

REFERENCE TITLE: land division; applicant submissions; review

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2101

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 5. THE APPLICANT PROVIDES AN ANSWER ON THE APPLICATION TO THE
31 FOLLOWING QUESTIONS:

32 (a) "DO YOU OR ANY CORPORATION OR LIMITED LIABILITY CORPORATION
33 THAT YOU ARE A MEMBER, MANAGER OR OWNER OF OR AN INDEPENDENT CONTRACTOR
34 FOR OWN OR REPRESENT ANY PROPERTY THAT IS IN THE SAME TAX PARCEL MAP OR
35 SUBDIVISION AS THE LOTS, PARCELS OR FRACTIONAL INTERESTS THAT ARE THE
36 SUBJECT OF THIS APPLICATION?"

37 (b) "HAVE YOU OR ANY CORPORATION OR LIMITED LIABILITY CORPORATION
38 THAT YOU ARE A MEMBER, MANAGER OR OWNER OF OR AN INDEPENDENT CONTRACTOR
39 FOR DIVIDED, SOLD OR LEASED ANY PROPERTY WITHIN THE LAST TEN YEARS THAT IS
40 IN THE SAME TAX PARCEL MAP OR SUBDIVISION AS THE LOTS, PARCELS OR
41 FRACTIONAL INTERESTS THAT ARE THE SUBJECT OF THIS APPLICATION?"

42 ~~5.~~ 6. The applicant signs an affidavit or similar document under
43 oath acknowledging the following:

44 (a) The applicant is aware that it is unlawful pursuant to
45 subsection F of this section and section 32-2181, subsection D for a

1 person or group of persons to attempt to avoid these sections or the
2 subdivision laws of this state by acting in concert to divide a parcel of
3 land into six or more lots or parcels.

4 (b) The applicant is aware that the county where the land division
5 occurred or the state real estate department may investigate and enforce
6 the prohibition against acting in concert to unlawfully divide a parcel of
7 land into six or more lots or parcels.

8 C. An application to split a parcel of land that does not comply
9 with one or more of the items listed in subsection B of this section shall
10 still be approved if the applicant provides an acknowledgment that is
11 signed by the applicant and that confirms that a building or use permit
12 will not be issued by the county until the lot, parcel or fractional
13 interest has met the requirements of subsection B of this section. The
14 county may grant a variance from one or more of the items listed in
15 subsection B of this section.

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

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

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

26 E. If the requirements of subsections A through D of this section
27 do not apply, a county may adopt ordinances and regulations pursuant to
28 this chapter for staff review of land divisions of five or fewer lots,
29 parcels or fractional interests but only to determine compliance with
30 minimum applicable county zoning requirements and legal access and may
31 grant waivers from the county zoning and legal access requirements. The
32 county may not deny approval of any land division that meets the
33 requirements of this section or if the deficiencies are noticed in the
34 deed. A county may not require a public hearing on a request to divide
35 five or fewer lots, parcels or fractional interests. If a review of the
36 request is not completed within thirty days after receipt of the request,
37 the land division shall be deemed approved. If legal access is not
38 available, the legal access does not allow access by emergency vehicles or
39 the county zoning requirements are not met, the access or zoning
40 deficiencies shall be noticed in the deed. If a county by ordinance
41 requires a legal access of more than twenty-four feet roadway width, the
42 county is responsible for the improvement and maintenance of the
43 improvement. If the legal access does not allow access to the lots,
44 parcels or fractional interests by emergency vehicles, neither the county
45 nor its agents or employees are liable for damages resulting from the

1 failure of emergency vehicles to reach the lot, parcel or fractional
2 interest.

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

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

18 H. For the purposes of this section:

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

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

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