

When recorded mail to:

Clerk of the Board Office  
P.O. Box 827  
Florence, Arizona 85232



OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
LAURA DEAN-LYTLER

DATE/TIME: 12/06/06 1647  
FEE: \$0.00  
PAGES: 10  
FEE NUMBER: 2006-167392

---

(The above space reserved for recording information)

**CAPTION HEADING**

Ordinance No. 120606-RMLD - Ordinance to Regulate Minor Land Divisions

---

**DO NOT DISCARD THIS PAGE. THIS COVER PAGE IS RECORDED AS PART OF YOUR DOCUMENT. THE CERTIFICATE OF RECORDATION WITH THE FEE NUMBER IN THE UPPER RIGHT HAND CORNER IS THE PERMANENT REFERENCE NUMBER OF THIS DOCUMENT IN THE PINAL COUNTY RECORDER'S OFFICE.**

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, TO  
REGULATE MINOR LAND DIVISIONS

IT IS HEREBY ORDAINED by the Board of Supervisors of Pinal County, Arizona, that the following be adopted as the Pinal County Minor Land Division Ordinance:

ARTICLE 1 TITLE, AUTHORITY, PURPOSE AND SEVERABILITY

Sec. 101 This Ordinance shall be known and cited as the Pinal County Minor Land Division Ordinance.

Sec. 102 This Ordinance is hereby adopted under the authority granted the Board of Supervisors of Pinal County in Arizona Revised Statutes § 11-809 and all of Title 11, Chapter 6, Article 1.

Sec. 103 The purpose of this Ordinance is to protect public health, safety and welfare by establishing a ministerial review to determine that the division of land into five or fewer lots, parcels or fractional interests, any of which is ten acres or smaller in size, does not constitute a subdivision and provides for the following

103.1 Minimum applicable zoning requirements,

103.2 legal access,

103.3 physical access that corresponds with the legal access, and

103.4 utility easements, and

103.5 identification of site constraints

Sec. 104 Should any article, section or regulation of this Ordinance be judicially declared unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any portion thereof, other than the article, section or regulation so declared to be unconstitutional or invalid.

ARTICLE 2 DEFINITIONS

- Sec. 201 Access by emergency vehicles means legal and physical access wide enough for ingress, turnaround and egress by emergency vehicles.
- Sec. 202 Board means the Pinal County Board of Supervisors.
- Sec. 203 County means Pinal County.
- Sec. 204 Owner means the vested fee owner of the property to be divided or the vested fee owner's agent.
- Sec. 205 Parent Parcel means the parcel being divided into five or fewer lots, parcels or fractional interests, any of which is ten acres or smaller in size and is the parcel to be surveyed for the minor land division review by the County.
- Sec. 206 Physical access means an access traversable by a two-wheel drive passenger motor vehicle.
- Sec. 207 Planning Department means the Pinal County Planning & Development Services Department.
- Sec. 208 Planning Director means the Director of Pinal County Planning & Development Services or his designee.

ARTICLE 3 JURISDICTION AND APPLICABILITY

- Sec. 301 The provisions of this Ordinance apply to all land divisions of five or fewer lots, parcels or fractional interests, any of which is ten acres or smaller in size, within the unincorporated areas of Pinal County, excluding land governed by tribal authority and lands outside the authority of Pinal County.
- Sec. 302 This Ordinance is not intended to prohibit or limit the division of land as authorized and permitted by Arizona Revised Statutes and the Pinal County Zoning Ordinance and Subdivision Regulations.
- Sec. 303 County approval of a land division application under this Ordinance is not a representation that the division complies with state laws or applicable County ordinances regarding the subdivision of land and does not guarantee issuance of County permits.
- Sec. 304 Nothing in this Ordinance eliminates the requirements for an Affidavit of Disclosure pursuant to A.R.S. § 33-422.

ARTICLE 4 GENERAL REQUIREMENTS

- Sec. 401 Unless otherwise excepted by this Ordinance, no parcel of land may be divided into five or fewer separate parcels of land any of which is ten (10) acres or less either by recordation of a contract of sale or deed of conveyance or by requesting a split of a tax assessor parcel unless a Land Division Application therefor has been approved by the Planning Director.
- Sec. 402 Lots, parcels and fractional interests created by the division must comply with County zoning requirements, unless provided otherwise in this Ordinance.
- Sec. 403 All improvements to and development of land divided pursuant to this Ordinance must comply with all applicable County ordinances, policies, codes and regulations.
- Sec. 404 Legal access and corresponding physical access are required to the Parent Parcel and to each lot, parcel or fractional interest created by the land division.
- Sec. 405 Reserve utility easements of not less than eight feet in width to serve each lot, parcel or fractional interest created by the land division.
- Sec. 406 A use or building permit shall not be issued for development on any lot, parcel or fractional interest that does not comply with the provisions of this Ordinance.
- Sec. 407 The granting or issuance of any certificate, permit, registration or other approval pursuant to this Ordinance requires compliance with all applicable County ordinances, policies, codes and regulations.

