

Apache County Subdivision Ordinance

APACHE COUNTY, ARIZONA

AS APPROVED AND ADOPTED BY THE
APACHE COUNTY BOARD OF SUPERVISORS

ADOPTED

January 17, 2006

AMENDED

February 6, 2007

SUBDIVISION ORDINANCE

COUNTY OF APACHE

ARIZONA

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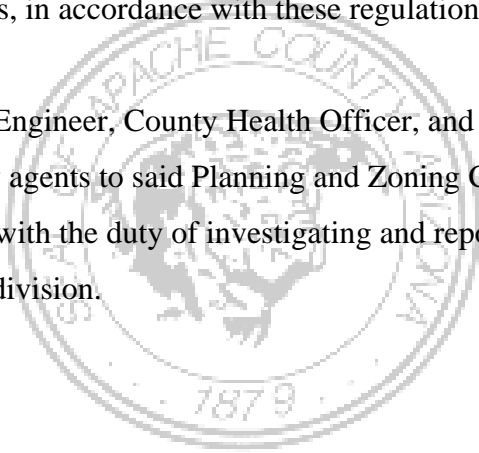
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The Subdivision Ordinance is applicable to division of parcels of land within the planning jurisdiction of Apache County. It is not applicable to divisions of land within the planning jurisdictions of Municipalities or on federal lands located within Apache County.

Administration

The Apache County Planning and Zoning Commission is hereby authorized to receive and process applications for vicinity plans, preliminary plans and final plats for subdivisions, lot splits and minor land divisions, in accordance with these regulations.

The County Planner, County Engineer, County Health Officer, and the County Attorney are hereby designated as advisory agents to said Planning and Zoning Commission and Board of Supervisors, and are charged with the duty of investigating and reporting upon matters referred to them pertaining to any subdivision.



SECTION 1

TITLE & PURPOSE

1-1) Title

This ordinance shall be known as the "Subdivision Ordinance of Apache County, Arizona," and may be referred to as the "subdivision regulations," or "regulations."

1-2) Purpose

The purpose of this ordinance shall be:

- A) To promote the health, safety, convenience, and general welfare of the present and future inhabitants of the County of Apache;
- B) To facilitate orderly growth;
- C) To serve as an instrument for the implementation of the comprehensive plan;
- D) To secure adequate traffic circulation, drainage, flood control, waste disposal, and the location of other necessary public facilities, throughout the development of the County;
- E) To bring about the development of a more attractive and wholesome environment within and about the County;
- F) To facilitate the transfer of land having accurate legal descriptions; and
- G) To establish the rights, duties, and responsibilities of subdividers with the respect to land subdivision.

1-3) Scope

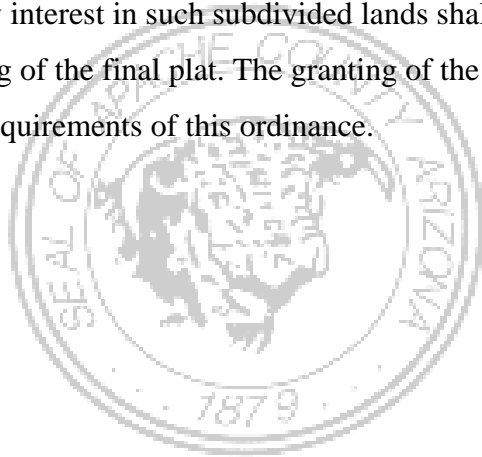
These regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the County is a party. Where these regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, resolution, contract, or deed, the provisions of these regulations shall

control. In the instance of those uses or divisions included in the County Planned Unit Development Ordinance, these ordinances shall support the criteria defined therein.

1-4) Recordation

The Apache County Planning and Zoning Department shall certify all deeds, survey maps, or subdivision plats showing a division of land within Apache County's planning jurisdiction are in accordance with this ordinance or are exempt from this ordinance. This certification shall be complete prior to the documents being recorded with the Recorder's Office

No conveyance of any interest in such subdivided lands shall be made before the final approval and recording of the final plat. The granting of the final plat shall be only upon compliance with all requirements of this ordinance.



SECTION 2

DEFINITIONS

For the purpose of this Resolution, the following definitions shall apply:

Abandonment of Subdivision: When the Board by proper action and public hearings abrogates all rights to said lots, streets, public ways, easements, or rights-of-way

Arterial Streets: A Street, existing, or proposed, which serves or is intended to serve as a major traffic way, and is designated as a major street on the Apache County Comprehensive Plan.

Board: The elected district representatives of Apache County otherwise known as the Board of Supervisors

Collector Street: A Street, existing, or proposed, which is supplementary to an arterial street and serves, or is intended to serve, between neighborhoods or areas within the County.

Deed: A conveyance of real property; A written instrument in recordable form that has been signed, notarized and delivered to the grantee or grantee's agent, by which one person or entity(ies) conveys land, tenements, or hereditaments to another.

Easement: Shall mean a space on a lot or parcel of land reserved or used for general access, or for the location of and/or access to utilities, drainage or other physical operations on the land.

Engineering Drawings: Means drawings showing typical cross section of streets and the details of location and size of sidewalks, curbs and gutters, storm sewers, water and sewer mains, and other improvements to be installed within the subdivisions.

Final Plat: A map or chart of the land-division, which has been prepared in accordance with the provisions of the Apache County Subdivision Ordinance and which has been accurately surveyed and such survey marked on the ground, so that streets, alleys, blocks, lots, and other division thereof are clearly identified.

Intervening Property: Property located between the existing service facility and the territory within the subdivision.

Land Division: See Minor Land Division

Large Scale Development: A tract of land which is planned and developed as a single entity wherein the requirements applying to all buildings and improvements are modified to conform to the approved plan and wherein the streets, driveways, parks, and other common properties are maintained by the owners of the lots.

Lots: Any lot, parcel, tract of land, or combination thereof, being fixed or shown on a plat of record, recorded by metes and bounds or described by aliquot parts, that is occupied or intended for occupancy, together with its accessory buildings, the open space, and having its principal frontage upon the street or upon an officially approved place.

Lot Split: See minor land division.

Master Plan: A mapped plan demonstrating a total overview of the intended land use that is being considered, prepared and presented for review by the Planning Commission and the Board; Areas and uses to be shown will include, but not be limited to, open spaces, parking, building sites, pathways, trails and other appurtenances and amenities.

Metes and Bounds: The description of a lot or parcel of land by courses and distances.

Minor Land Division: Improved or unimproved land or lands divided or proposed to be divided for the purpose of sale, whether immediate or future, into five (5) or fewer lots, parcels, or fractional interests.

Minor Street: At street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves, or is intended to serve, the local needs of a neighborhood.

NOI: Notice of intent is given to ADEQ referring to a storm water pollution prevention plan creation.

Off-site Facilities: Facilities with added capacity designed to serve other property in addition to the land within the boundaries of the subdivision or development site.

On-Site Facilities: Facilities installed within or on the perimeter of the subdivision.

Over-size Facilities: Facilities with added capacity designed to serve other property in addition to the land within the boundaries of the subdivision or development site.

Parcel (s): A parcel, lot, or fractional interest.

Plan and Profile Roads: Road design shall include plan and profile sheets at a scale of 1 inch = 4 feet vertical and 1 inch = 40 feet horizontal. For larger subdivisions, this scale may be modified with the county engineers' approval.

Planning and Zoning Commission: Means the duly appointed property owners legally residing in the County of Apache, Arizona.

Preliminary Plan: A map or chart of a proposed land-division prepared in detail in accordance with the provisions of the Apache County Subdivision Ordinance.

Planning Director — County Planner — Planning and Zoning Administrator: An individual who has been appointed by the County Manager of the County of Apache to work with the Planning and Zoning Commission as its Administrative officer.

Sewage: Means wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, watercraft, and other places of human habitation, employment, or recreation.

Sewage System: Pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances, and facilities used for collecting or conducting waste to an ultimate point for treatment or disposal within the subdivision boundary.

Storm Water Pollution Prevention Plan: A plan created to prevent storm water runoff from polluting water ways. The plan must include all intended Best Management Practices (BMPs) and be included as part of the construction drawings. NOIs and NOTs are to be submitted to ADEQ.

SECTION 3

MINOR LAND DIVISIONS

3-1) Minor Land Divisions

In the minor divisions of land in terms of A.R.S. § 11-809, land or lands that are proposed to be divided for purposes of sale or lease into five (5) or fewer lots or parcels do not result in a "subdivision" or "subdivided lands" as defined in A.R.S. § 32-2101. Each lot or parcel shall comply with minimum applicable county zoning requirements and have recorded legal access.

No lot proposed to be created through the minor division of a parcel shall be sold until a recorded deed and survey map showing the (split) division has been approved by the Planning and Zoning Department as complying with all applicable provisions of this ordinance.

3-2) Purpose

The purpose of this ordinance is to provide a process to divide land into five (5) or fewer lots, tracts, parcels, sites or divisions with a level of review to ensure the division of land complies with zoning ordinances, zone maps and does not constitute a subdivision as defined by A.R.S. 11-809. This ordinance is not intended to prohibit or prevent the division of land as authorized and permitted by the Arizona Revised Statutes and the Apache County Zoning and Subdivision Ordinance.

3-3) Applicability

The provisions of this ordinance shall apply to all divisions of land located within the unincorporated territory of Apache County, excluding lands governed by Tribal Authority and lands outside the authority of Apache County.

3-4) Application

A minor land division application shall be filed with the Planning and Zoning Department on a form adopted by the Planning and Zoning Commission.

A) Submittal & Fee

- 1) Prior to the recordation of a deed and survey map dividing land into five (5) or fewer parcels of land, any of which is ten acres or smaller in size (ARS 11-809), for the purpose of sale, lease, or transfer of ownership shall submit a minor land division application to the Planning and Zoning Department.
- 2) The processing fee is set by the Apache County Board of Supervisors.

B) Survey Map

The legal descriptions and map shall be prepared by a Registered Land Surveyor (R.L.S) and shall include:

- 1) A standard engineering scale not to exceed 1" = 200' (one inch equals 200 feet). Indicate the scale used. Must include North arrow. The map shall be of a format acceptable to the County Recorder. See A.R.S. 11-481.
- 2) The boundaries of the section (or portion thereof) within which the minor land division lies.
- 3) The boundary lines of the minor land division and the lots within it, including their bearings and distances.
- 4) Location and width of all easements within and bordering the minor land division.
- 5) Width of easements and County numerical designation of roads bordering the property indicating whether they are public or private.

This survey requirement may be waived by the Planning and Zoning Director in areas where quarter-quarter section or east half-west half or north half-south half descriptions are deemed adequate.

3-5) Review Criteria

The deed and survey map shall conform to the requirements of all applicable county Zoning Ordinances. In addition:

- A) The design, shape, size, and orientation of the tracts should be appropriate for the use which the division is intended and to the character of the area in which they are located.
- B) Alignment of any road created in a land division shall be designed per the County Engineering Road Standards with appropriate consideration for existing and planned roads, anticipated traffic patterns, topographic and drainage conditions, public safety and the use of the land so divided.
- C) The Director of Planning and Zoning may require an arrangement of the tracts and roads such as to permit a subsequent re-division in conformity with roads and plans adopted by Apache County.
- D) Resulting lots should not be divided by the boundary of any city, county, zoning designation, or public right-of-way.

3-6) Roads

A public or private road, or a private driveway easement, as defined by the County Engineering Road Standards shall provide legal access to each parcel.

- A) A private easement with a minimum width of 30 feet.
- B) Public roads to be maintained by the County Road Department shall be constructed to County Engineer Design Standards and then adopted or accepted by the County Board of Supervisors prior to sale of any of the divided lots.

3-7) Administrative Review

To approve a minor land division, the Planning and Zoning Department must find the following conditions exist:

- A) The property is not a part of a County approved subdivision plat.
- B) Ownership of property being split is demonstrated through a deed or other acceptable documents showing ownership and legal access to the parcel.
- C) The newly-created parcels shall meet the minimum lot size required by the applicable zoning district.
- D) The newly-created parcels shall meet minimum access standards required by the

County Engineer and/or the Arizona Department of Transportation.

3-8) Action by the County Planning and Zoning Department

Upon receipt of the submitted documents, the County Planning and Zoning Department shall review them to determine their completeness. If the application is complete, it shall be date stamped showing the working day it arrived complete. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies and informed the application will not be formally accepted for processing until the missing items are submitted. Upon receipt of the completed application, the County Planning and Zoning Department shall:

- A) Distribute the submitted application for review and comment to the appropriate departments as deemed necessary by the Planning Director.
- B) Review the submitted survey map and supplemental information to determine compliance with these Ordinances and prepare its report, which shall include comments received from other departments.
- C) Based on the above findings, the Planning and Zoning Director shall then approve, conditionally approve, or deny the application within 15 working days from the date a completed application was filed unless the applicant consents to an extension of the review period in writing.

Where the resulting parcels do not meet the review criteria, the deficiencies shall be noted on the recorded deed and survey map. (ARS 11-809E.) Nothing herein shall be construed to create a right or expectation of such approval and no building or use permit may be issued by the County until the parcel has met the review criteria through a variance from the Board of Adjustments. It shall be the responsibility of the landowner to remedy all deficiencies.

3-9) Approval

If the Planning and Zoning Director approves the application, he or she shall enter the following certification on the approved record plat:

I, _____, Planning and Zoning Director of Apache County, certify that this plat creates a minor land division subject to and approved in accordance with the Apache County Subdivision Ordinance, and that it meets all statutory requirements for recording.

Date

Planning and Zoning Director

3-10) Dedications

If the approved deed, and survey map shows or otherwise includes a dedication to the public any rights-of-way for roads and associated public improvements, the Planning and Zoning Director shall also enter the following certification on the approved record plat:

Apache County hereby accepts, for the use and benefit of the general public, the rights-of-way shown or otherwise provided for on this plat as dedicated for public roads and associated public improvements. This acceptance does not include the County's acceptance of any responsibility to construct, install, or maintain the roadway or other public improvement intended to be constructed or installed within the right-of-way.

Date

Planning and Zoning Director

Recordation of an approved plat with the above signed certification shall constitute public acceptance of the public dedication, authorizing the use of the dedicated right-of-way for public road access and associated public purposes.

3-11) Exceptions

This minor land division section shall not apply to a minor subdivision for which the owner and grantee certify the applicability of each of the following conditions:

- 1) The grantee of each lot is the child or child and spouse, or grandchild or

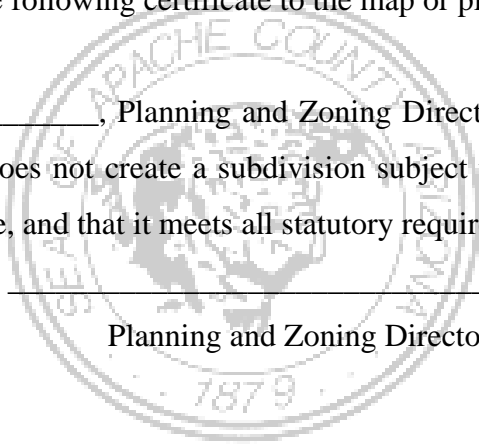
grandchild and spouse of the owner.

- 2) No consideration shall be paid for any of the lots.
- 3) The purpose of the minor subdivision is not to circumvent the provisions of the Apache County Subdivision Ordinance and that none of the lots shall be conveyed to third parties for a period of not less than three (3) years.

If the Director determines that such a map or plat intended to be presented to the Recorder's Office for recording does not fall with the regulations of this ordinance, the Director shall affix the following certificate to the map or plat:

I, _____, Planning and Zoning Director of Apache County, certify that this plat does not create a subdivision subject to the Apache County Subdivision Ordinance, and that it meets all statutory requirements for recording.

Date



_____ Planning and Zoning Director

SECTION 4
PROCEDURE FOR OBTAINING APPROVAL OF A
SUBDIVISION

4-1) Three-Step Approval Process

Any subdivision creating six (6) or more lots is a regular subdivision. A regular subdivision of land, and authorization for development associated with the subdivision, involves a three-step review and approval process. In order to obtain approval of a subdivision, a subdivider must follow these steps. First, the Planning and Zoning Commission must review a vicinity plan. If the Commission approves the vicinity plan then the applicant may apply for approval of a preliminary plat with construction drawings for development associated with the subdivision or the approved phase thereof. The preliminary plat approval authorizes the development of roads, utilities, storm water management plans and other improvements. If the preliminary plat meets the approval of the Commission and the Board, then the applicant may apply for the final plat. This final step of the subdivision process requires assurances to be in place for the final presentation to the Board.

4-2) Notifications to County Planner of Proposed Development

Any person wishing to subdivide land within the County of Apache, Arizona shall notify the Director. As part of the notification, the person will be informed of the County's plan of streets, parks, drainage, sanitation, and zoning, and the extent of improvements with the subdivider will be required to construct, along with other requirements affecting the land to be subdivided.

At the time the vicinity plan is presented and approved by the Planning and Zoning Commission, the subdivider shall obtain from the Planning Director a copy of Apache County Design Standards and Engineering Specifications for Roadways, which will govern the design and construction of the subdivision roads. The progression of

development from Step 1, Vicinity Plan, to Step 2, Preliminary Plan approval by the Planning Commission shall not exceed six (6) months time interval unless applicant requests an extension prior to the expiration of time which may be granted by the Director or the Commission. The subdivider will be required to resubmit the vicinity plan and be required to obtain a new copy of the Design Standards and Engineering Specifications with any revisions or modification that may have taken place in the interim.

