

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2554

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 of  
9 any land division that meets the requirements of this section **AND MAY NOT**  
10 **REQUIRE THE APPLICANT FOR THE LAND DIVISION TO CONDUCT A SURVEY AS A**  
11 **CONDITION OF ISSUING APPROVAL OF THE LAND DIVISION OR CONVEYANCE OF THE**  
12 **LAND OR THE ISSUANCE OF A BUILDING PERMIT.** If review of the request is not  
13 completed within thirty days after receiving the request, the land division  
14 is considered to be approved. At its option, the board of supervisors may  
15 submit a ballot question to the voters of the county to allow the voters to  
16 determine the application of subsections B and C **OF THIS SECTION** to  
17 qualifying land divisions in that county.

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

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

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

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

~~3.~~ 3. The applicant reserves the necessary and appropriate utility easements to serve each lot, parcel or fractional interest created by the land division.

4. THE APPLICANT DISCLOSES TO ANY BUYER THAT THE APPLICANT HAS OR HAS NOT CONDUCTED A SURVEY OF THE LAND DIVISION.

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

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

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

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

E. If the requirements of subsections A through D do not apply, a county may adopt ordinances and regulations pursuant to this chapter for staff review of land divisions of five or fewer lots, parcels or fractional interests but only to determine compliance with minimum applicable county zoning requirements and legal access and may grant waivers from the county zoning and legal access requirements. The county may not deny approval of

1 any land division that meets the requirements of this section or where the  
2 deficiencies are noticed in the deed. A county may not require a public  
3 hearing on a request to divide five or fewer lots, parcels or fractional  
4 interests. If review of the request is not completed within thirty days  
5 from receipt of the request, the land division shall be deemed approved.  
6 If no legal access is available, the legal access does not allow access by  
7 emergency vehicles or the county zoning requirements are not met, the  
8 access or zoning deficiencies shall be noticed in the deed. If a county by  
9 ordinance requires a legal access of more than twenty-four feet roadway  
10 width, the county is responsible for the improvement and maintenance of the  
11 improvement. If the legal access does not allow access to the lots,  
12 parcels or fractional interests by emergency vehicles, neither the county  
13 nor its agents or employees are liable for damages resulting from the  
14 failure of emergency vehicles to reach the lot, parcel or fractional  
15 interest.

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

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

1           H.    A COUNTY BOARD OF SUPERVISORS CANNOT REQUIRE THAT EACH LOT,  
2           PARCEL OR FRACTIONAL INTEREST BE SURVEYED AS A CONDITION FOR APPROVAL OF AN  
3           APPLICATION TO SPLIT A PARCEL OF LAND.

4           ~~H.~~ I. For the purposes of this section:

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

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

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

13 Amend title to conform

GAIL GRIFFIN

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02/10/2022  
04:04 PM  
H: PAB/ljs