

**La Paz County Subdivision Regulations
Review Comment Summary
April 25, 2007**

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This is a companion document to the second draft, or 'Commission Review Draft,' (dated 5/3/07) of the new La Paz County Subdivision Regulations.

The comments below were not incorporated in the second draft of the Subdivision Regulations. Explanations are provided below. If a comment is not listed below, the requested change has been incorporated in the second draft. Additional discussion on comments and subsequent changes is welcome.

1. Section 107.2 **“Consider allowing the County Engineer to modify the Public Works Standards on a case by case basis.”** The Public Works Standards themselves must be amended, if necessary, to provide for their administration, i.e. provisions for the County Engineer to interpret or modify specific requirements, if this is not already provided for. DDE
2. Sec. 107.1 and .2 **“Streets with 80’ R/W should be chip seal.”** This is a standard that would go in the Public Works Standards, not the Subdivision Regulations. RW
3. Sec. 111 **“Add language for public requests for amendments to the Regulations.”** As written, there is no limit on how amendments get initiated, only that the Board is the approving body. This language can be added, but is not essential as anyone at anytime can request an amendment at any ‘call to the audience’ of a BOS or Commission meeting, or in writing to the County at any time. DDE
4. Sec. 112 **“Add ‘or their designee’ to the definition of County Engineer.”** County Engineer is defined as the Engineer or his designee, so a repeat is not necessary here or elsewhere in the document. The Building Official is not defined and input from this person is necessary. DDE
5. Sec. 202 **“Add a definition of ‘mass grading.’** This definition should be included in a grading ordinance or grading design manual. A draft definition is: Grading, mass: the clearing, grubbing, excavating or filling of 100 percent of a site. As a comment, mass grading is typically associated with small-lot, single-family, residential development. RW
6. Sec. 202 **“Define Planning Commission”** Since this term is defined in the Zoning Ordinance; it is not necessary or recommended to duplicate the definition.

All definitions in the new Regulations should be crosschecked against definitions in the Zoning Code and Public Works Standards Volumes I-III. RW

7. Sec. 202.41 “**Add a reference to ASSHTO**” Actually, this definition should be removed from this document and into the PWS, if not already there. We do not believe a reference to ASSHTO helps define SVTE’s. Where SVTE requirements are discussed in the Public Works Standards is where the user should be referred to ASSHTO standards. DDE
8. Sec. 305.3 “**Remove the provision for additional SRC meetings.**” In some cases, additional SRC meetings may be needed. Since the subdivider is required to attend, they will have notice of any additional meeting. The provisions have been amended to clarify this process. If desired by the County, time limits on completing SRC meetings can be imposed. DDE
9. Sec. 305.9.A “**Add a finding relating to the Comprehensive Plan**” Normally appropriate, however, subdividing is a ministerial function for cities and counties and consistency with the adopted Plan cannot be used as criteria for a denial of a plat. As such, this type of finding cannot be supported by county or state law. Also, a request to require all access to be public is not incorporated as some subdivision access may be private. RW
10. Sec. 311.1 “**Prohibit grading permits, in addition to building permits, from being issued until a final plat has been prepared.**” The draft subdivision regulations do not address the issuance of grading permits. In many jurisdictions some grading is permitted on property prior to final plat approval. Grading regulations, including various types of permits, should be developed or updated, and can exist as a stand alone document or be incorporated in the zoning code, subdivision regulations, or public works standards, but should be consolidated in all cases . We can provide examples, make recommendations, or prepare a draft ordinance, depending on County preferences. No change made at this time. RW
11. Sec. 311.6.B “**Delete the requirement for the subdivider’s engineer to attend the BOS meeting.**” No change made. It is recommended that the engineer of record designing the subdivision attend the BOS meeting in case additional information or questions from the BOS or the public arise. The engineer is required to attend both the Commission and BOS meetings.
12. Sec. 311.2 “**Stipulate that fees for setting new street signs be included in final plat filing fees.**” We agree this cost should be recovered by the County, however are not sure where to place this requirement as it relates more to the roadway improvement plans which specifies signs and their exact locations. These fees should be added to the fee schedule and to the requirements for submitting roadway improvement (civil engineering) plans. RW

13. Sec. 311.4 **“Add 911 addresses to a copy of the final plat.”** We believe the addresses should be added to the mylar of the final plat prior to recordation. We added a requirement, Sec. 405.15, for submittal of a mylar copy of the plat that includes assigned addresses. RW
14. Sec. 311.9 **“Why doesn’t the Community Development Director or County Engineer sign the plat instead of the elected official?”** State law allows only the Board to approve plats; this is a signature indicating their approval. DDE
15. Sec. 402 **“Why require the submittal of documents the County should have on file?”** We recommend the applicant provide copies of applicable rezoning ordinances and comprehensive plan amendments affecting the property. If there are other plans that impact the property, it is a best practice to require such submittal to insure the County and the applicant are operating with the same information. This is standard practice across Arizona, particularly for less populous jurisdictions. The copies provided should be used as working documents and are often marked up during the review process. These copy costs should be born by the applicant. DDE
16. Sec. 402.7 **“ALTA surveys seem to be required for all developments. This seems to be an excessive requirement for subdivisions.”** The draft requires ALTA surveys for tentative plats only. Information contained in the ALTA survey is often not found or obscured in title reports. The preference of the County is to use an ALTA survey to analyze all site conditions. Topographic mapping should also be required and should be enumerated in the Public Works Standards in the form of a required information list for tentative plats, along with a submittal checklist. DDE
17. Sec. 403.1 **“Why can’t dry subdivisions be approved?”** Normally, Counties want to assure a water supply exists prior to approving a final plat. This is a Board policy issue. Subdivisions can be approved without a certified water supply but consumer protection concerns and growth management goals have led to the practice of requiring the identification of the domestic water supplier. This section could be clarified to indicate that subdivisions can be approved without this, if that is the preference of the County. DDE
18. Sec. 403.1 **“Replace the term ‘assured’ with the term ‘adequate’ since assured water supplies do not apply outside AMA’s.”** We need additional direction from the Public Works Director on this language and will check with our in-house engineers. JD
19. Sec. 403.11 **Need a definition for ‘access endorsement.’** The text has been revised to clarify the description of the needed addendum to the title report. DDE
20. Sec. 702.9 **“This is vague and would give the County the unsubstantiated ability to make impractical demands on developments.”** We agree this

