ORDINANCE NO. 2026-988

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, REPEALING ORDINANCE NO. 2023-930 ADOPTED ON JANUARY 11, 2024 (AND EFFECTIVE FEBRUARY 11, 2024) THAT ENACTED A NEW SECTION 14-02-080 "NON-SUBDIVISION RESIDENTIAL DEVELOPMENTS" IN ARTICLE 14-02 "PLATTING PROCEDURES AND REQUIREMENTS" IN CHAPTER 14 "SUBDIVISIONS" (NOW SECTIONS 14-07-010 AND 14-07-020 IN ARTICLE 14-07 "NON-SUBDIVISION RESIDENTIAL DEVELOPMENTS" IN CHAPTER 14 "SUBDIVISIONS AND OTHER LAND PROJECTS") OF THE TOWN CODE RELATED TO NON-SUBDIVISION RESIDENTIAL DEVELOPMENTS THAT DO NOT OTHERWISE REQUIRE ISSUANCE OF CERTIFICATES OF ASSURED WATER SUPPLY (CAWS) BY THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) IN THE PRESCOTT ACTIVE MANAGEMENT AREA (AMA); PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED, SHALL REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on January 11, 2024, the Town Council of the Town of Prescott Valley, Arizona (Town), adopted Ordinance No. 2023-930 requiring non-subdivision residential developments to obtain commitments for renewable water supplies (i.e., effluent interests, available extinguishment credits, etc.) or imported water supplies as a condition precedent for any Town approvals (similar to what residential subdivisions are required to obtain in order to receive CAWSs from ADWR in the AMA); and

WHEREAS, the basis and authority for said adoption was set forth in the extensive recitals of Ordinance No. 2023-930, explaining (among other things) the importance of reserving the remaining buffer of Assured Water Supply Program allocation (after the January 12, 1999, ADWR declaration of the AMA no longer being in safe yield) for true commercial, retail, industrial and governmental services; and

WHEREAS, the Town has since been notified by the Goldwater Institute that it believes Ordinance No. 2023-930 conflicts with the Arizona Groundwater Management Act and disagrees with the Town's position it had authority to enact the same. It requested the Town rescind the Ordinance or face litigation by affected property owners to invalidate the Ordinance; and

WHEREAS, after consideration, the Town Council desires to avoid potential protracted and divisive litigation regarding the validity of the policy and its authority to enact and enforce it; and

WHEREAS, the Town has been clear that its adoption of Ordinance No. 2023-930 (and the policy therein) was in hopes and anticipation of a time when Arizona statutes and/or regulations and policies would be adopted to address this issue in the AMA and statewide; and

WHEREAS, the Council remains committed to participating with other interested individuals and groups statewide towards adoption of such statutes and/or regulations and policies, as well as pursuing other Town initiatives and efforts related to rational and sustainable water policy; and

WHEREAS, the Council finds that adoption of this Ordinance No. 2026-988 repealing Ordinance No. 2023-930 (and thereby removing Article 14-07 from the Town Code) is in the best interests of the community and is designed to ultimately further the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That Ordinance No. 2023-930 is hereby repealed in its entirety (such that Article 14-07 is hereby removed in its entirety from Chapter 14 of the Town Code).

SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code, not herein repealed, shall remain in full force and effect.

SECTION THREE. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 12th day of November, 2026.

Kell Palguta, Mayor

ATTEST:

Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney