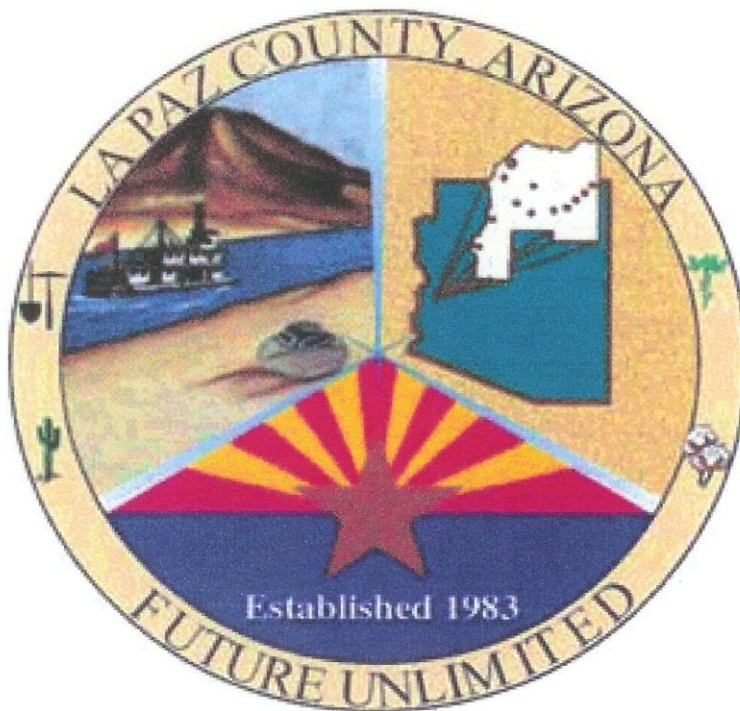


LA PAZ COUNTY
SUBDIVISION
REGULATIONS

Commission Review Draft 5/3/07



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ARTICLE 1 TITLE, PURPOSE AND ADMINISTRATION

Sec. 101 **Title:** These Regulations may be cited and referred to as the "La Paz County Subdivision Regulations."

Sec. 102 **Authority:** The La Paz County Subdivision Regulations are authorized by A.R.S. § 11-802 and 11-806, and are hereby declared to be in accordance with all provisions of these statutes.

Sec. 103 **Jurisdiction:**

103.1 These Regulations shall apply to all subdivisions of land as defined herein, located within the unincorporated areas of La Paz County, Arizona (the "County").

103.2 No land shall be considered subdivided within the unincorporated areas of the County until the subdivider or his agent complies with these Regulations; obtains approval of the final plat by the Board of Supervisors (the "Board"); and until the final approved plat is filed with and recorded by the Office of the County Recorder of La Paz County, Arizona.

Sec. 104 **Purposes:** The purposes of these Regulations are to provide for the orderly growth and harmonious development of La Paz County; to be in conformance with the intent of the La Paz County Comprehensive Plan; to preserve, promote and protect the health, safety, convenience and general welfare of the public; to foster healthy and highly livable neighborhoods; to regulate the subdivision of all lands within the unincorporated area of La Paz County; to set minimum requirements and standards for improvements; to secure adequate traffic circulation through coordinated street systems in relation to existing or planned streets, highways or bicycle facilities; to provide for the proper arrangement of hiking and equestrian trails in relation to existing or planned streets; to achieve individual property lots of reasonable utility; to secure adequate provisions for water supply and distribution; to assure installation of streets, utilities, drainage, flood control and improvements meeting established minimum standards of design and construction; to consider adequate sites for schools, parks and recreation areas, and other public facilities; to promote conveyance of land by accurate legal description; and to provide practical procedures for the achievement of these purposes.

Sec. 105 **Pending Applications:** All applications for subdivision approval that have been accepted as complete, including tentative or final plats, and are under County review on the effective date of these Regulations shall be reviewed

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under County regulations existing at the time of acceptance, except that these Regulations will apply if, during plat review, any approvals lapse or processing deadlines expire.

Sec. 106 **Administration:** The Community Development Director is hereby authorized to accept and process tentative plats in accordance with these Regulations. The Planning and Zoning Commission (the "Commission") is hereby authorized to act on tentative plats in accordance with these Regulations. The County Community Development Director shall collect and distribute input from the County Engineer, the County Public Works Department, Environmental Health Department and any other County department whose input is deemed necessary by the Commission or the Board. The Community Development Department is hereby charged with the duty of investigating and reporting upon matters referred to them in accordance with these Regulations.

Sec. 107 **Public Works Standards Volumes I through III:**

107.1 A companion to these Subdivision Regulations, the La Paz County Public Works Standards, Volumes I-III, hereinafter referred to as "Public Works Standards," is adopted separately and may be amended or readopted by resolution of the La Paz County Board of Supervisors after 15 day notice and a public hearing. The Public Works Standards may include standards of uniform application regarding requirements for streets, storm drains, water systems, wastewater systems, traffic signals, signs, hillside development and installation of underground utilities in dedicated right-of-way for subdivision plats within La Paz County's area of jurisdiction.

107.2 Upon recommendation by the County Engineer, the Public Works Standards may be subsequently amended by a resolution of the La Paz County Board of Supervisors after 15-day notice and a public hearing. The Public Works Standards will not be published as part of the La Paz County Subdivision Regulations, but shall be published as a separate document. Copies of the Public Works Standards will be available for inspection and purchase at the La Paz County Development Services Counter.

Sec. 108 **County Subdivision Processing Fees:** The submission of tentative plats, final plats and requests to initiate other procedures under these Regulations shall include payment to La Paz County of fees for processing and review services performed by various County departments according to the adopted Community Development and Public Works fee schedules.

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Sec. 109 **Notice to Subdivider:** Reference in these Regulations to any type of notice to subdivider means subdivider or subdivider's agent.

Sec. 110 **Interpretation, Conflict, and Severability:**

110.1 **Interpretation:** In their interpretation and application, the provisions of these Regulations shall be held to be the minimum standards and requirements for the promotion of the public health, safety, and general welfare. The Community Development Director is responsible for the interpretation of the intent and application of these Regulations. Appeals to the Community Development Director's interpretation may be filed in accordance with Article 12.

110.2 **Conflict:** These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these Regulations. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of law, the provision that is more restrictive or imposes higher standards upon the development and use of land shall control.

110.3 **Severability:** If any section, sub-section, sentence, clause, phase, term, part or provision of these Regulations or the Public Works Standards or application thereof to any person or circumstances is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall be confined in its operation to the section, sub-section, sentence, clause, phase, term, part or provision or application directly involved in the controversy and such decision shall not affect or impair the constitutionality or validity of the remaining portions of these Regulations or the application thereof to other persons or circumstances.

Sec. 111 **Amendment of Subdivision Regulations:** For the purpose of providing for the public health, safety and general welfare, the Board may from time to time amend the provisions imposed by these Regulations in accordance with Arizona Revised Statutes.

Sec. 112 **Permits:** No permits for grading, clearing, building, or installation of improvements shall be issued for property that is the subject of a subdivision application, unless approved by the Building Official and County Engineer as applicable.

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ARTICLE 2 DEFINITIONS

Sec. 201 **General Rules:** For the purpose of these Regulations, and when not inconsistent with the context:

- 201.1 Words used in the present tense shall include the future.
- 201.2 Words used in the singular shall include the plural.
- 201.3 Words in the plural shall include the singular.
- 201.4 Words in the masculine gender shall include the feminine gender, corporate or other form.
- 201.5 The word "shall" is mandatory and not discretionary.
- 201.6 The word "may" is permissive.

~~201.7~~ The word "day" refers to calendar days. ← Formatted: Bullets and Numbering

~~201.7~~~~201.8~~ The particular controls the general. ← Formatted: Bullets and Numbering

~~201.8~~~~201.9~~ Enumeration is not limited. ← Formatted: Bullets and Numbering

~~201.9~~~~201.10~~ The word "herein" means "in these Regulations" and the word "regulations" means "these Regulations". ← Formatted: Bullets and Numbering

~~201.10~~~~201.11~~ The word "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club. ← Formatted: Bullets and Numbering

~~201.11~~~~201.12~~ The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." ← Formatted: Bullets and Numbering

Sec. 202 **Definitions:** For the purpose of these Regulations, certain words, phrases, terms, and abbreviations shall have special meaning as defined herein, unless the context requires otherwise:

- 202.1 **Access, All-weather:** Roadway access that is constructed in conformance with the requirements of the Public Works Standards and provides access during certain weather events.

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- 202.2 **Access, Paved:** Means permanent, legal, usable and physical access, including ingress and egress from the subdivision, to any public roadway, that conforms to the Public Works Standards.
- 202.3 **Access, Permanent:** Means perpetual legal, usable and physical access to and from the subdivision to any public roadway.
- 202.4 **ADEQ:** The Arizona Department of Environmental Quality.
- 202.5 **Board:** The Board of Supervisors of La Paz County.
- 202.6 **Clerk of the Board:** The Clerk of the La Paz County Board of Supervisors.
- 202.7 **Commission:** The La Paz County Planning and Zoning Commission.
- 202.8 **Common Elements:** In accordance with Arizona Revised Statutes 33-1202, all portions of a condominium other than the units.
- 202.9 **Common Elements, Limited:** A portion of the common elements of a condominium specifically designated as a limited common element in the declaration and allocated by the declaration or by operation of Arizona Revised Statutes, Section 33-1212, or its successor for the exclusive use of one or more but fewer than all of the units.
- 202.10 **Community Development Department:** La Paz County Department of Community Development.
- 202.11 **Community Development Director:** The duly appointed director of the La Paz County Department of Community Development or his duly authorized representative.
- 202.12 **Contiguous:** Lots, parcels or fractional interests that share a common boundary line greater than ~~thirty eight~~ feet in length.
- 202.13 **County:** La Paz County, a political subdivision of the State of Arizona.
- 202.14 **County Building Code:** The La Paz County Building Code, as amended from time to time.
- 202.15 **County Engineer:** The La Paz County Engineer or designee.

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- 202.16 **County Recorder:** The Recorder of La Paz County, Arizona.
- 202.17 **County Reviewing Departments:** County Department of Community Development, County Department of Public Works, County ~~Environmental~~ Health Department(?), and any other County ~~D~~department the Commission and/or Board determine to be applicable.
- 202.18 **County Zoning Ordinance:** La Paz County Zoning Regulations Ordinance as amended.
- 202.19 **Engineer of Record:** The Arizona registered engineer who signs and seals plats and plans, taking responsibility for the project's design.
- 202.20 **Engineer's Opinion of Probable Cost:** A certified (with professional seal and signature) estimate of construction costs for all required improvements, including a contingency amount.
- 202.21 **Exception:** Any parcel of land located within the boundaries of a subdivision that is not included as a part of the plat.

~~202.22~~**Fractional Interest:** ~~An undivided interest in improved or unimproved land, lots or parcels of any size created for the purpose of sale or lease and evidenced by any receipt, certificate, deed or other document conveying such interest. Undivided interests in land, lots or parcels created in the names of a husband and wife as community property, joint tenant or tenants in common, or in the names of other persons who, acting together as part of a single transaction, acquire such interests without a purpose to divide such interests for present or future sale or lease shall be deemed to constitute only one fractional interest.~~

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~~202.23~~202.22 **Lot, Hillside:** Any lot or portion of a lot where the terrain has a natural cross-slope of greater than fifteen percent (15%), ~~(for example, 15.1%).~~

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~~202.24~~202.23 **Master Drainage Report:** Identifies current and anticipates potential future drainage problems, and generates development guidelines to alleviate potential flooding problems. Flooding solutions will include drainage design policies, standards, and guidelines.

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~~202-25~~202.24 **Natural Cross-Slope:** A calculation of the pre-development or undisturbed slope of a parcel or development site determined by using the following equation:

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$$\frac{I \times L \times 0.0023}{A}$$

Where:

I	=	Contour interval (maximum 10') in feet;
L	=	Combined length in feet of all contour lines measured on the parcel or project site;
0.0023	=	Conversion of square feet into acres x 100;
A	=	Project site or parcel area in acres.

The average cross slope shall be rounded off to the nearest whole number. When .5 or higher is computed, the number shall be rounded off to the next highest whole number.

~~202-26~~202.25 **Owner:** The person or persons holding title by deed to land or condominium unit.

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~~202-27~~202.26 **Person:** Any individual, corporation, partnership, or company and any other form of multiple organizations for carrying on business, foreign or domestic.

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~~202-28~~202.27 **Planning Department:** La Paz County Department of Community Development.

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~~202-29~~202.28 **Planning Staff:** The staff of the La Paz County Department of Community Development.

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~~202-30~~202.29 **Plat:** A map of a subdivision that includes a tentative or final subdivision or replat.

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~~202-31~~202.30 **Plat, Final:** A map of all or part of a subdivision providing substantial conformance to a conditionally approved Tentative Plat, prepared in accordance with these Regulations and approved by the Board before recordation.

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- ~~202.32~~202.31 **Plat, Tentative:** A preliminary map, including supporting data, of all or part of a proposed subdivision, prepared in accordance with these Regulations. Formatted: Bullets and Numbering
- ~~202.33~~202.32 **Plat, Recorded:** A final plat approved by the Board and bearing all of the certificates of approval required in these Regulations and duly recorded in the La Paz County Recorder's Office. Formatted: Bullets and Numbering
- ~~202.34~~202.33 **Public Roadway:** A public right-of-way and/or easement owned by, ~~or reserved to~~, the public for present or future public use. Formatted: Bullets and Numbering
- ~~202.35~~202.34 **Public Works Department:** The La Paz County Department of Public Works. Formatted: Bullets and Numbering
- ~~202.36~~202.35 **Public Works Director:** The La Paz County Public Works Director or his designee. Formatted: Bullets and Numbering
- ~~202.37~~202.36 **Public Works Standards:** The adopted La Paz County Public Works Standards, Volumes I-III. Formatted: Bullets and Numbering
- ~~202.38~~202.37 **Regulations:** The La Paz County Subdivision Regulations. Formatted: Bullets and Numbering
- ~~202.39~~202.38 **Replat:** A map indicating the replacement of all or a portion of an existing, recorded subdivision plat with a new and different subdivision plat. Formatted: Bullets and Numbering
- ~~202.40~~202.39 **Resubdivision:** Another term for a replat. Formatted: Bullets and Numbering
- ~~202.41~~202.40 **Sight Visibility Triangle Easement (SVTE):** An easement on private property adjacent to a street intersection that remains clear of any visual obstructions in order to provide reasonable visibility for roadway users. Formatted: Bullets and Numbering
- ~~202.42~~202.41 **State:** State of Arizona. Formatted: Bullets and Numbering
- ~~202.43~~202.42 **Storm Drain:** A constructed conduit necessary, useful or convenient for the collection and carrying of surface waters to a drainage course. Formatted: Bullets and Numbering
- ~~202.44~~202.43 **Street, Local Service or Local Access:** That part of a major street right-of-way, existing or proposed, separated from the Formatted: Bullets and Numbering

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main flow of through traffic and designated exclusively or primarily to provide access to abutting properties.

~~202.45~~202.44 **Street, Major:** Such major street, highway, thoroughfare, parkway or boulevard and all section lines so designated on the comprehensive plan.

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~~202.46~~202.45 **Street, Perimeter:** Any existing or proposed street to which the land to be subdivided abuts on only one side.

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~~202.47~~202.46 **Subdivider:** The person, firm, corporation, partnership, association, syndicate, trust or other legal entity that makes application and initiates proceedings for the subdivision of land in accordance with these Regulations, not including any authorized agent, professional engineers, licensed surveyors, attorneys, planners, or other professionals engaged to perform work for others pursuant to the requirements of law; or a public agency or officer authorized by law to create subdivisions.

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~~202.48~~202.47 **Subdivision:** Improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future into six or more lots, parcels or fractional interests. Includes a stock cooperative, lands divided or proposed to be divided as part of a common promotional plan and residential condominiums and does not include the exceptions as listed in A.R.S. 32-2101.

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~~202.49~~202.48 **Subdivision, Hillside:** A subdivision, or any portion of a subdivision, located on natural terrain having a natural cross-slope greater than fifteen percent (15%), ~~(for example, 15.1%).~~

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~~202.50~~202.49 **Tentative Plat, Conditionally Approved:** A tentative plat with conditional approval (see "Plat, Tentative" for definition of a Tentative Plat).

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~~202.51~~202.50 **Tract:** A defined area of land created during subdivision for a specific purpose such as retention, open space, etc.

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~~202.52~~202.51 **Traffic Impact Analysis:** A report that assesses the impact of a proposed development on the transportation system.

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~~202.53~~202.52 **Water, Non-potable:** Water that does not meet Federal Environmental Protection Agency drinking water standards for human consumption.

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| ~~202-54202.53~~ **Water, Potable:** Water that meets Federal Environmental Protection Agency drinking water standards for human consumption.

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ARTICLE 3 GENERAL REQUIREMENTS AND PROCEDURES FOR SUBMITTAL OF PLATS

Sec. 301 **Purpose:** This Article establishes general requirements and procedures for the submission of tentative and final plats for subdivisions.

Sec. 302 **Approval:** Before any land is subdivided, the subdivider shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in these Regulations. It is the responsibility of the subdivider to comply with these Regulations and other applicable laws and ordinances.

Sec. 303 **Compliance with Zoning:** All proposed subdivisions shall be designed to meet the requirements for the zoning district within which it is located and all lots shall be consistent with the zoning requirements. Approvals may be required for zoning, rezoning, approved Planned Development and Master Planned Area, or use permits. Processes for these approvals are separate from these Regulations. The Commission and the Board shall not take any action on a tentative plat or a final plat until action has previously been taken on these issues, unless otherwise stated in these Regulations. Action on a tentative or final subdivision plat shall be placed on an agenda subsequent to zoning, approved Planned Development and Master Planned Area or use permit approval.

Sec. 304 Pre-application Stage:

304.1 **Tentative Plat Pre-application Review:** Since compliance with County ordinances and regulations is required for the tentative plat, it is required that the subdivider review the initial design concept for the subdivision with the Community Development Department and the Public Works Department prior to preparation of a tentative plat. A pre-application review meeting will be scheduled at which the subdivider will present to the Subdivision Review Committee a general outline of the subdivider's proposal, which shall include sketch plans and concepts regarding land use, street and lot arrangement, lot sizes, open space and tentative proposals regarding utilities, grading and drainage, storm water retention and street improvements.

At the review meeting, the subdivider must submit copies of all documents relating to any planning and zoning actions including Comprehensive Plan Amendments and Approved Planned Development and Master Planned Areas (MPA's), and any Development Agreements in place for the subject property. The purpose of the pre-application review meeting is to provide to the

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subdivider general information on the purpose and effect of these Regulations, the County Comprehensive Plan, zoning, and municipal and other county planning, engineering, drainage, sewage, water systems, flood control and similar standards, requirements and plans while the subdivider's plans are still being formulated.

304.2 **Subdivision Planning:** In addition to the General Subdivision Design Standards contained in Article 7, some of the factors to be considered by the subdivider in planning a subdivision are as follows:

- A. Need for additional residential sites in the area;
- B. Compatibility with County zoning;
- C. Ability to comply with Public Works Design Standards;
- D. Type of homes to be built;
- E. Lot sizes most adaptable to the use proposed;
- F. Areas to be reserved for non-residential use;
- G. Special scenic locations or areas of historical or archeological importance which need to be reserved;
- H. School sites;
- I. Parks, trails, open space and recreation facilities that are needed;
- ~~J.~~ J. Circulation design and street layout with attention to future access needs;
- ~~J.K.~~ J.K. Access features which may be desirable along major arterial and collector streets;
- ~~K.L.~~ K.L. Areas subject to flooding;
- ~~L.M.~~ L.M. Suitability of land for the proposed development;
- ~~M.N.~~ M.N. Water, sanitary sewer, solid waste disposal, storm sewer, electric and gas utility services to be provided;
- ~~N.O.~~ N.O. Fire, ~~and~~ police protection, and other emergency services, and;
- ~~O.P.~~ O.P. Integration of the subdivision with existing and proposed development.

