

REFERENCE TITLE: counties; board; administrative review; approval

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1286

Introduced by
Senator Gowan

AN ACT

AMENDING SECTIONS 11-269.27, 11-822 AND 11-823, ARIZONA REVISED STATUTES;
RELATING TO COUNTY PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
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
30 an adopted benchmark, standard or criterion available and knowable by the
31 applicant or proponent.

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

34 **11-822. Subdivision approval; platting regulations;**
35 **violation; classification; easement vesting**

36 A. **NO** A plat of a subdivision of land within the area of
37 jurisdiction of the county shall **NOT** be accepted for recording or recorded
38 until it has been approved by the board **OR PERSON WHO IS AUTHORIZED BY THE**
39 **ADOPTED COUNTY ORDINANCE**. The approval of the board **OR PERSON WHO IS**
40 **AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE** shall be endorsed in writing on
41 the plat and shall also include specific identification and approval of
42 the assurances, except those for hiking and equestrian trails required by
43 this section. If a county planning and zoning commission exists, the plat
44 may be referred to the commission for its consideration and the board may
45 receive the recommendation of the commission. If the subdivision is

1 comprised of subdivided ~~TAND~~ LANDS, as defined in section 32-2101, and is
2 within an active management area, as defined in section 45-402, the plat
3 shall not be approved unless it is accompanied by a certificate of assured
4 water supply issued by the director of water resources, or unless the
5 subdivider has obtained a written commitment of water service for the
6 subdivision from a city, town or private water company designated as
7 having an assured water supply by the director of water resources pursuant
8 to section 45-576 or is exempt from such a requirement pursuant to section
9 45-576. The board shall note on the face of the plat that a certificate
10 of assured water supply has been submitted with the plat or that the
11 subdivider has obtained a commitment of water service for the proposed
12 subdivision from a city, town or private water company designated as
13 having an assured water supply pursuant to section 45-576.

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

17 C. Approval of a plat shall not be deemed to constitute or effect
18 an acceptance by the county for designation of any street, highway,
19 bicycle facility or other way or open space shown on the plat into the
20 county maintenance system except for hiking and equestrian trails that are
21 constructed and maintained by the county. However, at the time the
22 streets, highways, bicycle facilities or other ways are fully completed in
23 accordance with the approved plat and written specifications made by the
24 county board **OR PERSON WHO IS AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE**,
25 the county shall accept the streets, highways, bicycle facilities and
26 other ways into the county maintenance system within one year ~~OF~~ AFTER
27 completion.

28 D. Any person causing a final plat to be recorded without first
29 submitting the plat and obtaining approval of the board **OR PERSON WHO IS**
AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE is guilty of a class 2
31 misdemeanor. A county recorder shall not accept for recording or record
32 any plat that has not been approved as provided by this article.

33 E. On recording of a plat, the fee of the streets, alleys, avenues,
34 highways, easements, parks and other parcels of ground reserved to the use
35 of the public vests in trust in the county for the uses and to the extent
36 depicted on the plat, including ingress and egress easements depicted on
37 the plat. On annexation by any city or town the fee automatically vests
38 in the city or town.

39 F. For any subdivision that consists of lots, tracts or parcels,
40 each of which is of a size as prescribed by the board of supervisors, the
41 board **OR PERSON WHO IS AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE** may
42 waive the requirement to prepare, submit and receive approval of a
43 preliminary plat as a condition precedent to submitting a final plat and
44 may waive or reduce infrastructure standards or requirements except for
45 improved dust-controlled access and minimum drainage improvements.

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

3 **11-823. Water supply; adequacy; exemptions**

4 A. To protect the public health and safety, the general regulations
5 adopted by the board pursuant to section 11-821, subsection B, if approved
6 by unanimous vote of the board of supervisors, may provide that, except as
7 provided in subsection C and subsection D, paragraph 1 of this section,
8 the board **OR PERSON AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE** shall not
9 approve a final plat for a subdivision composed of subdivided lands, as
10 defined in section 32-2101, located outside of an active management area,
11 as defined in section 45-402, unless one of the following applies:

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

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

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

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

26 (a) The board determines that there is no feasible alternative
27 water supply for the subdivision and that the transportation of water to
28 the subdivision will not constitute a significant risk to the health and
29 safety of the residents of the subdivision.