ARTICLE 5 PROCEDURE

- Sec. 501 To initiate a minor land division review, the Owner shall submit or cause to be submitted to the Planning Department by hand-delivery, not by mail, fax or e-mail, the following:
- 501.1 A properly completed Land Division Application that is signed by the Owner on forms provided by the Planning Department.
- 501.2 The tax assessor parcel number for the lot, parcel or fractional interest to be divided. This parcel number must be unique to the subject lot, parcel or fractional interest and not part of another parcel number.
- 501.3 Application fee as set forth in the Pinal County Planning and Development Fee Schedule. Upon filing a completed application, the

fee is non-refundable and is to cover the costs of processing the application.

- 501.4 Legal description of the Parent Parcel and proposed lots, parcels or fractional interests including access and utility easements, prepared by a registered professional land surveyor or registered professional engineer.
- 501.5 A standard preliminary title report prepared by a title insurance company and signed by an authorized title officer with an effective date of not more than thirty (30) calendar days prior to the filing of the application, unless this time period is extended by the Planning Director, and showing at the minimum:
  - A. Legal description of the Parent Parcel;
  - B. the names of all the vested fee owners in the Parent Parcel;
  - C. the name and telephone number of the person who prepared the title report; and
  - D. A statement affirming that legal access exists to the lots, parcels or fractional interests to be divided; and
- 501.6 A signed, sealed or notarized statement by a registered, professional engineer or a licensed surveyor on the survey map or by separate document stating whether each resulting lot, parcel or fractional interest created by the division has physical access within the boundaries of the legal access that is traversable by a two-wheel drive passenger motor vehicle.
- 501.7 A map of survey prepared by an Arizona registered land surveyor in compliance with the provisions of A.R.S. § 11-481 and the County's layout format. The survey map shall be either 18" x 24" or 24" x 36" and shall show at the minimum the information required under Section 5 of the 2005 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as adopted by American Land Title Association and National Society of Professional Surveyors, including, but not limited to, the following:
  - A. A north arrow, oriented with the north toward the top of the sheet;
  - B. the boundaries of the section (or portion thereof) within which the minor land division lies;

- C. the boundary lines of the minor land division and the lots, parcels or fractional interests within it, including their bearings and distances;
- D. showing a design, shape, size and orientation of lots, parcels or fractional interests that are appropriate for the use for which the division is intended and as to the character of the area in which they are located;
- E. a note identifying the zone district in which the resulting lots, parcels or fractional interests are located and a statement as to whether the resulting lots meet the minimum requirements of the zone district;
- F. locations of existing structures and visible improvements, including but not limited to buildings, wells, and waste water disposal systems;
- G. lot, area, resulting acreage and dimension for each lot, parcel or fractional interest created by the division
- H. location of the legal and physical access to the Parent Parcel and to each lot, parcel or fractional interest created by the division, including the dimensions of the access, and the docket number of the recorded document establishing the legal access
- I. location and width of all roads and easements within and bordering the minor land division, the docket number of the recorded documents establishing such roads and easements, and type of easements;
- J. location and width of utility easements to each lot, parcel or fractional interest;
- K. identification of flood zones; and
- L. direction of the drainage flows.

501.8 To meet the requirements of Section 501.7 above, the Owner may use existing information that is readily available, including information from FEMA, the U.S. Geological Survey and ALTA surveys. An independent study is not required to demonstrate hydrology, drainage or floodplain boundaries.

Sec. 502 Access and Utility Requirements.

- 502.1 Any on-site ingress or egress created for public use as a result of the division shall be a minimum of twenty-four feet in width to each lot, parcel or fraction interest created by the division.
- 502.2 Driveway, easements or rights-of-way that access a public road under the County's jurisdiction require permits from the County's Department of Public Works for access onto the public road.
- 502.3 Alignment of any road created in a minor land division shall be designed with appropriate consideration for existing and planned roads, anticipated traffic patterns, topographic and drainage conditions, public safety and the use of the land being divided.
- 502.4 The Owner shall dedicate to the general public utility easements, separate from the access easement and no less than eight feet wide, to serve each lot, parcel or fractional interest created by the land division for the installation, maintenance and access of sewer, electric, gas and water utilities.

Sec. 503 Review of Application.

- 503.1 Upon receipt of the submitted documents, the Planning Department shall review them to determine their completeness. A request for approval of a land division is officially received by the County upon the filing of a properly completed and signed application with the Planning Department. The application is considered filed, when a properly completed and signed application by the Owner together with all required, accompanying documentation and fees are submitted to the Planning Department.
- 503.2 Upon the filing of a properly completed application, the Planning Department shall:
  - A. Distribute the submitted application for review and comment to the appropriate departments as deemed necessary by the Planning Director.
  - B. Review the submitted application to determine compliance with this Ordinance and comments received from other departments.
- 503.3 A completed application shall be reviewed in thirty (30) calendar days. The thirty-day time period shall start once the application is determined to be complete by the Planning Department. At the end of thirty

calendar days from the receipt of the completed application or sooner, if applicable, the Owner shall be notified as to whether the application has been approved or denied. The denial shall be in writing and shall set forth the reason or reasons for the denial.