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Sec. 305 **Tentative Plat:** The tentative plat process for the subdivision of land includes detailed subdivision planning by the subdivider; application submittal; review of the plat by the Community Development Department, other County Departments, agencies and interest groups; and conditional approval by the Commission.

305.1 **Initiation of Tentative Plat Process:** To initiate the tentative plat process, the subdivider shall cause to be filed with the Community Development Department the following:

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- A. Application for conditional approval of tentative plat, on forms provided by the County. If applicant is not the property owner, application must be accompanied by a notarized statement from the property owner that he consents to the filing of the application and the proposed subdivision of land. The applicant shall be recognized as the subdivider for the purposes of these regulations;
 - B. **Twenty Eight (208)** prints of the tentative plat;
 - C. It is the responsibility of the subdivider to determine the location of the proposed subdivision relative to municipal boundaries and municipal planning areas and to include such documentation with the plat submittal;
 - D. Filing fee, as set forth in the Community Development and Public Works Fee Schedules;
 - E. Additional related data, documents or exhibits as specified in Article 4 of these Regulations; and
 - F. If subdivider is to be represented by an agent, a written, notarized letter of authorization for said agent from the subdivider must be on file with the Community Development Department prior to appearance of subdivider's agent at any Commission or Board meeting on behalf of the subdivider. The notarized letter of authorization shall state the extent of the agent's authority.
- 305.2 **Acceptance for Processing:** The tentative plat application will not be considered accepted for processing until all required information as described in these Regulations is provided to the Community Development Director and appropriate fees are paid. If the tentative plat application does not meet the requirements of these Regulations, the Community Development Director shall inform, in writing, the subdivider or subdivider's agent of the corrections necessary and return the application and all materials to the subdivider.
- 305.3 **Subdivision Review Committee:** A Subdivision Review Committee comprised of representatives from County reviewing departments, applicable agencies and utility and service providers is hereby established. Membership of the Committee is composed of those departments and agencies listed in Sections 312 and 313.

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The purpose of this Committee is to review and resolve with all affected parties technical issues and problems with the proposed subdivision before review and conditional approval by the Commission. The subdivider or his representative is required to attend the Subdivision Review Committee meeting. The Community Development Director may determine additional. More than one Subdivision Review Committee meetings are necessary. Subsequent Subdivision Review Committee meetings shall be scheduled within thirty (30) days of the previous Subdivision Review Committee meeting, unless a longer time is accepted by the subdivider, may be required.

- A. County representatives shall provide, at a minimum, written, preliminary review comments and recommendations on tentative plats at the time of the Subdivision Review Committee meeting.
- B. Applicable agencies and utility and service providers are invited to submit comments and recommendations and requested to send a representative to the Subdivision Review Committee. Comments and recommendations are requested to be submitted 5 days before the meeting.

305.4 **Review:** Upon acceptance of the tentative plat application for processing, the Community Development Director shall assign a case number to the application, forward copies of the tentative plat and supporting documents to the County reviewing departments and applicable agencies and interest groups as set forth in these Regulations, and schedule the tentative plat for review at the next available Subdivision Review Committee meeting. The Subdivision Review Committee meeting shall be scheduled no sooner than 14 calendar days after the distribution of copies of the tentative plat and supporting documents. The Community Development Department, County reviewing departments and applicable agencies shall review the tentative plat and related data, documents and exhibits for conformance to these Regulations as it relates to those requirements within their jurisdiction.

305.5 **Expedited Review:** ~~La Paz County may adopt supplementary procedures, schedules and appropriate fees to support an expedited, subdivision plat review process.~~ Both tentative and final plat review processes may be expedited when County resources permit. County-approved third-party reviewers may be used to support expedited review. Expedited review may or may not be available at all times or for all applications. The Community

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Development Director shall determine if expedited review is appropriate based on availability of the services, and the complexity of the subdivision application.

- 305.6 **Revisions:** If the Community Development Director, based on departmental and agency review comments, finds that the tentative plat or supporting information does not conform to the requirements of these Regulations, then notice requesting revisions to the tentative plat or related data, documents or exhibits, shall be sent to the subdivider. Needed revisions shall be made in the form of a revised tentative plat that is submitted to the County for further review. The revised tentative plat will not be scheduled for Commission review until the revised plat submittal is reviewed and determined in compliance with these Regulations.
- A. If tentative plat revisions are initiated by the subdivider, review of the revisions shall be subject to additional plat review fees in accordance with adopted Community Development and Public Works fee schedules.
 - B. All subsequent submittals of a revised tentative plat or related data, documents or exhibits, other than a revised second submittal as requested by the Community Development Director (i.e., third, fourth, etc., reviews), prior to tentative plat conditional approval, must be accompanied by the appropriate fees for processing and review.
- 305.7 **Compliance:** The tentative plat will not be scheduled by the Community Development Director for review before the Commission unless: 1) it contains all the required information; 2) written responses have been received from county departments with representatives on the Subdivision Review Committee, and 3) the tentative plat is in satisfactory form. Scheduling of a tentative plat for Commission review will additionally be dependent upon adequacy of information presented and completion of review by all agencies concerned.
- 305.8 **Planning and Zoning Commission Meeting:** The Community Development Director shall prepare a report, including comments and stipulations from the Subdivision Review Committee, ~~and~~ reviewing departments and agencies, and an assessment of the Tentative Plat and its consistency with the Comprehensive Plan, for presentation to the Commission. The Community Development Director shall submit the report and tentative plat for review and action at the Commission's next regularly scheduled meeting

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provided that at least six (6) days prior notice has been given to the subdivider or his agent of the date and time of the meeting or the notice time period has been waived in writing by the subdivider or his agent. The Community Development Director shall transmit the report including any recommended stipulations to the subdivider and the Commission at least six (6) days prior to the Commission meeting. The subdivider or his agent and his engineer shall be present at the meeting.

305.9 Planning and Zoning Commission Action:

- A. **Findings:** The Commission shall hear and consider all evidence relating to the tentative plat and make findings as to the conformity of the tentative plat with these Regulations. The Commission may require changes to the type and extent of improvements to be made.

The Commission shall consider the following criteria in conditionally approving or denying a tentative plat. The Commission may consider other criteria in addition to the criteria listed below, and may deny approval of a tentative plat if conformance is not found with one or more of the following:

1. Whether the proposed subdivision is consistent and in conformance with the La Paz County Subdivision Regulations and other applicable ordinances and regulations.
2. Whether the proposed subdivision is consistent with the approved zoning and/or Approved Planned Development and Master Planned Area (MPA), if applicable.
3. Whether the design of the proposed subdivision is suitable to the environment or causes substantial environmental damage or presents serious public health problems.
4. Whether the design of the proposed subdivision is compatible with the physical features of the site including, but not limited to, natural slopes greater than 15%, and floodplains and floodways.
5. Whether the proposed subdivision will have adequate permanent access, and that reasonable access provisions have been included for contiguous,

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developable properties with no other access opportunities.

6. Whether the proposed subdivision will place an unreasonable burden on the ability of the County or other local governments to provide for streets, water, sewage, fire, police, hospital, solid waste, education, housing, recreation and other services, that is not offset by improvements associated with the proposed subdivision.
7. Whether the design of the proposed subdivision promotes the safety, health, and general welfare of the public.

B. Action by the Commission:

1. The Commission may take any of the following actions on a Tentative Plat application:
 - a. Continue the matter pending:
 - i) specific revisions to the tentative plat, or its supporting documentation; or
 - ii) the provision of additional information deemed relevant to compliance with these Regulations and the findings listed herein;
 - b. Conditionally approve the tentative plat, or;
 - c. Deny the tentative plat.
2. If the tentative plat is conditionally approved, a notation of conditional approval shall be stamped on three copies of the tentative plat and the conditions of approval shall be part of the notation. One copy shall be returned to the subdivider, one copy shall be retained by the Public Works Department, and one copy retained in the permanent file of the Community Development Department.
3. If the tentative plat is denied, the Commission shall state on the record the reasons for denial, including citation of or reference to the provision(s) or regulation(s) with which the plat fails to comply. The Community Development Director shall return copies of the plat and the Commission's meeting minutes to the subdivider.

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4. If the Commission is unable to make findings to conditionally approve or deny the tentative plat because additional information is necessary, the Commission may continue the review on the tentative plat to the Commission's next regularly scheduled meeting or other such meeting as appropriate. If a second continuance is necessary because additional information has not been provided by the subdivider, or the subdivider requests an additional continuance, an additional fee will be required.

Sec. 306 **Appeals:** The Subdivider may appeal, as provided for in Article 12, to the Board any action of the Commission with respect to the tentative plat.

Sec. 307 **Authorization to Proceed with Preparation of Final Plat:** The Commission's tentative plat conditional approval and completion of conditions as determined by the Community Development Director, constitutes authorization for the subdivider to proceed with the preparation of the final plat and the improvement plans following the layout and specifications of the conditionally approved tentative plat. Conditional approval of a tentative plat does not constitute approval of the final plat and is not a guarantee that a final plat will be approved.

Sec. 308 **New Filing Following Denial:** In the event a tentative plat is denied, any new filing of a plat for the same parcel(s), or any portion thereof, may be no sooner than six months from the date of denial. A substantially different tentative plat, or one that sufficiently addresses the issue(s) causing denial, as determined by the Community Development Director, may be filed without delay. Any new filing shall follow the normal tentative plat procedure and be subject to the current Subdivision Regulations at the time of filing and to the required fees.

Sec. 309 **Withdrawal by Subdivider:** A subdivider may withdraw the tentative plat at any time prior to and at the time of a Commission meeting on the tentative plat, by filing a written statement to such effect with the Community Development Director. Re-filing after withdrawal shall follow the aforementioned tentative plat procedure and be subject to the required fees.