Section 5

Vicinity Plan

5-1) General

The Planning and Zoning Commission shall approve a vicinity plan upon determining that the proposed subdivision and associated development, as shown by the vicinity plan, would comply with all applicable provisions of the Subdivision Ordinance, the Apache County Zoning Ordinance, and the Apache County Comprehensive Plan. Approval of a vicinity plan does not authorize any development, but authorizes the applicant to apply for approval of a preliminary plat with engineering drawings.

5-2) Procedures for Reviewing Applications for the Vicinity Plan

A) Pre-application Conference

A person intending to submit an application for vicinity plan approval is strongly encouraged to confer with the Planning and Zoning Director before submitting the application and vicinity plan. At such conference, the Director shall explain requirements applicable to the application and shall identify potential conflicts with applicable standards.

B) Application Submittal

A person proposing a regular subdivision shall submit an application for vicinity plan approval to the Planning and Zoning Director. The application shall include 15 copies, those forms, maps, plans, and other documents as prescribed by the Commission as necessary to and at a minimum:

- 1) Identify the applicant and owner(s) of the parcel proposed to be subdivided
- 2) Confirm the owner's authorization for submittal of the application
- 3) Indicate significant topographical features of the subdivision site and surrounding area
- 4) Indicate the site's relationship to adjacent development
- 5) Depict the nature and scope of the proposed subdivision and associated development, and
- 6) Show how the subdivision complies with applicable provisions of this Ordinance, County Zoning Ordinance and the Apache County Comprehensive Plan.

The applicant shall also submit the fee prescribed for the type of application by the Board of Supervisors.

5-3) Vicinity Map

The purpose of the vicinity map is to show how the streets and utilities within the subdivisions will be coordinated with streets and utilities in the surrounding area. The vicinity map shall show a simple sketch of the proposed layout of streets, lots, and other features, in relation to the existing and planned streets within at least one-fourth (1/4) mile of the subdivision. The map shall be prepared at a scale of no smaller than one (1) inch to five hundred (500) feet.

5-4) Acceptance of Application

The Director shall review a submitted application and determine whether it complies with submittal requirements. If the application does not comply with submittal requirements, the Director shall notify the applicant of the deficiencies and invite the applicant to revise

the application to correct the deficiencies. When the application complies with all submittal requirements, the Director shall accept the application as complete and notify the applicant of its acceptance.

5-5) Planning and Zoning Commission Review and Action

Once the application is accepted, the Director shall schedule the application for review by the Commission at the next available regularly scheduled meeting. At a reasonable time before the meeting, the Director shall provide copies of the application and vicinity map to the Commission members.

At the meeting, the Commission shall review the application with this Subdivision Ordinance, Zoning Ordinance, and Comprehensive Plan. Based on the findings as to the proposed subdivision's compliance with all applicable provisions, the Commission shall take action to approve the application as submitted, approve the application subject to conditions, or deny the application.

5-6) Withdrawal of Application

An applicant may withdraw an application for a vicinity plan at any time by submitting written notice of the withdrawal to the Director.

5-7) Timely Review of Application

The Director and the Commission shall make every reasonable effort to process, review, and decide an application for a vicinity plan in a timely manner, consistent with the need to fully consider the proposed subdivision's impact with respect to applicable regulations.

5-8) Notice of Decision

The Director shall send the applicant written notice of the Commission's final decision on the application, and shall file a copy of the decision in the Planning and Zoning Office. If the application is denied, the notice shall state the Commission's reason for the decision.

Section 6

Preliminary Plat

6-1) Prepare Preliminary Plan and Engineering Drawings

Upon approval of the vicinity plan by the Planning and Zoning Commission, the subdivider may prepare the preliminary plans and engineering drawings and submit fifteen (15) folded copies of each to the Planning Director.

6-2) The Preliminary Plat

A. Filing

- 1) The preliminary map shall be prepared by a certified Civil engineer.
- 2) Unless the average lot size in a proposed subdivision is more than one (1) acre, the preliminary plat shall be drawn at a scale of one hundred (100') feet to the inch. If the average lot size is more than one (1) acre, the scale may be two hundred (200') feet to the inch. The plat must indicate the scale used and include the North arrow. The map shall be of a format acceptable to the County Recorder. See A.R.S. 11-481.
- 3) If preliminary plans require more than one (1) sheet, match lines shall clearly indicate where the several sheets join and shall be accompanied by a key plan showing the entire development at a reasonable scale.
- 4) The Director shall notify the subdivider in a timely manner upon discovery, if the preliminary plan is incomplete or does not comply with the submission requirements of this ordinance.

B. Content

The preliminary plat shall contain the following information:

1) General information

The plat shall include: 1) The subdivision name; 2) Names and addresses of owners, subdivider, and names of holders of any easements affecting

the property; 3) The name and address of the engineer and surveyor who prepared the plan; 4) Date of drawing (including revision dates); 5) Number of sheets; 6) North arrow, oriented to the top of each sheet where practical, with the source of meridian used for the survey; 7) Graphic scale; 8) The plat shall include a signature line for the Planning and Zoning Director, Commission Chairman, Chairman of the Board of Supervisors and the County Manager; and 9) The sources of data used in preparing the plat, including the tax parcel identification number, and deed book and page number or instrument number of the last instrument in the chain of title. In addition, a certificate of authority from the owner to the subdivider, indicating that such subdivider has his authority to subdivide such land, in the event that the subdivider is not the fee owner of such land.

2) Topographic Map

A topographic map showing two (2) foot contours on subdivisions where the average lot size is two (2) acres or less and five (5) foot contours on all subdivisions where the average lot size is larger than two (2) acres. This map shall show all the area covered by the subdivision properly related to United States Geological Survey (USGS) 7.5 minute quadrangle data and showing the boundary lines of the tract to be subdivided with designated floodplain districts and floodway limits delineated. This includes showing all floodplain elevations and pad elevations for lots which all or a portion are in the floodplain.

3) Natural and cultural features

All pertinent natural, cultural, and historical features and landmarks including water courses, marshes, lakes, impoundments, areas of significant vegetation, existing buildings in the subdivision, the location and description of all existing markers, and the identification of any grave,

object or structure marking a place of burial located on the tract or parcel of land to be subdivided.