503.4 If review is not completed within thirty days from receipt of the properly completed application, the land division shall be deemed approved.

503.5 Upon denial of the application for land division, the property owner has 180 days to remedy the reasons of denial.

Sec. 504 Access and Zoning Deficiencies.

504.1 Where the lots, parcels or fractional interests created by the division do not meet minimum County zoning requirements, or there is no legal or physical access or where the legal or physical access does not allow access by emergency vehicles or the legal and physical access are not the same, an application may be approved by the Planning Director upon:

- A. the deficiencies are noted in the deed and the map of survey, in such a manner that it becomes a matter of public record related to the parcels, lots or fractions interests created by the division; and/or
- B. The granting of a waiver on the minimum lot size, pursuant to Sec. 505 below.

504.2 If the legal access does not allow access to the lots, parcels or fractional interests by emergency vehicles, neither the County nor its agents or employees are liable for damages resulting from the failure of emergency vehicles to reach such lot, parcel or fractional interest.

504.3 Noticing of deficiencies in the deed and the map of survey shall consist of a detailed description of the deficiency. For zoning deficiencies, the Zoning Ordinance sections (s) and the nature of the deficiencies shall be included. The deficiency notice shall include a signed, notarized statement by the property owner that no building permit or use permit will be issued on the lot, parcel or fractional interest until the deficiencies have been removed from such lot parcel or fractional interest. PINAL COUNTY ASSUMES NO LIABILITY WITH THE REQUIRED NOTICING OF DEFICIENCIES.

504.4 If deficiencies are removed after they have been recorded, it shall be the responsibility of the Owner to remove the deficiencies from the recorded documents. Such removal shall be subject to approval of the Planning Director prior to recordation of any documentation effecting the removal.

Sec. 505 Waivers on Deviation of Minimum Lot Size.

505.1 The Planning Director may approve waivers to allow the creation of a lot that is not more than one percent (1%) below the required minimum lot size. The deviation is not for the purpose of creating more than one lot below the minimum lot size in a minor land division. This waiver shall apply only to areas that are zoned for a minimum lot size of one acre or more. This waiver is on minimum lot size only and does not waive any other requirement. Approval of the waiver does not relieve the permit holder of the additional responsibility of obtaining a building permit or any other permit or approval required by any other applicable law.

505.2 The request for a waiver must be filed with the Planning Director on forms provided by the Planning Department. The request must provide the name and address of the Owner and Owner's agent, if applicable; the address and legal description of the property; and the reason for deviation in the lot size.

Sec. 506 After approval of a land division application, the owner shall record the approval of the land division application and any notice of deficiencies at the County Recorder's Office for Pinal County, Arizona, along with any attached supplementary information. Recordation must occur within six months of approval by the Planning Department or the approval shall lapse and become void.

ARTICLE 6 EXCEPTIONS

Sec. 601 The following are excepted from the requirements of this Ordinance:

601.1 Creation or realignment of a public right-of-way by a public agency;

601.2 creation or realignment of a conservation easement, public easement or private easement;

601.3 creation or realignment of a special assessment district;

601.4 compliance with a court order to divide the land;

- 601.5 cemetery lots;
- 601.6 subdivisions created under the authority of Arizona Revised Statutes, Titles 11 and 32 and the County Subdivision Regulations;
- 601.7 the division of land into lots or parcels each of which is, or will be, thirty-six (36) acres or more in area; or
- 601.8 adjustment of the boundary line between two abutting parcels or lots or transfer of land between two owners of abutting parcels or lots which does not result in the creation of any additional parcel or lot.

**ARTICLE 7 VIOLATIONS, PENALTIES AND ENFORCEMENT**

- Sec. 701 It shall be unlawful to create minor land divisions within the unincorporated areas of Pinal County in violation of the terms of this Ordinance.
- Sec. 702 It shall be unlawful for a person or group of persons acting in concert to attempt to avoid the subdivision laws by acting in concert to divide a parcel of land into six or more lots or to sell or lease six or more lots by using a series of owners or conveyances.
- Sec. 703 Failure to comply with the terms of this Ordinance shall result in the withholding of any Pinal County permits for development until such time as deficiencies relative to the lots, parcels or fractional interests created by the minor land division are corrected.

BE IT FURTHER ORDAINED that this Ordinance shall become effective THIRTY (30) DAYS from the date of adoption.

PASSED AND ADOPTED this 6<sup>th</sup> day of December, 2006.

PINAL COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman of the Board

ATTEST:

\_\_\_\_\_  
Clerk of the Board