Sec. 310 **Conditional Approval Effective One Year; Extensions:** Conditional approval of the tentative plat is valid for a period of one year from the date of conditional approval by the Commission. If ~~a complete~~ the final plat is not submitted to the County within that period, the conditional approval of the tentative plat shall expire. The subdivider shall then be required to file a new tentative plat subject to the current Subdivision Regulations and other applicable County ordinances and regulations. Prior to expiration and upon written request for extension by the subdivider filed with the Community

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Development Director, conditional approval of the tentative plat may be extended for an additional period not to exceed twelve (12) months. Such an extension may be granted by the Community Development Director if the subdivider is actively processing the final plat and if, in the opinion of the Community Development Director, there has been no change in conditions within or adjoining the tentative plat that would warrant a revision in the design of the original tentative plat. The total conditional approval time period, including an extension, shall not exceed two years from the original date of conditional approval by the Commission.

Sec. 311 **Final Plat:** The final stage of land subdivision includes submittal for approval of the final plat to the Community Development Department; review by the appropriate county departments and agencies; Board action; and, if approved, recording of the final plat with the County Recorder.

311.1 **Final Plat Preparation:** Before the issuance of any building permit, the subdivider shall cause to be prepared a final plat as specified in Article 4, and in substantial compliance with the conditionally approved tentative plat and in a form for recording, as hereinafter provided in Article 4 of these Regulations.

311.2 **Initiation of Final Plat Process:** To initiate the final plat process, the subdivider shall file with the Community Development Director the following:

- A. ~~Eight~~ **Three** copies of the final plat;
- B. Related data, documents or exhibits as specified in Article 4 of these Regulations;
- C. Final plat filing fees, as set forth in the Community Development and Public Works Fee Schedules; and
- D. Documentation from the subdivider itemizing the revisions stipulated by the conditionally approved tentative plat and an explanation of how those revisions were addressed by the subdivider.

311.3 **Acceptance for Processing:** The final plat will not be considered accepted for processing until all required information as described in these Regulations is provided to the Community Development Director and appropriate fees are paid. If the final plat is not in complete conformance with the conditionally approved tentative plat, or if the final plat application does not meet the requirements of these Regulations, the Community Development Director shall

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inform in writing the subdivider or subdivider's agent of the corrections necessary and return the final plat and all materials to the subdivider.

- 311.4 **Departmental Review:** Upon acceptance of the final plat for processing, the Community Development Director shall immediately transmit copies of the final plat, improvement plans and all submitted documents to the county reviewing departments and applicable agencies. The Community Development Department, County reviewing departments and applicable agencies shall review the final plat and submitted documents for matters within their jurisdictions. Said departments and agencies shall transmit their final plat comments in writing to the Community Development Director for distribution to the subdivider. Comments on improvement plans and other documents under review will be distributed to the subdivider by the Public Works Department.
- 311.5 **Revisions:** If revisions are necessary to the final plat based on reviews by the County department or the applicable agencies, a revised final plat and a transmittal reflecting those changes shall be submitted to the Community Development Director for review.
- A. If the final plat revisions are initiated by the subdivider, review of the revisions shall be subject to additional plat review fees in accordance with adopted Community Development and Public Works fee schedules.
 - B. All subsequent submittals of the revised final plat or related data, documents or exhibits, other than a revised second submittal as requested by the Community Development Director (i.e., third, fourth, etc., reviews), prior to final plat approval must be accompanied by the appropriate Community Development and Public Works fees for processing and review.
- 311.6 **Board of Supervisors Meeting:**
- A. If the final plat conforms in all respects to the conditionally approved tentative plat and, upon receipt of all comments and recommendations from reviewing departments and agencies, the Community Development Director shall prepare a summary report, including said recommendations, on the final plat for presentation to the Board. The Community Development Director shall transmit the report and final plat to the Board for review and action at its next regularly scheduled meeting

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provided that at least three (3) days notice has been given to the subdivider of the date and time of the meeting. The Community Development Director shall transmit the summary report and any stipulations of approval to the subdivider at least three (3) days prior to the Board meeting.

- B. The subdivider **and his engineer** shall be present at the meeting.

311.7 **Board Action:** The Board may approve the final plat, if the Board determines the following:

- A. The final plat is in compliance with the conditionally approved tentative plat and all conditions related thereto, if any.
- B. The final plat is in conformance with the requirements of these Regulations and all other applicable County ordinances and regulations.
- C. The assurances for the improvements have been filed with the County Engineer and meets with the Board's approval.
- D. The subdivision plat promotes the health, safety, and general welfare of the public.

311.8 **Board Rejection:** If the Board determines the final plat is not in conformance with the provisions of Section 311.7, it shall reject the final plat, express its reasons for the rejection within the minutes of the meeting, and instruct the Community Development Director to attach a copy of that portion of the minutes to the plat and return the plat to the subdivider.

311.9 **Signature and Recording of Final Plat:**

- A. Upon approval of the final plat by the Board, the Chairman of the Board shall have the authority to sign the endorsement of approval on the final plat mylar and the Clerk of the Board shall attest such action upon the final plat.
- B. After assurances have been received as required in these Regulations, the final plat approved by the Board and signed by the Chairman of the Board, will be transmitted by the Community Development Director to the County Recorder's office for recording. The subdivider shall be responsible for recording fees.

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Sec. 312 **List of County Reviewing Departments:** The following County Departments are included in the distribution and review of tentative and final subdivision plats:

- Community Development Department,
- Public Works Department,
- ~~Environmental~~-Health Department,
- Parks and Recreation Department, and,
- And any other County department deemed applicable by the Community Development Director, Commission or the Board.

Sec. 313 **List of Reviewing Agencies:**

Agencies or interest groups that may be determined by the Community Development Director, Commission or the Board to be “applicable agencies” for review purposes include, but are not limited to, the following:

- La Paz County ~~Engineer~~~~Flood Control District~~,
- All interested utilities (water provider, electric, gas, CAP, communications, etc.),
- La Paz County Addressing Office ← **Formatted:** Bullets and Numbering
- Any city, county, or incorporated town within a 3 mile radius, or, if subdivision is within an established municipal planning area,
- Arizona Department of Transportation if subdivision is adjacent to a State Highway,
- School District in which proposed subdivision is located,
- Fire District or emergency service provider in which proposed subdivision is located,
- Appropriate homeowners association,
- Military bases,
- U.S. Army Corps of Engineers,
- Federal Bureau of Reclamation,
- Natural Resources Conservation Service,
- Arizona Department of Environmental Quality (ADEQ), ← **Formatted:** Bullets and Numbering
- Arizona State Land Department or Federal Bureau of Land Management, if subdivision is adjacent to state or federal public lands,
- Federal Aviation Administration, if subdivision has or is in close proximity to an airport,
- State Historic Preservation Office (SHPO), if appropriate,
- Any special district close to proposed subdivision, i.e. irrigation district,
- Colorado River Water Users Association~~Flood-protection district~~,

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- Any private entity that provides or intends to provide service to the subdivision, and;
- Any other agency or interest group deemed applicable by the Community Development Director, Commission or Board.

Sec. 314 **Development of Forms, Permits:** The County reviewing departments may develop such forms, checklists, guidelines, permits, etc. as needed to carry out the intent of these Regulations.

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ARTICLE 4 SPECIFICATIONS FOR TENTATIVE AND FINAL PLATS

Sec. 401 **Public Works Standards:** In addition to the specifications found in this Article, the required plat information shall be as specified in the Public Works Standards. The Public Works Standards are adopted and amended in accordance with Article 1 of these Regulations.

Sec. 402 **Tentative Plat Additional Data:** Additional related data, documents or exhibits to be submitted with the tentative plat, as applicable, include:

402.1 **Zoning and MPA:** Provide a copy of the Board Resolution and the Ordinance that rezoned the property, together with any stipulations for any zoning or rezoning case, including any Board-approved ~~Approved~~ Planned Development or Planned Unit Development and Master Planned Area (MPA) that applies to the subject property in whole or in part.

402.2 **County Comprehensive Plan and Area Plans:** Submit a copy of any adopted Comprehensive Plan amendments, area, community, village, neighborhood, special area or other land use plans that include the subject property.

402.3 **Development Agreements:** Submit a copy of any Board-adopted Development Agreements that affect the subject property.

402.4 **County Action:** Provide a copy of official documentation for any County action connected to the subdivision development.

402.5 **Preliminary Drainage Report:** Three copies of a preliminary drainage report in accordance with current Public Works requirements and the current version of the La Paz County Public Works Standards Volume III: Storm Drainage Requirements and Standards shall be submitted.

402.6 **Preliminary Traffic Impact Analysis (TIA):** Three copies of a preliminary traffic impact analysis per the La Paz County Public Works Standards Volume I, and completed by an independent traffic engineer registered in the State of Arizona shall be submitted for review. The traffic impact analysis shall be in accordance with the La Paz County Department of Public Works regulations and standards.

402.7 **Will Serve Letters:** Provide letters from the wastewater, natural gas, and emergency service (police, fire, ambulance) providers that they will provide service to the subdivision.

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~~402.7~~402.8 **A.L.T.A./A.C.S.M. Survey:** A current A.L.T.A./A.C.S.M. Survey including an attached Schedule B shall be submitted.

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~~402.8~~**Computer Disk:** Provide one (1) disk with a digital drawing of the tentative plat in either AutoCAD dwg or dxf format or other format deemed acceptable by the County Engineer, to be submitted with the application for tentative plat. Data layers required on the disk include: Lot Lines, Lot Numbers, Rights-of-Way, All Dimensions, Street Names, Section Lines and Subdivision Perimeter Boundary.

402.9 **CC&R's:** Copy of preliminary draft of Protective Covenants, Conditions, and Restrictions (CC&R's), if any.

402.10 **Refuse Disposal:** A service agreement letter or tentative service agreement letter from the refuse disposal provider to serve the proposed subdivision.

402.11 **Street Names:** Proposed street names for all new streets shall be labeled on the tentative plat. Further, a list of the proposed subdivision street names for the final plat shall be submitted. Proposed names will be checked for duplication, correct usage, and compliance with the La Paz County Rural Addressing Ordinance. Proposed Non-English language street names will be checked for correct syntax and appropriate usage.