4) Streets, easements, rights-of-way, lots, and lot lines

A) Existing

The names, locations, and dimensions of the following: all streets (existing and platted); public water and sewer facilities; easements; rights-of-way; and lot lines including information sufficient to locate accurately the property shown on the plat, with reference to survey markers or monuments. The location, width and other dimensions of all existing or platted streets and other important features such as watercourses, exceptional topography and buildings within the tract and within two hundred (200) feet of the tract to be subdivided.

B) Proposed

- 1) The location, width, and other dimensions of proposed streets, alleys, easements, parks, schools, and other open spaces, with proper labeling of spaces to be dedicated to the public.
- 2) Approvals for turnouts to State or County Highways.
- 3) Engineering drawings, including typical roadway cross-sections, plans, and written statements regarding the width and type of proposed road surfacing. Also, location and type of proposed off-site and on-site water mains, sanitary sewers, drainage facilities, and other proposed improvements, such as sidewalks, curbs and gutters and fire hydrants.

C) Sections

Boundaries and section numbers for subdivisions which are to be developed in phases.

D) Lots

Number and approximate area of all lots. Lots shall be numbered consecutively (beginning with “1,2,3 ...”) throughout the subdivision so that there is no duplication or skipping of lot numbers.

5) Subdivision of land from more than one (1) source of title

When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts indicated by dashed lines, and identification of the respective tracts shall be shown and identified on the index map.

6) Zoning, land use, and abutting subdivisions

Provide the zoning classification and land use for the area being subdivided and for adjoining properties including names, addresses, and parcel id numbers of abutting subdivisions and property owners.

7) Storm water management

- A) Approximate boundaries of all areas subject to flooding and the location and extent of all water courses and the nature of the water flow whether continuous, intermittent or sporadic.
- B) Drainage Study, conducted by a civil engineer, will include identifying drainage path and volume increases due to improvements, potential impacts to adjacent property, and location of major structures.
- C) Flood Plain analysis to include identifying lots affected by flood plain and base flood plain elevation of said lots.

C) Plan and Profile of the Roads

The engineering drawings shall follow the County Engineering Road Standards and shall show plan and profile of all proposed streets. The scale which shall be used for the plan and profile will be a maximum 1 inch = 40 feet Horizontal and 1 inch =4 feet Vertical.

D) Master Plan

Where a subdivider owns or controls more land than he wishes to develop immediately, the Planning and Zoning Commission, through the Planning Director, may require a submission of a master plan of the whole area. The subdivider shall indicate by letter and on the preliminary plan accompanied by the master plan the portion to be held for future development. Commission minutes of the proceedings shall reference facts addressing the master plan.

6-3) Subdivision Fees

Prior to notification by the Planning Director, upon filing of a preliminary plat, the subdivider that pay a fee as set by the Board.

6-4) Staff Review and Opportunity for Revisions

A) Staff Review

After accepting the application as complete, the Director shall refer it to appropriate staff for review. The review staff shall review the application, determine whether the proposed subdivision complies with all applicable regulations, identify any noncompliant features of the proposal, and, whenever feasible, suggest modifications to correct the noncompliant features.

B) Opportunity to Revise Application

Following receipt of the staff comments, the applicant shall either 1) ask the Director to prepare a staff report on the application as submitted or 2) notify the Director of an intent to revise the application to address staff comments and submit a revised application. If the Director receives no response within five (5) days after notifying the applicant of the applicant's noncompliant features, the

Director shall presume that the applicant expects the staff to report on the application as submitted.

If the applicant submits a revised application, the Director shall determine whether it complies with submittal requirements. On accepting a revised application as complete, the Director shall refer it to appropriate staff, who shall review it for correction of previously identified noncompliant features and any other changes or alterations.

6-5) Staff Report

Following the applicant's request for a staff report on the original application, or staff review of a revised application, the Director shall review staff comments. Based on findings as to the proposed subdivision's compliance with all applicable provisions of this Ordinance, the Director shall prepare a staff report noting the application's noncompliant features and recommend that the Commission approve the application as submitted, or approve the application subject to conditions, or deny the application. If the applicant revises the application at any time after preparation of the staff report, the revised application shall be submitted and reviewed as an original application.

6-6) Planning and Zoning Commission Review and Action

A) Submittal to Commission

On completion of the staff report, the Director shall schedule the application for review by the Planning and Zoning Commission at the next available regularly scheduled meeting. At a reasonable time before the meeting, the Director shall send members of the Commission copies of the application and the staff report. The Director shall also send the applicant a copy of the staff report.

B) Public Notification

The Planning and Zoning Commission shall hold at least one public hearing on each Preliminary Plat. Notice of a public hearing shall be given not less than fifteen (15) days and not more than thirty (30) days prior to the date of the

hearing. Notice shall be by publication in a newspaper of general circulation, posting the subject property, and mailing notification to all persons whose names appear on the latest adopted tax roll of Apache County as owning property within 300 feet of the exterior boundaries of the subdivision that is the subject of the hearing.

C) Commission Review and Action

At its meeting, the Commission shall review the application and staff report. The Commission shall, based on findings as to the proposed subdivision's compliance with all applicable provisions of this ordinance, take action to approve the application as submitted, approve the application subject to conditions, or deny the application. The Commission shall limit any conditions of approval to requiring specific actions and/or minor changes or additions to, or restrictions on, the proposed subdivision that it deems reasonably necessary to ensure compliance with applicable provisions of this Ordinance. Such conditions may include time limits for completion of development or for the start or end of certain activities. If the Commission denies the application, it shall identify its reasons for doing so.

D) Opportunity to Revise Application

If the Commission discusses the application, the applicant may, before the Commission takes final action, ask the Commission for permission to revise the application to address concerns raised by the Commission's discussion. If the Commission grants the request, the revised application shall be submitted to the Planning and Zoning Director, and shall be reviewed in the same manner as an original application.