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

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

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

39 2. The board shall promptly give written notice of the adoption of
40 the provision to the director of water resources, the director of
41 environmental quality and the state real estate commissioner. The notice
42 shall include a certified copy of the provision and any exemptions adopted
43 pursuant to paragraph 1 of this subsection. Water providers may be
44 eligible to receive monies in a water supply development fund, as
45 otherwise provided by law.

1 3. The board shall not rescind the provision or amend it in a
2 manner that is inconsistent with subsection A of this section. If the
3 board amends the provision, it shall give written notice of the amendment
4 to the director of water resources, the director of environmental quality
5 and the state real estate commissioner. The board may rescind an
6 exemption adopted pursuant to paragraph 1 of this subsection. If the
7 board rescinds the exemption, it shall give written notice of the
8 rescission to the director of water resources, the director of
9 environmental quality and the state real estate commissioner, and the
10 board shall not readopt the exemption for at least five years after the
11 rescission becomes effective.

12 4. If the board **OR PERSON AUTHORIZED BY THE ADOPTED COUNTY**
13 **ORDINANCE** approves a subdivision plat pursuant to subsection A, paragraph
14 1 or 2 of this section, the board shall note on the face of the plat that
15 the director of water resources has reported that the subdivision has an
16 adequate water supply or that the subdivider has obtained a commitment of
17 water service for the proposed subdivision from a city, town or private
18 water company designated as having an adequate water supply pursuant to
19 section 45-108.

20 5. If the board **OR PERSON AUTHORIZED BY THE ADOPTED COUNTY**
21 **ORDINANCE** approves a subdivision plat pursuant to an exemption authorized
22 by paragraph 1 of this subsection or granted by the director of water
23 resources pursuant to section 45-108.02 or 45-108.03:

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

26 (b) The board shall include on the face of the plat a statement
27 that the director of water resources has determined that the water supply
28 for the subdivision is inadequate and a statement describing the exemption
29 under which the plat was approved, including a statement that the board or
30 the director of water resources, whichever applies, has determined that
31 the specific conditions of the exemption were met. If the director of
32 water resources subsequently informs the board that the subdivision is
33 being served by a water provider that has been designated by the director
34 as having an adequate water supply pursuant to section 45-108, the board
35 shall record in the county recorder's office a statement disclosing that
36 fact.

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

38 1. A proposed subdivision that the director of water resources has
39 determined will have an inadequate water supply pursuant to section 45-108
40 if the director grants an exemption for the subdivision pursuant to
41 section 45-108.02 and the exemption has not expired or the director grants
42 an exemption pursuant to section 45-108.03.

43 2. A proposed subdivision that received final plat approval from
44 the county before the requirement for an adequate water supply became
45 effective in the county if the plat has not been materially changed since

1 it received the final plat approval. If changes were made to the plat
2 after the plat received the final plat approval, the director of water
3 resources shall determine whether the changes are material pursuant to the
4 rules adopted by the director to implement section 45-108. If the county
5 approves a plat pursuant to this paragraph and the director of water
6 resources has determined that there is an inadequate water supply for the
7 subdivision pursuant to section 45-108, the county shall note this on the
8 face of the plat.

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

12 1. If the director of water resources has determined that there is
13 an adequate water supply for the subdivision pursuant to section 45-108 or
14 if the subdivider has obtained a written commitment of water service for
15 the subdivision from a city, town or private water company designated as
16 having an adequate water supply by the director of water resources
17 pursuant to section 45-108, the board **OR PERSON AUTHORIZED BY THE ADOPTED**
18 **COUNTY ORDINANCE** shall note this on the face of the plat if the plat is
19 approved.

20 2. If the director of water resources has determined that there is
21 an inadequate water supply for the subdivision pursuant to section 45-108,
22 the board **OR PERSON AUTHORIZED BY THE ADOPTED COUNTY ORDINANCE** shall note
23 this on the face of the plat if the plat is approved.