402.12 **Lot Numbering:** In numbering lots on the tentative plat, the following rules shall be adhered to:

- A. Each lot shall be designated by an "Arabic" numeral.
- B. If block designations are not used, numbering shall be in consecutive sequence beginning with the number "1" and said numbering shall follow in a continuous fashion.
- C. When block designations are used, numbering shall be in consecutive sequence within each block area commencing with the number "1" for each block.
- D. Tracts shall be designated by capital letters and be designated in sequence within a subdivision starting with the letter "A".

Sec. 403 **Final Plat Additional Data:** Additional and/or related data, documents or exhibits to be submitted with the final plat, unless as otherwise specified below:

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- 403.1 **Water Source:** ~~A Certificate of Assured Water Supply from the Arizona Department of Water Resources OR A~~ letter of commitment to supply water to the subdivision from an Arizona Department of Water Resources “designated” water provider as required by A.R.S. 45-576.
- 403.2 **Onsite Improvement Plans:** ~~Three~~ sets of prints of all improvement plans ~~and a computer disk (with digital images)~~ in accordance with required County design standards.
- 403.3 **Offsite Improvement Plans:** ~~Three~~ sets of prints of all offsite improvement plans in accordance with required County design standards.
- 403.4 **Final Drainage Report:** Three copies of a final drainage report prepared in accordance with current Public Works Department requirements and the current version of the La Paz County Drainage Ordinance shall be submitted.
- 403.5 **Final Traffic Impact Analysis:** Three copies of a final traffic impact analysis per La Paz County standards, and completed by an independent traffic engineer registered in the State of Arizona shall be submitted. The traffic impact analysis shall be prepared in accordance with La Paz County Department of Public Works regulations and standards.
- 403.6 **Geotechnical/Geologic Hazards Report:** Two copies of a geotechnical report, completed by an independent soils engineer shall be submitted. This report or a separate attached report shall assess geologic hazards impacting the property.
- 403.7 **Storm Water Pollution Prevention Plan:** One copy of a storm water pollution prevention plan shall be submitted.
- 403.8 **Notarized Letter of Intent:** Provide a notarized letter of intent addressed to the County Engineer as to the tentative date and type of improvements proposed for the subdivision streets.
- 403.9 **Computer Boundary Closure:** One copy of a computer-based subdivision boundary.
- 403.10 **Computer Disk:** Provide one (1) disk with a digital drawing of the final plat in either AutoCAD dwg or dxf format or other format deemed acceptable by the Public Works Director, to be submitted with the application for final plat. Data layers required on the disk

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include: Lot Lines, Lot Numbers, Rights-of-Way, All Dimensions, Street Names, Section Lines and Subdivision Perimeter Boundary.

~~403.10~~403.11 **Assurances:** Assurances, as required in Article 8, shall be posted with the County to assure the installation of specified improvements in compliance with these Regulations and other applicable County, state and federal ordinances and regulations, and plans approved by the County Engineer.

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~~403.11~~403.12 **Title Report:** Title report no more than ~~sixty~~thirty days old. The title report will provide an addendum to the title policy that addresses access, in accordance with American Land and Title Association standards, endorsement and a legal description of the property to be subdivided or developed. Copies of all existing right-of-way and easement documents will be attached.

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~~403.12~~403.13 **Street Names:** A list of the proposed subdivision street names for the final plat shall be submitted. Previously reviewed and any new proposed names will be confirmed for compliance with the La Paz County Rural Addressing Ordinance. Proposed Non-English language street names will be checked for correct syntax and appropriate usage.

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~~403.13~~403.14 **CC&R's:** A copy of covenants, conditions and restrictions (CC&R's) in form for recording shall be provided with the final plat.

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~~403.15~~ **Final Plat Mylar:** Provide a mylar copy of the final plat that includes assigned addresses for signature of the Chairman of the Board of Supervisors and for recording purposes.

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~~403.14~~403.16 **Engineer's Opinion of Probable Cost:** Provide an original sealed, signed and dated estimate of the construction costs for all required improvements including a ~~fifteen~~thirty percent contingency ~~(need Public Works and County Engineer input).~~

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~~403.15~~403.17 **Approved Improvement Plans and Mylars:** Upon approval by the County Engineer, the subdivider shall submit three copies and one mylar of the approved improvement plans.

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~~403.16~~403.18 **Recording Fee:** At the time of recording, the fee for recording the final plat in the form of a check made payable to the La Paz County Recorder.

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Sec. 404 **Additional Requirements:** All other tentative and final plat specifications and requirements for additional data, documents and exhibits are found in the Public Works Standards.

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ARTICLE 5 HILLSIDE SUBDIVISION REQUIREMENTS

Sec. 501 **Purpose and Applicability:** The purpose of hillside subdivision requirements is to allow reasonable and beneficial use of private property within areas with a natural cross-slope greater than fifteen percent (15%) while promoting the public health, safety and general welfare of citizens of La Paz County. The regulations of this Article shall apply to all parcels or lots where grading is proposed on natural cross-slopes greater than fifteen percent (15%). When the parcel of land to be subdivided includes, in whole or in part, terrain having a natural cross-slope greater than fifteen percent (15%), design and development of that sloped area shall comply with the provisions of this Article.

Sec. 502 **Hillside Subdivision Design:** Planning, platting, and development of hillside portions of subdivisions involve unique conditions that require special design responses by the subdivider. Subdivision design in hillside areas shall provide for safe construction of public and private improvements and safe living environments for County residents.

Sec. 503 **Hillside Plat Requirements:** The requirements of this Section apply to subdivision plats that contain hillside areas, as defined in Section 501, and are in addition to the requirements for tentative and final plats set forth in Articles 3 and 4.

503.1 Additional Tentative Plat Requirements:

- A. Topography with a two-foot (2') contour interval showing location of all major and minor washes. The County Engineer may determine a one-foot (1') contour interval shall be provided for certain plats. A separate sheet showing proposed contours may also be required if extensive re-grading is proposed.
- B. All areas with natural cross-slopes greater than fifteen percent (15%) shall be indicated on the tentative plat.

503.2 Additional Final Plat Requirements:

- A. Topography with a two-foot (2') contour interval showing location of all major and minor washes. The County Engineer may determine a one-foot (1') contour interval shall be provided for certain plats. A separate sheet showing proposed contours may also be required if extensive re-grading is proposed.

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- B. All areas with natural cross-slopes greater than fifteen percent (15%) shall be indicated on the final plat.
- C. Street profiles, existing and proposed, for all streets.

503.3 **Special Requirements:** In addition to the requirements above, hillside subdivisions are also subject to the Design and Construction Standards in the Public Works Standards Volume I and II.

503.4 **Plat Processing Time:** Due to the unique character of hillside areas, special field and office review by the Community Development Department and the County reviewing departments may be necessary. The subdivider should expect processing time for hillside subdivision plats to exceed that of non-hillside plats.

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ARTICLE 6 CONDOMINIUM SUBDIVISION PLATS

Sec. 601 **Condominium Plat Process:** A subdivision plat is a required part of any condominium declaration as required by Arizona Revised Statutes. In conjunction with the creation of a condominium as defined in ARS 33-1202, a subdivision plat shall be prepared in accordance with this Article and processed according to these regulations, prior to the recordation of a condominium declaration as specified in ARS 33-1211.

Sec. 602 **Additional Plat Requirements:** The requirements for condominiums set forth in this Article are in addition to the requirements for tentative and final plats set forth in these Regulations.

Sec. 603 **Additional Requirements for Tentative and Final Plats for Condominiums:** The following information is required on all condominium plat submittals:

- 603.1 Name of the condominium.
- 603.2 The boundaries of the condominium and a legal description of the real estate included in the condominium.
- 603.3 The extent and character of all encroachments onto and from any portion of the condominium.
- 603.4 The location and dimensions of all easements serving or burdening any portion of the condominium.
- 603.5 The location and dimensions of the vertical and horizontal boundaries of each unit with reference to an established datum and each unit's identifying number.
- 603.6 The location and dimensions of all units where the right has been reserved to create additional units or common elements.
- 603.7 The location and dimensions of all real estate subject to the development right of withdrawal identified as such.
- 603.8 The location and dimensions of all units held as a "leasehold condominium".
- 603.9 The distance between noncontiguous parcels of real estate comprising the condominium.

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603.10 The location and dimensions of limited common elements, including porches, balconies, patios and entryways, other than the limited common elements described in A.R.S. § 33-1212, paragraphs 2 and 4 or as may hereafter be amended.

603.11 Warranty of Title and Condominium Dedication. The following declaration shall be included on the condominium plat:

(I/We, the undersigned, hereby warrant that I am the only party/we are all the parties) having any record title interest in the land shown on the plat; and in compliance with A.R.S. § 33-1201, as amended from time to time, have divided as a condominium: [name of condominium], as shown and platted hereon and hereby publish this plat as and for the plat of [name of condominium]. I/we hereby declare that each unit shall be known by the number given each respectively on this plat and hereby declare that this plat sets forth the boundaries of the condominium and the location and dimensions of the units and of the patios, garages, driveways and garden areas allocated to the exclusive use of one or more units, parking and the common area, as shown on this plat and included in the described premises.

In Witness Whereof, [name of owners of record] have hereunto signed their names this __ day of __, [year].

[signature] [date]
[notarization]

603.12 A ratification of condominium subdivision plat and dedications by all other holders of property interest in said subdivision (i.e. trustee, mortgagee, etc.).

603.13 Any other matters deemed appropriate by the Community Development Director or County Engineer.

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ARTICLE 7 GENERAL SUBDIVISION DESIGN STANDARDS

Sec. 701 **Applicability and Purpose:** This Article establishes the minimum required standards governing the design of subdivisions proposed for property in the unincorporated areas of the County. The purpose of the Design Standards is to enhance public safety, livability, efficiency and overall quality of residential areas through the application of sound design principles.