6-7) Withdrawal of Application

An applicant may withdraw an application for preliminary plat approval at any time by submitting written notice of the withdrawal to the Planning and Zoning Director.

6-8) Timely Review of Applications

The Planning and Zoning Director and the Commission shall make every reasonable effort to process, review, and decide applications for a preliminary plat in a timely manner, consistent with the need to fully consider the proposed subdivision's impact with respect to applicable regulations.

6-9) Submittal to the Board of Supervisors

Action of the Planning and Zoning Commission shall be written on the face of three (3) copies of the plan, one of which shall be retained in the files of the Clerk of the Board of Supervisors, one to the Planning Director and one of which shall be returned to the subdivider to proceed with the preparation of the final plat. If the preliminary plat is denied, the Planning and Zoning Commission shall express its reasons to the subdivider on the face of the copy of the plat, which is returned to the subdivider. The Board of Supervisors shall have the power to overrule the Planning and Zoning Commission's approval or denial provided it first expresses its reasons for so doing to the Planning and Zoning Commission, and gives the Planning and Zoning Commission at least thirty (30) days to respond.

6-10) Validity of Preliminary Plat Approval

A) General

Except as provided in (B) below, preliminary plat approval shall be valid for two (2) years. Authorizing the submittal of applications for final plat approval for the subdivision (if not phased), or first approved phases thereof (if phased), and for five (5) years as (a) authorizing the submittal of applications for preliminary plat approval and final plat approval for all remaining phases of a phased development. Preliminary plat approval shall automatically become void if complete applications for the final plat (if not phased) or the preliminary and final plats (if phased) have not been submitted to the Planning and Zoning Department within the shorter time period. If applications for preliminary plat approval and final plat approval are submitted for only part of the approved subdivision within the longer time period, preliminary plat approval for those remaining parts of the

subdivision shall automatically become void. Applications for further development of the subdivision site may be submitted only pursuant to a new preliminary plat approval granted in accord with this section.

B) Extension of Preliminary Plat Approval Validity

On request by the applicant or owner of the parcel proposed to be subdivided, the Director may extend the date on which preliminary plat approval would otherwise expire by up to twelve (12) months on determining the:

- 1) The preliminary plat approval has not yet expired
- 2) The applicant or owner of the parcel proposed to be subdivided has proceeded with due diligence and good faith to prepare a final plat for the subdivision, or other approved phases, thereof; and
- 3) Conditions or applicable regulations have not changed so substantially as to warrant reconsideration of the proposed subdivision with respect to the public health, safety, and general welfare.

Section 7

Final Plat

7-1) General

No lot proposed to be created through the regular subdivision of a parcel shall be sold or offered for sale until a final plat has been approved by the Planning and Zoning Commission and the Board of Supervisors. The final plat must prove to be consistent with the approved preliminary plat and comply with all the applicable provisions of this Ordinance.

After the Preliminary Plat has been approved, the subdivider shall then prepare and submit on original Mylar, one permanently reproducible map, and three prints of the final of the subdivision to the Planning and Zoning Commission. A written request for approval of the final plat shall also be submitted with the final plat, together with all necessary approvals from all other governing bodies.

The permanently reproducible copy shall be filed in the office of the Planning Director. A plat-checking fee as set by the Board shall be charged.

All fees associated with recordation of the final plat and accompanying documents shall be the responsibility of the developer/owner apart from and not a portion of the checking fee.

The checking fee payable to the Apache County Planning Department shall be submitted to the Planning Department along with the final plat. The Planning Department shall tender the fee to the Finance Department of Apache County.

A) Additional Information

1) Soils Report for Roadways

Tests of soil conditions are to be conducted by independent testing laboratory at intervals consistent with County Roadway Standards, and sent directly to County Engineer's Office for review and base thickness determination.

2) Land for public or common use

a) Proposed by the subdivider

Identify all parcels of land intended to be dedicated or reserved for public use or to be reserved in the deed for the common use of property owners in the subdivision with proposed covenants and restrictions. Include six (6) copies of any protective covenants or other documents limiting the use of the land or lots within the subdivision.

b) Comprehensive plan

Identify areas shown in the vicinity plan or preliminary plat as proposed sites for schools, parks, roads, or other public uses.

c) Conservation easement

In the event a conservation easement is used for the proposed subdivision, the proposed covenants, restrictions, and open space plans shall be furnished.

3) Public water and sewer, required documentation

- A) Existing sanitary sewers, storm drains, water supply mains, and bridges within the tract, or within two hundred (200') feet thereof.
- B) A statement signed by an engineer giving estimates of the projected water and sewer needs of the entire development in gallons per day.
- C) A signed statement from the director of the public service authority stating the adequacy of the utility system (power, sewage, trash) to handle the increased flows.
- D) Percolation and/or other tests as required by the County Health Officer for all subdivisions, which will not be served by a central sewage system.

4) Signage

Sample detail of proposed signage showing size, height, location, typical copy, material description, installation typical. After the County Engineer assigns road

numbers, the developer shall be responsible for placing all road and traffic control signs on the roads.

7-2) The Final Plat

The final plat shall be clearly and legibly drawn in black, waterproof, India ink or an equivalent medium upon heavy duty matte mylar and shall be an original.

The dimensions of each sheet of said plat shall be twenty-four (24) inches by thirty-six (36) inches. A marginal line shall be drawn around each sheet leaving an entirely blank margin of two (2) inches on all sides. A minimum scale of one (1) inch to one hundred feet (1"=100') shall be used on subdivisions of small lots, (those subdivisions where the average lots are less than one (1) acre in size) and a minimum scale of one (1) inch to two hundred feet (1"=200') for subdivision where the average lots are one (1) acre or larger, to show all details and enough sheets shall be used to accomplish this end. That particular number of the sheet and the total number of sheets and the relations of each adjoining sheet shall be clearly shown by a small key map on each sheet. Each sheet of said plat shall show the date of the survey, north point, and written and graphic scale.

The final plat shall contain a key map showing the location of the subdivision. That plat shall be so made, and shall be in such condition when filed, that good legible prints and negatives can be made therefrom.

