 streets, highways, bicycle facilities or other ways are fully completed in
40 accordance with the approved plat and written specifications made by the
41 county board OR ~~[PERSON]~~ [A COUNTY EMPLOYEE] WHO IS AUTHORIZED BY THE
42 ADOPTED COUNTY ORDINANCE, the county shall accept the streets, highways,
43 bicycle facilities and other ways into the county maintenance system
44 within one year ~~of~~ AFTER completion.

45 D. Any person causing a final plat to be recorded without first
46 submitting the plat and obtaining approval of the board OR ~~[PERSON]~~ [A
47 COUNTY EMPLOYEE] WHO IS AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE is

1 guilty of a class 2 misdemeanor. A county recorder shall not accept for
2 recording or record any plat that has not been approved as provided by
3 this article.

4 E. On recording of a plat, the fee of the streets, alleys, avenues,
5 highways, easements, parks and other parcels of ground reserved to the use
6 of the public vests in trust in the county for the uses and to the extent
7 depicted on the plat, including ingress and egress easements depicted on
8 the plat. On annexation by any city or town the fee automatically vests
9 in the city or town.

10 F. For any subdivision that consists of lots, tracts or parcels,
11 each of which is of a size as prescribed by the board of supervisors, the
12 board OR ~~[PERSON]~~ [A COUNTY EMPLOYEE] WHO IS AUTHORIZED BY THE ADOPTED
13 COUNTY ORDINANCE may waive the requirement to prepare, submit and receive
14 approval of a preliminary plat as a condition precedent to submitting a
15 final plat and may waive or reduce infrastructure standards or
16 requirements except for improved dust-controlled access and minimum
17 drainage improvements.

18 Sec. 3. Section 11-823, Arizona Revised Statutes, is amended to
19 read:

20 11-823. Water supply: adequacy: exemptions

21 A. To protect the public health and safety, the general regulations
22 adopted by the board pursuant to section 11-821, subsection B, if approved
23 by unanimous vote of the board of supervisors, may provide that, except as
24 provided in subsection C and subsection D, paragraph 1 of this section,
25 the board OR ~~[PERSON]~~ [A COUNTY EMPLOYEE WHO IS] AUTHORIZED BY THE ADOPTED
26 COUNTY ORDINANCE shall not approve a final plat for a subdivision composed
27 of subdivided lands, as defined in section 32-2101, located outside of an
28 active management area, as defined in section 45-402, unless one of the
29 following applies:

30 1. The director of water resources has determined that there is an
31 adequate water supply for the subdivision pursuant to section 45-108 and
32 the subdivider has included the report with the plat.

33 2. The subdivider has obtained a written commitment of water
34 service for the subdivision from a city, town or private water company
35 designated as having an adequate water supply by the director of water
36 resources pursuant to section 45-108.

37 B. If the board unanimously adopts the provision authorized by
38 subsection A of this section:

39 1. The board may include in the general regulations an exemption
40 from the provision for a subdivision that the director of water resources
41 has determined will have an inadequate water supply because the water
42 supply will be transported to the subdivision by motor vehicle or train if
43 all of the following apply:

44 (a) The board determines that there is no feasible alternative
45 water supply for the subdivision and that the transportation of water to
46 the subdivision will not constitute a significant risk to the health and
47 safety of the residents of the subdivision.

1 (b) If the water to be transported to the subdivision will be
2 withdrawn or diverted in the service area of a municipal provider as
3 defined in section 45-561, the municipal provider has consented to the
4 withdrawal or diversion.

5 (c) If the water to be transported is groundwater, the
6 transportation complies with the provisions governing the transportation
7 of groundwater in title 45, chapter 2, article 8.

8 (d) The transportation of water to the subdivision meets any
9 additional conditions imposed by the county.

10 2. The board shall promptly give written notice of the adoption of
11 the provision to the director of water resources, the director of
12 environmental quality and the state real estate commissioner. The notice
13 shall include a certified copy of the provision and any exemptions adopted
14 pursuant to paragraph 1 of this subsection. Water providers may be
15 eligible to receive monies in a water supply development fund, as
16 otherwise provided by law.