Sec. 702 **General:**

- 702.1 Every subdivision shall conform to the purposes and provisions of the County Comprehensive Plan, the County Zoning Ordinance and to all other applicable ordinances and regulations.
- 702.2 These Design Standards are intended to be used in conjunction with the specifications of the Zoning, Floodplain, Drainage, and other appropriate ordinances of La Paz County and such other agencies as may have jurisdiction.
- 702.3 All subdivisions shall conform to the standards of subdivision design set forth in these Regulations.
- 702.4 These standards are the minimum standards required for the subdivision of land.
- 702.5 The Community Development Director, County Engineer, Commission and the Board shall ensure that appropriate provision is made for the harmonious development of the County by requiring:
 - A. The coordination of proposed streets and circulation systems with existing or planned streets and circulation systems or with other features of the County Comprehensive Plan;
 - B. Coordination of travel demand with roadway and circulation system capacity and the timing of planned improvements which creates conditions favorable to public health, safety, welfare and convenience, and;
 - C. Adequate spaces for resident needs such as parks, schools, recreational areas, trails, rights-of-way, etc.
- 702.6 Paved, all-weather, public access shall be provided to and from the subdivision. A minimum of two permanent access points shall be provided for ingress and egress from the subdivision to existing

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public roads in accordance with Public Works Standards, Volume I, Section 7. Approval of adequate access by the County Engineer shall be a condition of approval of the plat by the Board.

702.7 Portions of any contiguous property under the ownership of the subdivider shall not be excluded from within the boundaries of a subdivision when needed or required for any traffic, drainage, recreational open space or flood control facility pertinent to said subdivision.

702.8 Portions of property under the ownership of the subdivider, contiguous to the subdivided property but not included within the boundaries of the subdivision, shall be of such size or shape that they conform to existing county zoning standards and could be used for some purpose compatible to surrounding development and meet the specifications of other County ordinances or regulations.

~~702.9~~ Access to contiguous, developable, vacant property shall be considered. Provisions for future connections, especially in cases of limited access alternative, shall be included in the subdivision design.

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~~702.9~~702.10 Sustainability of Design: The subdivider shall preserve significant and/or unique natural features of the land in the design and layout of a subdivision. Lots and buildings should be oriented to make advantageous use of topographic features, solar access, and scenic vistas.

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Sec. 703 **Lot Design Requirements:** This Section establishes the general design requirements for subdivision lots.

703.1 **Arrangement:** The lot area, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall be consistent with the zoning requirements, including any applicable, approved Planned Development and Master Planned Area requirements and conform to these Regulations and all other applicable County ordinances and regulations.

703.2 **Side Lot Lines:** To the greatest extent practical, side lot lines shall be at approximate right angles to straight street lines or radial to curved street lines.

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- 703.3 **Accessibility:** Each lot shall be accessible to the street on which it fronts.
- 703.4 **Minimum Size:** Each lot shall be suitable for the purpose for which it is intended, shall comply with minimum zoning standards, and shall contain a usable building site. The area of a lot shall be the area inside the lot boundary line, and shall not include any area designated for street right-of-way.
- 703.5 **Large Tracts or Parcels:** When the land is subdivided into larger tracts or parcels than ordinary building lots, such tracts or parcels shall be arranged so as to allow for the location of future streets and logical further re-subdivision.
- 703.6 **Lot Depth and Width:** The depth and width of lots shall be adequate to provide for any required off-street parking spaces. No lot of less than one acre shall be deeper than three times its width.
- 703.7 **Garage Setback:** For all lots with street-facing garages, the minimum distance from the back of sidewalk to the face of the garage shall be twenty feet. Side-entry garages may be setback less than twenty (20') from the back of sidewalk, if permitted by zoning,
- 703.8 **District/Agency Boundaries:** No lot shall be designed so as to be split by city, county, school district or other taxing agency boundary lines.

Sec. 704 **Residential Design Requirements:** The purpose of the residential design standards is to foster the establishment of neighborhoods that avoid the appearance of “mass production,” leading to greater diversity, livability and quality of residential development in La Paz County. It is required for new subdivisions in which any lot is 12,000 square feet or smaller.

- 704.1 The front yard setback shall be staggered by a minimum of three feet on every third lot so that the front setback will not be the same for three (3) consecutive homes. Covered porches that extend at least five feet closer to the street than the livable area of the dwelling shall serve to satisfy this requirement.
- 704.2 No more than seventy-five (75%) percent of the homes within each recorded subdivision plat shall be two-story.
- 704.3 No more than two (2) lots in a row or more than fifty (50%) percent of the lots along a single side of a street from one intersection to

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the next shall have street-facing garages flush with or that project in front of the livable space of the dwelling. A cul-de-sac or “eyebrow” shall be considered an intersection. Where a front porch, livable space or courtyard extends five feet or more in front of a street facing garage, the garage shall not be considered to be flush or projecting.

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ARTICLE 8 REQUIRED IMPROVEMENTS, FINANCIAL ASSURANCES AND ACCEPTANCE OF IMPROVEMENTS

Sec. 801 **Required Improvements:** The subdivider shall cause to be installed without expense to the County, improvements, in accordance with the standards and specifications of design and construction of these Regulations and all other applicable Federal, County, State and Local standards, specifications, ordinances, codes and regulations, which improvements include but are not limited to the following:

- 801.1 Street pavement,
- 801.2 Sidewalks,
- 801.3 Curbs,
- 801.4 Gutters,
- 801.5 Traffic Signs and pavement markings,
- 801.6 Culverts,
- 801.7 Bridges,
- 801.8 Landscaping,
- 801.9 Water mains, fire hydrants and appurtenances,
- 801.10 Sewers and appurtenances,
- 801.11 Drainage improvements in accordance with the drainage plan approved by the County Engineer,
- 801.12 Flood control improvements in accordance with plans approved by the La Paz County Flood Control Engineer,
- 801.13 Electric lines (underground),
- 801.14 Natural gas lines (underground),
- 801.15 Sanitary sewage disposal system, and,
- 801.16 Any of the above listed improvements located off the subdivision site.

Sec. 802 **Improvement Plans and Specifications:**

802.1 **Submittal:** Prior to the installation of the improvements and before submittal of the final plat to the Board, the subdivider shall prepare and submit to the **County Engineer** for review ~~three~~ **two** complete sets and a computer disk (with digital images) of all improvement plans and specifications for all the required improvements within the subdivision. Such plans and drawings shall show the type and location of all proposed and existing improvements and utilities.

802.2 **Review Fee:** Concurrently with the submission of the improvement plans, the subdivider shall pay to the County a fee, as set forth in the adopted Public Works fee schedule for the review of all

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improvement plans and all associated studies, reports and investigations.

- 802.3 **Supplementary Engineering Studies and Tests:** All required supplementary engineering studies, reports and investigations as required by the County Engineer shall be submitted for review.
- 802.4 **Engineer's Opinion of Probable Cost:** The opinion of probable costs of the improvements shall include construction costs associated with the improvement plans. It shall be detailed as to quantity and installed unit price per item. The estimate shall include a ~~fifteen~~^{thirty} percent (~~15~~³⁰%) contingency cost component. The estimate shall be reviewed by the County Engineer.
- 802.5 **Approval:** The County Engineer will review all improvement plans and all associated reports, studies and investigations and may require revisions therein to comply with standards and specifications of these Regulations and other applicable laws and County ordinances. After the completion of revisions, if any, the County Engineer may require that the engineer's opinion of probable cost be increased to reflect such revisions. The County Engineer shall only approve said plans and drawings if the improvements indicated are found to be in conformance with the standards and specifications of these Regulations and other applicable laws and ordinances. Submittal of final improvement plans and specifications shall include one mylar cover sheet and three bond ~~paper~~ sets for each set of improvement plans. Said approval shall be demonstrated by the signature of the County Engineer.
- 802.6 **Qualified Registrants:** All required studies, reports, investigations, plans and exhibits shall be prepared, sealed, signed and dated by qualified individuals registered or licensed by the Arizona Board of Technical Registration.
- 802.7 **Modifications or Revisions:** In the event it should become necessary for the subdivider to make modifications or revisions to the approved improvement plans or engineering drawings, the subdivider shall submit a set of revised improvement plans for review and re-approval of such modifications. A fee for additional review, as set forth in the adopted Public Works fee schedule shall be paid. The County Engineer may require that the engineer's opinion of probable cost be increased to reflect the modifications.

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Sec. 803 Completion of Improvements:

803.1 **County Permits:** Prior to performance of any work within any County rights-of-way, subdivider shall obtain the necessary County permits for such work. Building Permits will not be issued until a final subdivision plat and improvement plans for all required infrastructure improvements are completed, approved and the final plat is recorded with the La Paz County Recorder. Exceptions may be made at the discretion of the Building Official and Community Development Director for sales offices, model homes and related uses that may be requested by the subdivider prior to final plat approval. Issuance of such exceptional permits, and subsequent investments based on such permits, in no way assures the final plat will be approved.

803.2 **State Highway, Adjacent County or Municipality Rights-of-Way:** Improvements proposed or required on other agencies' rights-of-way shall be included in the improvement plans and engineered and designed to the appropriate agency standards. Prior to approval by the County Engineer, the subdivider's engineer shall acquire the Agencies' approval of such improvements. Said approval shall be demonstrated by the signature of the approving agency.

~~803.3~~ **Section 404 Permitting Status:** A statement by the subdivider's engineer summarizing the status of any Federal 404 permit application affecting the subject property shall be submitted for review.

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~~803.3803.4~~ **Registered Contractors:** Contractors engaged by the subdivider to install the improvements, shall be licensed, bonded, insured, and registered as required by the State of Arizona.

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~~803.4803.5~~ **Construction in Compliance With Specifications:** The obligation of the subdivider to provide the improvements shall include, without limitation, the furnishing of all necessary surveys, engineering drawings, working drawings, inspections and testing, communications with contractors, review and approval of periodic payment estimates and all other services customarily performed by a registered civil engineer providing general supervision of such work. The County shall have no liability or responsibility for any such services. At all times during the progress of construction of the improvements, the subdivider shall permit the County Engineer or his duly authorized representatives to inspect any portion thereof. If the County Engineer determines that the improvements,

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or any portion thereof, are not being constructed in accordance with the approved plans and specifications, then the County Engineer shall have the right, with or without notice to the subdivider, to stop the work of any contractor until such contractor receives authorization from the County Engineer for the resumption of such work.