The approved title of the subdivision shall appear on each sheet of the final plat, with items listed below appearing on the first sheet of the plat only.

The subdivider shall also furnish the Planning and Zoning Commission with one (1) permanently reproducible copy and three (3) prints of the final plat when submitting the tracing.

The final drawings or plats shall contain the following information:

- 1) The subdivision name and the general location of the subdivision.
- 2) A north point and scale on the drawing and the date.

- 3) Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monument(s).
- 4) The names, widths, length, bearings and curve data on center lines of proposed public streets, alleys, or easements; also the boundaries, bearings, and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; the line dimensions, bearings, and numbers of all lots and blocks are to be numbered or lettered consecutively under a definite system. All proposed streets shall be named or numbered in conformance with the existing system of the area, if any, and in coordination with the county 911 addressing and road numbering system.
- 5) The locations of all required monuments, with size and material indicated.
- 6) The description and locations of all monuments set and established by the County or the United States Government that are adjacent to or near the proposed subdivision.
- 7) The standard forms approved by the Planning and Zoning Commission lettered for the following:
 - 1) Description of land to be included in subdivision
 - 2) Registered Professional Engineer and/or Land Surveyor's "Certificate of Survey"
 - 3) Notary Public's acknowledgement
 - 4) Planning and Zoning Director's Signature of Approval
 - 5) Planning and Zoning Commission's Certificate of Approval
 - 6) Clerk of the Board Signature of Approval
 - 7) Board of Supervisor's Certificate of Approval
 - 8) The plat shall show ties by bearing and distance to two (2) section or quarter corner pins to demonstrate a more exact location of the total development.

7-3) Digital Submission of Final Plat

In addition to the hard copy final plat submitted for recordation, applicants are required to submit a digital copy of the subdivision plat. The digital copy submission shall not substitute for any contents of the final plat listed above. The digital copy submission will expedite the subdivision process as well as provide economies in maintaining an accurate countywide parcel base map in geographic information systems.

In addition to the current hard copy submission requirements, the following are required:

- 1) Digital files should be submitted in AutoCAD or other approved computer aided drafting (CAD) software format with a digital survey plan submission form or directly to the Geographic Information Systems Department via e-mail as explained in the Digital Submission Requirements Document.
- 2) The digital files should be named according to naming conventions explained in the Document.
- 3) The DXF file should only have those layers as listed in the Document.
- 4) There shall be an indication of whether the submission is tied to Control and to which control.
- 5) If projected, the projection parameters should be provided with the file.

7-4) Dedications

- A) All streets, highways and alleys, and other parcels of land intended for public use including but not limited to roads, and easements required for flood control, drainage and utilities, shall be offered for dedication to the public by owner's certificate as a part of the Final Plat. No utility easement or other right-of-way shall be granted within proposed County maintained street dedications. Necessary rights-of-way outside of the tract boundary must be processed by separate instruments.
- B) An offer of dedication, from a subdivider or other individual to the County for a street, pedestrian way, drainage channels, easements and other rights-of-way shown on the Final Plat as may be intended for public use either immediate or

future does not constitute public ownership or responsibility, until the Board of Supervisors formally accepts said offer of dedication by separate instrument.

- C) The Planning Commission and Board of Supervisors may require such dedications for street openings or widening, or easements, on-site physical improvements and design requirements as are not inconsistent with those prescribed for subdivisions under the provisions of these regulations.

7-5) Guarantee of Performance

1) Type and Amount of Guarantee

The type of guarantee shall be in the form of a performance bond, trust fund or other assurance equal to the cost of the required improvements, plus 20% as determined by the County Engineer. The subdivider shall furnish an estimate of the cost of constructing the required improvements, prepared by an engineer who is registered to practice in the State of Arizona and who is approved by the County Engineer. The form of guarantee shall be approved by the County Engineer, and the County Attorney's Office before presentation of final plat to the Board of Supervisors.

2) Duration

The duration of the performance bond or other assurance shall be in effect until the work is completed. Two (2) years shall be the maximum time allowed for the improvements to be constructed after approval of the final plat. Extensions may be granted by the Board after due considerations of circumstances which are limiting compliance. Additional performance bonds may be required as a condition of an extension.

3) Default

In the event that the subdivider defaults or fails or neglects to satisfactorily install the required improvements within the time agreed upon for performance, the Board of Supervisors may declare the bond, or other assurance forfeited. And the

County may make or cause the required improvements to be made, using the trust funds, or proceeds of the collection of the bond or other assurance to defray the expense thereof. Or the County may revert the proposed subdivision back to acreage and access against the bond or other assurances any and all costs it has incurred.

4) Final Inspection and Release

The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than sixty (60) days prior to the completion of construction, the County Engineer shall make an inspection of the improvements and shall submit a report to the Board of Supervisors, setting forth the conditions of such facilities. If all conditions are found to be satisfactory, the Board of Supervisors shall release the guarantee. If the condition of the materials or workmanship shows unusual depreciation or does not comply with County standards, the Board of Supervisors may declare the subdivider in default.

7-6) Planning Commission approval or denial of the final plat

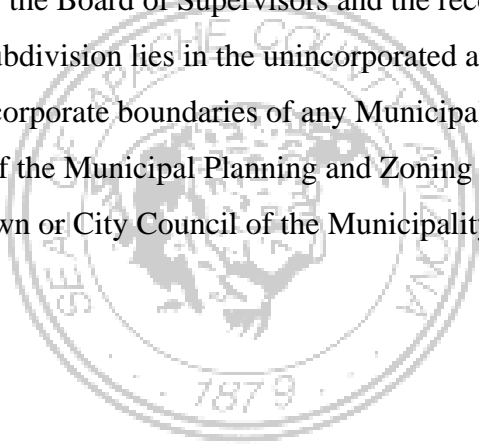
The Planning and Zoning Commission shall obtain recommendations of the Planning Director and the County Engineer, with respect to the final plat and shall review such plat and make a recommendation to approve, disapprove, or approve the plat with modifications.