language is somewhat vague. The term ‘significant and/or unique natural features’ is open to interpretation, primarily by the Community Development Director and the Planning Commission. This language could be narrowed by deleting the word ‘significant.’ In all cases, any requirements by the County to preserve specific natural features, like rock outcrops, very steep slopes or major washes must be related to implementing the adopted Comprehensive Plan and protecting the public’s health, safety and welfare in accordance with statutory and case law in Arizona.

21. Sec. 703.1 **“No lots should be trapezoidal in shape and flag lots should not be used”** Our experience indicates trapezoidal, or Z or zipper lots provide a viable residential building site for small lot subdivisions such as town homes or patio homes. Flag lots can also be useful if designed correctly. Further discussion may be necessary to understand this concern and address it in the regulations. RW
22. Sec. 703.4 **“We need a minimum square foot size for lots.”** Minimum lot sizes are regulated by the zoning district regulations and will depend on which zoning district applies to the property. In the case of Master Planned Developments where developers can request any lot size, there probably should be a minimum lot size. This is dependent to a certain extent on the housing product intended for the lot. For single-family detached production housing, a suggested minimum is in the 5,000-7,000 square foot range.
23. Sec. 703.4 **This section “creates a conflict with the Zoning Regulations.”** Sec. 703.4 has been clarified. If we understand the comment, we do not believe there is a conflict. JD
24. Sec. 703.6 **This section “eliminates the need for Public Works Standard 2-050.”** If this comment refers to parking requirements along public streets, we do not agree. We may not be referring to the same standard. JD
25. Sec. 704 **“How can this section be enforced if developer sells only lots?”** These provisions should be noted on the final plat and are reviewed and enforced during the building permit review process. Remember, these requirements only apply to small lots, which are generally intended for production housing, not custom homes. RW
26. Sec. 704.1 **“Can porches be located in the front setback?”** The simple answer is no. This section requires an additional setback of 3’ for every third home, or the placement of a covered porch of at least 5’ in width in lieu of providing the additional 3 feet. DDE
27. Sec. 704.3 **“This requirement drives up the cost of housing and takes up more land. Alleys are a maintenance and safety problem...”** Alleys are not required in these regulations; this comment may be in error. Side-entry garage

designs can, but do not necessarily require wider lots as suggested. Architectural design is the biggest factor in accommodating a side entry garage. DDE

28. Sec. 801 **“Paved Streets should be a function of lot size”** There may need to be additional discussion of this point. There are other factors that affect the need for paving or the acceptability of an alternative roadway surface. Any requirements need to reflect County policy. JD
29. Sec. 801 **“Private streets should not have to be to Public Works Standards.”** We do not agree and recommend private streets be built to public standards. We acknowledge this does increase costs for the developer, but provides a more durable roadway. JD
30. Sec. 801.3 and .4 **“Curb and gutter should be a function of drainage requirements and usage- what about airparks where streets are also taxiways?”** We agree. This section of the regulations provides a listing of the improvements normally associated with and required to develop a subdivision. Curb and gutter, or other features, may not be desirable in all instances. The Public Works Director may determine which improvements are necessary. His decision, or the Community Development Director’s, may be appealed to the Board of Supervisors.
31. Sec. 801.9 and .10 **“Fire hydrants are covered under the fire code and are not always required. Wastewater facilities are covered under ADEQ rules.”** Similar to curbs and gutters, the Public Works Director may determine whether fire hydrants are included in subdivision improvements. As commented, the draft regulations refer to Federal and State regulations that may apply to certain improvements such as hydrants and wastewater collection systems and treatment facilities.
32. Sec. 801.16 **“This section should only apply to what the County can legally require.”** We agree not only for this section but also for the entire set of regulations.
33. Sec. 804.4.E **“Why are assurances submitted to the County Engineer?”** This section has been corrected to require the submittal to the Public Works Director. JD
34. Sec. 804.5 **“The subdivider should be able to choose who completes the pavement finishing.”** We need input from the public works Director and County Engineer on preferences for this assurance provision.
35. Sec. 1202.2 **“The 15 days to appeal an action is sufficient time to amount a well thought out appeal, we request a 60 day period.”** We believe they meant ‘insufficient’ time to ‘mount’ an appeal. We believe two is sufficient time to

review the regulations and prepare an appeal. The period can be longer depending on La Paz County preferences. DDE

36. Sec. 1303 **“Add a new section stating that constructing improvements prior to final plat approval is a violation.”** It is common for jurisdictions to allow grading and other development activity to occur on a limited basis prior to plat approval. This practice can cause problems when plats do not get approved and/or projects go bankrupt. Posting restoration assurances is one way the County can allow preliminary improvements to be made while insuring against the ill effects of partially completed or abandoned projects. RW
37. Sec. 1305.1 **“Add the Planning Commission to the list of bodies that can initiate enforcement action.”** We do not recommend adding the Commission to this list, as this is not their intended role in the County under State law. RW
38. **The tentative and final plat processes outlined have no time lines for the County.”** This is correct. This draft does not include deadlines or timeframes for the County to complete reviews. These time limits can be added if so desired. JD