~~803.5~~803.6 **Grading and Erosion Control:** Grading and implementation of measures to control erosion and the ponding of water shall be accomplished at the subdivider's expense, in accordance with the County approved Storm Water Pollution Prevention Plan (SWPPP) and other plans and specifications. Erosion control shall be provided on all undeveloped lots within the subdivision, prior to filing with the County Engineer the certificate of completion required in this Article or the expiration of the time period for installation of the improvements, whichever occurs earlier.

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~~803.6~~803.7 **Maintenance by Subdivider:** During the construction phases of development of the subdivision, and prior to acceptance by the County of the improvements, the subdivider shall maintain in good condition and restore all existing improvements to prevent material deterioration thereof, and to assure that no imminent hazard to life or property exists within the subdivision or areas adjacent thereto.

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~~803.7~~803.8 **Certificate of Completion:** Upon completion of the improvements required under this Article, the subdivider shall file with the County Engineer a Certificate of Completion for each phase of construction. Items A, B and D from Section 803.8, below, shall be certified by a civil engineer, licensed and registered in Arizona, to the effect that all the improvements have been completed in accordance with the requirements, standards and specifications of these Regulations and all other applicable laws and ordinances, approved final plat and conditions thereto, if any, and the construction and engineering plans approved by the County Engineer upon which the final plat approval was based. Item C from Section 803.8, below, may be certified by a third party (such as a materials testing company). The subdivider shall also furnish to the County Engineer one sealed mylar set of "as-built" engineering plans and one electronic copy of "as-built" engineering plans in a format approved by the County Engineer.

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~~803.8~~803.9 **Inspections:** The list of construction phases requiring a separate Certificate of Completion are as follows:

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A. Mass Grading,

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- B. Underground Utilities,
- C. Sub-grade under pavement, Curb and Gutter and Sidewalk Sections, Base Course material, and,
- D. Concrete Structures, Sidewalks, Curb and Gutter, and ADA Ramps, Drainage Structures, Asphalt Concrete.

The ~~Public Works Director~~~~County Engineer~~ shall cause an inspection to be performed on the improvements once he receives the Certificates of Completion and one sealed mylar set of "as built" engineering plans. After confirmation that the improvements have been completed ~~or~~ in accordance with the requirements, standards and specifications of these Regulations and all other applicable laws and ordinances, approved final plat and conditions thereto, if any, and the construction and engineering plans approved by the County Engineer upon which the final plat approval was based, the ~~Public Works Director~~~~County Engineer~~ shall make a written report on the condition of the improvements. The purpose of the report is to assist the Board in its determination concerning the release of assurances and the acceptance of certain improvements into the county maintenance system.

Sec. 804 Assurances:

- 804.1 **Improvements:** In order to ensure the proper installation of all required improvements by the subdivider, assurances are required for street, sewer, electric and water utilities, drainage, flood control and other improvements meeting established minimum standards of design and construction.
- 804.2 **Types of Assurances:** La Paz County, at its discretion, may accept any, or a combination, of the following assurances in a form and substance approved by the County Attorney and acceptable to the Board.
- A. Cash or certified check, or
 - B. A surety (performance) bond executed by a company authorized and licensed to do business in the State of Arizona and acceptable to the Board, or
 - C. An irrevocable letter of credit from a financial institution authorized and licensed to do business in the State of Arizona and acceptable to the Board.

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804.3 **Documents:** The documents creating such assurances shall, in each case, expressly provide as follows:

- A. **Beneficiary:** La Paz County shall be named as a beneficiary of the assurances.
- B. **Allocation:** Shall provide that such funds in the stated amount have been specifically allocated for installation or guarantee against damage of the required improvements.
- C. **Term:** Period within which the required improvements must be completed shall be incorporated into the documents creating the assurances and shall not in any event exceed two years from the date of final plat approval by the Board.
- D. **Security Amount:** The amount of the appropriate assurances shall be 100% of the engineer's opinion of probable cost, including the ~~1530%~~ contingency amount ~~-(need County Engineer and public works input)~~, as approved by the ~~Public Works DirectorCounty Engineer~~. A later bond or assurance (known as the "10% Guarantee Bond") in an amount of 10% of the engineer's opinion of probable cost, excluding water, sewer and utility costs, as approved by the ~~Public Works DirectorCounty Engineer~~, will be deposited to guarantee against damage by on-site construction for a period of one year after acceptance of the improvements by the Board. A new one-year period will begin at the completion of subsequent construction phases, if any. After completion of one year, satisfactory correction of any damages, and upon inspection by the ~~Public Works DirectorCounty Engineer~~, the 10% Guarantee Bond may be released.
- E. **Submittal to ~~Public Works DirectorCounty Engineer~~:** The assurances shall be submitted to the ~~Public Works DirectorCounty Engineer~~ and be approved by the ~~Public Works DirectorCounty Engineer~~ prior to final plat approval by the Board.
- F. **Forfeiture:** Provide for its forfeiture in the event the subdivider fails to install the required improvements within the subdivision or offsite improvements in accordance with these Regulations and other applicable ordinances and regulations and plans approved by the County Engineer within the specified time period approved by the Board. The amount of the forfeiture shall be the cost to the County to complete the

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installation of the improvements to established minimum standards of design and construction in accordance with these Regulations.

- 804.4 **Held for Safekeeping:** The assurances documents will be held for safekeeping by the Public Works Department until such time when the assurances may be released, or in cases of default, utilized to complete the installation of the required improvements.
- 804.5 **Pavement Finishing Fee:** The subdivider shall pay to the County a pavement finishing fee (per square yard) as set forth in the Public Works fee schedule for the purposes of applying a post-construction, finishing sealant, such as slurry seal, to subdivision streets.
- 804.6 **Release of Assurances:**
- A. Assurances deposited to ensure installation of required improvements may be released, by the Board, upon the completion of all improvements, submittal and acceptance of certified as-built mylars, acceptance of the pavement finishing fee, posting of the 10% Guarantee Bond and acceptance of the improvements by Board action.
 - B. Assurances deposited to guarantee against damage by on-site construction may be released one year after acceptance of the improvements by the Board.
 - C. A one-time partial release of assurances will be permitted at not less than 50% and no greater than 75% of completion of the improvements. There will be an additional administrative charge, as set forth in the Public Works Fee Schedule, associated with this partial release.

Sec. 805 Default:

- 805.1 Subdivider shall be in default if subdivider fails to install the required improvements within the subdivision or off-site improvements in accordance with these Regulations and other applicable ordinances, regulations and plans approved by the County Engineer within the specified time period approved by the Board.
- 805.2 Upon subdivider's default, the Board may, after reasonable notice to the subdivider of said default, declare the assurances forfeited

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and take whatever steps are within its power to require that compliance is met, and/or make claim to the forfeited securities the subdivider has provided for the improvements. The County may cause the installation of the required improvements, using the proceeds collected from the assurances to defray the expense thereof.

- 805.3 If the assurances are not of an amount sufficient to cover installation of the required improvements, the subdivider shall be responsible for the deficit.
- 805.4 The Public Works Director shall notify the Arizona Real Estate Department of the default.

Sec. 806 Acceptance of Certain Dedicated Improvements:

806.1 Board Action:

- A. Within one year, which commences from the date of approval of the completed improvements by the County Engineer, if it is determined that the streets, bicycle facilities or other ways within the subdivision are still in compliance with the requirements, standards and specifications of these Regulations; all other applicable ordinances and regulations; approved final plat and conditions thereto, if any; and construction and engineering plans approved by the County Engineer upon which final plat approval was based, and such improvements have not been damaged by construction operations; or if damaged, satisfactorily repaired, the Board will accept the streets, bicycle facilities or other ways into the County's maintenance system.
- B. Subdivision streets are to be accepted in their entirety as platted for the entire subdivision.
- C. The Board may approve or deny acceptance of streets, bicycle facilities or other ways within the subdivision into the County's maintenance system.

- 806.2 **County Maintenance System:** The acceptance of the streets into the county maintenance system, does not establish such streets as county highways. Maintenance means maintaining these streets in the same condition as they existed at the time of their acceptance into the county maintenance system. It does not include improvements to these streets.

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Acceptance of the streets will be by Board resolution, and the resolution shall be recorded in the Office of the County Recorder.

Sec. 807 **Final Inspection and Project Approval**: The project will not be considered ready for final inspection until all drainage items, grading, and backfill are complete and pavement, curbs and sidewalks swept clean of all dirt and debris. Curbs shall be totally backfilled and neatly dressed to a maximum 4:1 slope. The corrected plans as called for in this Article must be submitted before final project approval.

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ARTICLE 9 PLAT AMENDMENTS

Sec. 901 **Minor Amendments to Conditionally Approved Tentative Plats:** At any time after tentative plat conditional approval and before submission of a final plat, the subdivider may request minor amendments be made to the conditionally approved tentative plat.

901.1 Minor amendments include but are not limited to corrections of any error in course or distance or other necessary item that was omitted from the conditionally approved tentative plat, corrections to drafting, graphic, technical and similar type errors. The minor amendment process shall not be used to change or vary or add any lot lines, streets, or easements or statements that were not contained on the conditionally approved tentative plat. These and all other amendments to the conditionally approved tentative plat shall require the submittal of a revised tentative plat in accordance with Article 3 of these Regulations. The Community Development Director shall determine if requested amendments are minor or will require a new tentative plat submittal.

901.2 An application to complete minor tentative plat amendments shall be submitted to the Community Development Department together with the amended tentative plat. All amendments or revisions shall be clearly highlighted on the amended plat. The number of copies to be submitted and other submittal requirements shall be determined by the Community Development Director. A processing fee as set forth in the approved Community Development and Public Works fee schedules shall be assessed for all tentative plat amendments initiated by the subdivider.

901.3 The Community Development Director shall distribute the minor plat amendments to the appropriate reviewing departments and agencies. After receipt of the departments or agency's comments and recommendations on the amendments, the Community Development Director may approve minor amendments. Such amendments shall be clearly highlighted on the conditionally approved, amended, tentative plat. Such approval shall not be construed as extending the original time frame of the original tentative plat conditional approval or the time within which the final plat must be filed.

