

REFERENCE TITLE: land divisions; property; technical correction

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2554

Introduced by
Representative Griffin

AN ACT

AMENDING SECTION 11-831, ARIZONA REVISED STATUTES; RELATING TO LAND DIVISIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-831, Arizona Revised Statutes, is amended to
3 read:

4 11-831. Review of land divisions; definitions

5 A. The board of supervisors of each county may adopt ordinances and
6 regulations pursuant to this section for staff review and approval of land
7 divisions of five or fewer lots, parcels or fractional interests, any of
8 which is ten acres or smaller in size. The county may not deny approval
9 of any land division that meets the requirements of this section. If A
10 review of the request is not completed within thirty days after receiving
11 the request, the land division is considered to be approved. At its
12 option, the board of supervisors may submit a ballot question to the
13 voters of the county to allow the voters to determine the application of
14 subsections B and C OF THIS SECTION to qualifying land divisions in that
15 county.

16 B. An application to split a parcel of land shall be approved if:

17 1. The lots, parcels or fractional interests each meet the minimum
18 applicable county zoning requirements of the applicable zoning
19 designation.

20 2. The applicant provides a standard preliminary title report or
21 other acceptable document that demonstrates legal access to the lots,
22 parcels or fractional interests.

23 3. The applicant provides a statement from a licensed surveyor or
24 engineer, or other evidence acceptable to the county, stating whether each
25 lot, parcel or fractional interest has physical access that is traversable
26 by a two-wheel drive passenger motor vehicle.

27 4. The applicant reserves the necessary and appropriate utility
28 easements to serve each lot, parcel or fractional interest created by the
29 land division.

30 C. An application to split a parcel of land that does not comply
31 with one or more of the items listed in subsection B OF THIS SECTION shall
32 still be approved if the applicant provides an acknowledgment that is
33 signed by the applicant and that confirms that ~~no~~ A building or use permit
34 will NOT be issued by the county until the lot, parcel or fractional
35 interest has met the requirements of subsection B OF THIS SECTION. The
36 county may grant a variance from one or more of the items listed in
37 subsection B OF THIS SECTION.

38 D. Any approval of a land division under this section may:

39 1. Include the minimum statutory requirements for legal and
40 physical on-site access that must be met as a condition to the issuance of
41 a building or use permit for the lots, parcels or fractional interests.

1 2. Identify topographic, hydrologic or other site constraints,
2 requirements or limitations that must be addressed as conditions to the
3 eventual issuance of a building or use permit. These constraints,
4 requirements or limitations may be as noted by the applicant or through
5 county staff review, but there shall be no requirement for independent
6 studies.

7 E. If the requirements of subsections A through D ~~OF THIS SECTION~~
8 do not apply, a county may adopt ordinances and regulations pursuant to
9 this chapter for staff review of land divisions of five or fewer lots,
10 parcels or fractional interests but only to determine compliance with
11 minimum applicable county zoning requirements and legal access and may
12 grant waivers from the county zoning and legal access requirements. The
13 county may not deny approval of any land division that meets the
14 requirements of this section or ~~where~~ IF the deficiencies are noticed in
15 the deed. A county may not require a public hearing on a request to
16 divide five or fewer lots, parcels or fractional interests. If ~~A~~ review
17 of the request is not completed within thirty days ~~from~~ AFTER receipt of
18 the request, the land division shall be deemed approved. If ~~no~~ legal
19 access is NOT available, the legal access does not allow access by
20 emergency vehicles or the county zoning requirements are not met, the
21 access or zoning deficiencies shall be noticed in the deed. If a county
22 by ordinance requires a legal access of more than twenty-four feet roadway
23 width, the county is responsible for the improvement and maintenance of
24 the improvement. If the legal access does not allow access to the lots,
25 parcels or fractional interests by emergency vehicles, neither the county
26 nor its agents or employees are liable for damages resulting from the
27 failure of emergency vehicles to reach the lot, parcel or fractional
28 interest.

29 F. It is unlawful for a person or group of persons acting in
30 concert to attempt to avoid this section or the subdivision laws of this
31 state by acting in concert to divide a parcel of land into six or more
32 lots or sell or lease six or more lots by using a series of owners or
33 conveyances. Either the county where the division occurred or the state
34 real estate department pursuant to title 32, chapter 20, but not both, may
35 enforce this prohibition. A familial relationship alone is not sufficient
36 to constitute unlawful acting in concert.

37 G. For any subdivision that consists of ten or fewer lots, tracts
38 or parcels, each of which is of a size as prescribed by the board of
39 supervisors, the board of supervisors of each county may waive the
40 requirement to prepare, submit and receive approval of a preliminary plat
41 as a condition precedent to submitting a final plat and may waive or
42 reduce infrastructure standards or requirements except for improved
43 dust-controlled access and minimum drainage improvements.

1 H. For the purposes of this section:

2 1. "Legal access" means a public right of vehicular ingress and
3 egress between the lots, parcels or fractional interests being created.

4 2. "Minimum applicable county zoning requirements" means the
5 minimum acreage and dimensions of the resulting lot, parcel or fractional
6 interest as required by the county's zoning ordinance.

7 3. "Utility easement" means an easement of eight feet in width
8 dedicated to the general public to install, maintain and access sewer,
9 electric, gas and water utilities.