17 3. The board shall not rescind the provision or amend it in a
18 manner that is inconsistent with subsection A of this section. If the
19 board amends the provision, it shall give written notice of the amendment
20 to the director of water resources, the director of environmental quality
21 and the state real estate commissioner. The board may rescind an
22 exemption adopted pursuant to paragraph 1 of this subsection. If the
23 board rescinds the exemption, it shall give written notice of the
24 rescission to the director of water resources, the director of
25 environmental quality and the state real estate commissioner, and the
26 board shall not readopt the exemption for at least five years after the
27 rescission becomes effective.

28 4. If the board ~~OR [PERSON]~~ [A COUNTY EMPLOYEE WHO IS] AUTHORIZED
29 BY THE ADOPTED COUNTY ORDINANCE approves a subdivision plat pursuant to
30 subsection A, paragraph 1 or 2 of this section, the board shall note on
31 the face of the plat that the director of water resources has reported
32 that the subdivision has an adequate water supply or that the subdivider
33 has obtained a commitment of water service for the proposed subdivision
34 from a city, town or private water company designated as having an
35 adequate water supply pursuant to section 45-108.

36 5. If the board ~~OR [PERSON]~~ [A COUNTY EMPLOYEE WHO IS] AUTHORIZED
37 BY THE ADOPTED COUNTY ORDINANCE approves a subdivision plat pursuant to an
38 exemption authorized by paragraph 1 of this subsection or granted by the
39 director of water resources pursuant to section 45-108.02 or 45-108.03:

40 (a) The board shall give written notice of the approval to the
41 director of water resources and the director of environmental quality.

42 (b) The board shall include on the face of the plat a statement
43 that the director of water resources has determined that the water supply
44 for the subdivision is inadequate and a statement describing the exemption
45 under which the plat was approved, including a statement that the board or
46 the director of water resources, whichever applies, has determined that
47 the specific conditions of the exemption were met. If the director of

1 water resources subsequently informs the board that the subdivision is
2 being served by a water provider that has been designated by the director
3 as having an adequate water supply pursuant to section 45-108, the board
4 shall record in the county recorder's office a statement disclosing that
5 fact.

6 C. Subsection A of this section does not apply to:

7 1. A proposed subdivision that the director of water resources has
8 determined will have an inadequate water supply pursuant to section 45-108
9 if the director grants an exemption for the subdivision pursuant to
10 section 45-108.02 and the exemption has not expired or the director grants
11 an exemption pursuant to section 45-108.03.

12 2. A proposed subdivision that received final plat approval from
13 the county before the requirement for an adequate water supply became
14 effective in the county if the plat has not been materially changed since
15 it received the final plat approval. If changes were made to the plat
16 after the plat received the final plat approval, the director of water
17 resources shall determine whether the changes are material pursuant to the
18 rules adopted by the director to implement section 45-108. If the county
19 approves a plat pursuant to this paragraph and the director of water
20 resources has determined that there is an inadequate water supply for the
21 subdivision pursuant to section 45-108, the county shall note this on the
22 face of the plat.

23 D. If the subdivision is composed of subdivided lands as defined in
24 section 32-2101 outside of an active management area and the board has not
25 adopted a provision pursuant to subsection A of this section:

26 1. If the director of water resources has determined that there is
27 an adequate water supply for the subdivision pursuant to section 45-108 or
28 if the subdivider has obtained a written commitment of water service for
29 the subdivision from a city, town or private water company designated as
30 having an adequate water supply by the director of water resources
31 pursuant to section 45-108, the board OR [PERSON] [A COUNTY EMPLOYEE WHO
32 IS] AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE shall note this on the face
33 of the plat if the plat is approved.

34 2. If the director of water resources has determined that there is
35 an inadequate water supply for the subdivision pursuant to section 45-108,
36 the board OR [PERSON] [A COUNTY EMPLOYEE WHO IS] AUTHORIZED BY THE ADOPTED
37 COUNTY ORDINANCE shall note this on the face of the plat if the plat is
38 approved.

39 Enroll and engross to conform

40 Amend title to conform

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