Sec. 902 **Minor Amendments to Recorded Plats:** An affidavit of corrections that corrects, amends or modifies a recorded plat shall be recorded as part of the plat and shall include the recording data from the original plat.

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- 902.1 **Technical Changes:** Any plat of a subdivision that has been recorded may be amended to correct a drafting, graphic, technical or similar error, or an error in any course, distance or other necessary item that was omitted from the approved final plat in the following manner:
- A. The Community Development Director and County Engineer shall review such affidavit of corrections.
 - B. Two copies of the recorded affidavit of corrections shall be filed with the Community Development Director and one copy with the County Engineer.
 - C. The minor amendment process shall not be used to change ~~or vary~~ or add any lot lines, streets, or easements or statements that were not contained on the approved final plat. Such actions necessitate the processing of a replat in accordance with Article 10, Replat.

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ARTICLE 10 REPLAT

Sec. 1001 **Replat of Recorded Subdivisions:** Any changes in lot lines, tracts or parcels in a recorded subdivision, but creating no new street, shall be processed in accordance with tentative and final plat procedures and specifications of these Regulations. A pre-application review meeting with the Community Development Department and Public Works staff is required.

-The plat filed for the resubdivided area is referred to as a replat and shall include the recording data from the original plat.

Sec. 1002 **Abandonment of Streets, Alleys, or Other Public Areas during Replat:**

The abandonment of a street, alley, easement, or roadway dedicated in a previously recorded plat shall follow the procedure set forth in the County's Roadway Disposition Ordinance. The Board shall not take any final action on the replat until the abandonment proceeding is completed and recording data noted on the replat.

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ARTICLE 11 ABANDONMENT OF SUBDIVISION

Sec. 1101 **General:** In accordance with Arizona Revised Statutes, all or parts of a recorded subdivision plat may be abandoned. Three types of abandonments may occur: public rights-of-way, subdivisions with prior lot sales, and subdivisions where no lots have been sold.

Sec. 1102 **Abandonment of Streets, Alleys, Easements or Roadways:** The abandonment of a street, alley, easement, roadway dedicated in a subdivision plat of record shall follow the procedure set forth in the County's Roadway Disposition Ordinance.

Sec. 1103 **Recorded Subdivision with Prior Lot Sales:** In a recorded subdivision where lots have been sold, no abandonment of the recorded plat shall occur unless written, notarized consents to the abandonment are received from all property owners within the subject subdivision and adjacent property owners are provided access to a public roadway.

Sec. 1104 **Procedure for Abandonment:** Procedure for abandonment of a subdivision is subject to the following requirements and considerations:

1104.1 **Filing and Review:** To initiate the procedure, an application for abandonment of a subdivision describing thereon the reasons and future use of the affected property, must be filed with the Community Development Director together with a map of the abandonment, letter(s) from utilities consenting to the abandonment, consents of applicable property owners, copy of the previously recorded subdivision plat, a current title report and all other related documents required by the County, and the appropriate processing fees as set forth in the adopted Community Development and Public Works Fee Schedules. Upon acceptance of application for abandonment, the Community Development Department, Public Works Department and other applicable County departments shall review the proposed abandonment. The Community Development Director shall correlate the findings of all applicable departments.

1104.2 **Map of Abandonment (MOA):** The map of abandonment shall include, at a minimum, the following information:

- A. The title "Map of Abandonment of _____" shall appear on each sheet that is to be filed for recordation.
- B. All basic criteria in the preparation of a MOA shall apply and all subdivision plat information shall be included.

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- C. Indicate those streets, alleys, easements or roadways previously dedicated that will be retained and remain separate from the abandonment.
- D. All necessary acknowledgments and ratifications, and a certification by an Arizona licensed and registered land surveyor preparing the MOA, including his registration number and seal.
- E. Signature lines for the Chairman of the Board and the attestation of the Clerk of the Board.

1104.3 **Board of Supervisors Action:**

- A. Prior to any Board final action on the proposed MOA, the street abandonment procedure shall be completed.
- B. Provision shall be made to retain existing utility easements and necessary roadways, easements and dedication as deemed appropriate by the Board or as required by the Arizona Revised Statutes.
- C. No property owner within the subject subdivision or adjacent property owner shall be denied access, totally or partially, by the MOA.

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ARTICLE 12 APPEALS, MODIFICATIONS AND WAIVERS

Sec. 1201 **Purpose:** In order to ensure that the application of the requirements contained in these Regulations does not prevent reasonable subdivision development that is consistent with the County Comprehensive Plan, Zoning Ordinance, and other adopted plans and goals of La Paz County, this Article provides for appeals, modifications and waivers procedures that may grant relief to the subdivider.

Sec. 1202 Appeals:

1202.1 The Board shall hear and decide appeals taken from any order, requirement, decision, grant or refusal made by the Community Development Director, Commission or any official in administration of these Regulations.

1202.2 Appeals shall be made in writing and filed with the Community Development Director within fifteen (15) days from the issuance date of the order, requirement, decision, grant or refusal that is being appealed. The written appeal shall set forth the particulars and reasons for the appeal, accompanied by the appropriate processing fee as set forth in the adopted Community Development Fee Schedule.

1202.3 Hearing on such cases shall be at such times as may be set by the Board, and upon not less than fifteen (15) days or more than thirty (30) days notice to the subdivider, the Commission or officials concerned.

Sec. 1203 Modifications and Waivers:

1203.1 Request for modification or waiver to the requirements of these Regulations may be made by the subdivider in writing to the Community Development Director. Requests related to Public Works requirements will be forwarded by the Community Development Director to the ~~Public Works Director~~County Engineer for review and recommendation.

1203.2 The request shall cite the specific sections to be varied or waived, the exceptional or extraordinary situation or condition for each and every modification or waiver requested and the proposed substitution, if any. When the request is submitted by the subdivider, it must be accompanied by the appropriate processing

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fee as set forth in the adopted Community Development and Public Works Fee Schedules.

- 1203.3 The Community Development Director or the County Engineer and other appropriate County reviewing departments, shall make a recommendation to the Board on requests submitted by the subdivider. The request shall be heard by the Board prior to ~~tentative final~~ plat approval by the ~~Commission~~Board. Board action on any modification or waiver request shall be noted in the meeting minutes.
- 1203.4 Recommendations by the Community Development Director or the County Engineer for either approval or denial of a modification or waiver request shall not suspend review or other recommendations by appropriate agencies.
- 1203.5 Upon receipt of the Community Development Director's or the County Engineer's recommendation, the Board may approve or deny the request for modification or waiver. In approving a modification or waiver, the Board may make one of the following findings, or may make other findings as deemed reasonable and consistent with the intent of these Regulations:
- A. There are exceptional or extraordinary circumstances or conditions affecting said property whereby the strict application of the regulation enacted herein would result in peculiar and exceptional practical difficulties to the subdivider.
 - B. The granting of the modification or waiver will not be detrimental to the public welfare or injurious to other property in the area.
 - C. The granting of the modification or waiver will not impair or nullify the intent and purposes of these Regulations, the County Zoning Ordinance or Comprehensive Plan.

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ARTICLE 13 ENFORCEMENT, VIOLATIONS AND REMEDIES

Sec. 1301 **Purpose:** The purpose of this Article is to set out the procedures and parties responsible for enforcement of these Regulations, along with the penalties and remedies for violations.

Sec. 1302 **Enforcement:**

1302.1 The Board of Supervisors, County Attorney, County Sheriff, Community Development Director, County Building Official, County Recorder and all officials charged with the issuance of licenses or permits shall enforce the provisions of these Regulations. Any permit, certificate or license issued in conflict with the provisions of these Regulations shall be void.

1302.2 Any apparent violations of these Regulations shall be brought to the attention of the County Attorney for appropriate legal action.

Sec. 1303 **Violations:**

1303.1 No person, firm, corporation, or other legal entity shall, for the purpose of circumventing any of these Regulations, or otherwise, hereafter transfer, sell, offer to sell, or divide any lot, piece, or parcel of land which constitutes a subdivision or part thereof, as defined herein, or file a record of survey, map or plat for recording without first having a final plat thereof approved by the Board and recorded in accordance with these Regulations. Nothing contained in these Regulations shall be construed as releasing a subdivider from full compliance with the Arizona Revised Statutes and the Rules and Regulations of the Arizona Real Estate Department pertaining to the establishment of subdivisions.

1303.2 No person, firm, corporation, or other legal entity shall take any action regarding a subdivision, developed under these Regulations, that violates any provision of these Regulations.

1303.3 It shall be a violation of these regulations to construct or place utilities, streets or other subdivision-related improvements prior to obtaining final plat approval from the Board of Supervisors unless a preliminary permit is issued by the Public Works Director.

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Sec. 1304 **Penalty:** Any person causing a final plat to be recorded without first submitting the plat and obtaining approval of the Board shall be guilty of a class 2 misdemeanor pursuant to A.R.S. § 11-806.01(C). In addition, notification of the violation shall be transmitted to the State Real Estate

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Department by the Community Development Director. Any person, firm, corporation, or other legal entity who violates any provision of these Regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than seven hundred and fifty dollars (\$750.00) or by imprisonment in the county jail for not more than one hundred and twenty (120) days, or by both such fine and imprisonment, for each offense. Each and every day during which the violation continues is a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these Regulations.

Sec. 1305 Remedies:

1305.1 If any land is subdivided in violation of these Regulations, the Board, the County Attorney, the Community Development Director or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent such violation or attempted violation and to restrain, correct or abate such violation or attempted violation, or to prevent or abate or remove any such unlawful action, construction, alteration, or use which constitutes a violation.

1305.2 All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or prohibit the enforcement, correction or removal thereof.

Sec. 1306 Legal Procedures: Any use or development of property contrary to the provisions of these Regulations is hereby declared to be unlawful, against the public safety and welfare, and a public nuisance and the County Attorney shall, upon order of the Board of Supervisors, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinder and removal thereof in the manner provided by law, shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and restrain any person, firm, or corporation from setting up, developing, erecting, building, moving, or maintaining any such building or using any property contrary to the provisions of these Subdivision Regulations, or otherwise violating these Regulations.