Minutes of the Planning and Zoning Commission shall show the action taken. If approved, the chairman or his authorized representative shall sign the plat and shall indicate the date of approval.

7-7) Approval - assurance of performance - recording

The final plat shall then be submitted to the Board of Supervisors by the County Planner for its approval, disapproval, or approval with modifications.

Upon acceptance of the bond or other assurance and approval of the final plat by the Board of Supervisors, the final plat tracing bearing all required signatures and approvals shall be recorded with the County Recorder by the Clerk of the Board of Supervisors. No lot shall be sold within such subdivision until the final plat thereof has been so approved and recorded, and the required bond or other assurance has been posted with the Clerk of the Board of Supervisors as above. Approval of the final plat by the Planning and Zoning Commission shall not be deemed as the acceptance of the dedication of any street, public way or ground by the County, such dedication shall occur only upon approval by the Board of Supervisors and the recording of the approved plat. In the event that the subdivision lies in the unincorporated area of the County, but within three (3) miles of the corporate boundaries of any Municipality, the final plat must show the recommendation of the Municipal Planning and Zoning Commission, if one is organized, and the Town or City Council of the Municipality.



SECTION 8

IMPROVEMENT REQUIREMENTS

8-1) Streets and Alley Widths, Cul-de-sacs, and Easements

1. **Street Width.** Arterial and collector streets shall conform to the widths as shown in the Engineering Specifications adopted by the Board of Supervisors. Copies are available from Planning Director on request
2. **Alleys.**
 1. Alleys may be provided in residential areas, and shall be provided in business areas, except that the Commission may waive this requirement where other definite and assured provision is made for service access; such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
 2. Alley intersections and sharp changes in alignment shall be avoided.
3. **Cul-de-Sacs.** Cul-de-sacs (dead streets) may be used where unusual drainage or land ownership configuration exists making other designs undesirable. Surface water must drain away from the turn-around, due to the grade, necessary catch basins and drainage easements shall be provided.
4. **Easements.** Where alleys are not provided, easements will be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements may also be required along property lines where necessary for surface over-flow or for the extension of sewer mains or similar utilities.
5. **Street Intersection.** Streets shall intersect each other as nearly as possible at right angles.
6. **Street Names.** New street names shall not duplicate or be deceptively similar to those already existing in the area. A street, obviously a continuation of another already in existence, shall bear the same name.

7. **Street Dedications.** All streets shall be dedicated for public use, except in an approved large scale development where a property owners association has been established which will maintain the streets in a manner comparable to streets that are maintained by the County. The dedication of half streets in any subdivision is prohibited, except to the borders of subdivisions.
8. **Street Signing.** All streets shall have signs to properly distinguish independent public roadways from one another. These signs shall be erected at the cost of the developer and located at each intersection and point of ingress and egress. Signing herein erected shall be in conformance with the methodology and identification process established by the County Engineer. During the preliminary plat review, detail of size, height, location and any other stipulation for signing will be considered. Findings from the Board on the points of signing as agreed upon within the preliminary plat shall be bound by the final plat and its associated documents. All signing shall comply with the latest manual on Uniform Traffic Control Devices (MUTCD) and all posts shall be of galvanized steel construction and all specifications made part of the sample detail for preliminary plat submissions.
9. **Relations to Adjoining Street System.** The arrangement of streets in a new subdivision shall make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the Planning and Zoning Commission. Where the Planning and Zoning Commission determines that it is desirable to provide an orderly development of a street system, proposed streets shall be extended by dedication to the boundary of such property.

8-2) Blocks

A) Length

Block lengths shall be shown in the engineering specifications adopted by the Board of Supervisors.

B) Width

The width of blocks shall be sufficient to allow two (2) tiers of lots.

C) Use

Blocks intended for business and industrial use shall be designed especially for such purposes with adequate space set aside for off-street parking and delivery facilities, and for loading and unloading.

D) Lot

1) Building Sites.

Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal development purposes. Unless a variance is granted by the Planning and Zoning Commission, no lot to depth ration shall exceed 3:1.

2) Lot Sizes.

All lots shown on the final plat must conform to the minimum requirements of the Zoning Ordinance (for the zone in which the subdivision is located), or else an amendment in the Zoning Ordinance or map must be obtained before approval of the final plat. Lots containing a minimum of one (1) acre (43,560 sq. ft.) of land or more may be served by individual septic disposal as evidence by acceptable percolation or other test results. Lots containing less than one acre shall be served by a common single sewerage system and approved by the Department of Environmental Quality, State of Arizona. Minimum lot sizes shall comply with the provisions of the County Zoning Ordinance or Land Plan and Community Development Ordinance.

E) Lots Must Abut on Public Streets

Each lot shall abut on an approved street or on existing publicly dedicated street which is more than twenty-six (26) feet wide, except when approved by the Planning and Zoning Commission as a large scale development. Interior lots having frontage on two streets shall be prohibited, except where topographic conditions make such design desirable.

F) Corner Lots.

Corner lots shall have dimensions sufficient for the maintenance of required building setback lines on both streets, along with sufficient area to comply with area requirements of the zone in which the subdivision is located

G) Angle of Lots

Side lines of lots shall be approximately at right angles, or radial to the street line, except where conditions make it advisable to have side lot lines deflect at sharper angles.

- 1) **Part of Lots.** All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, rather than be allowed to remain as unusable parcels.
- 2) **Divided Lots.** Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lots so the final plat and such transfer recorded in the County Recorder's office before being certified to the Planning and Zoning Commission by the subdivider.

8-3) Required improvements shall include

- A) The grading and graveling of all streets and the installation of culverts, in compliance with standards and specifications as adopted by the County.
- B) The installation of survey monuments in accordance with standards and specifications as adopted by the County.

- C) Solid waste disposal within a reasonable distance must be either arranged for or by agreement with the Planning and Zoning Commission.
- D) In areas where proper operation of individual septic disposal is proved inadequate by performance of percolation tests per State specifications or lot size, the subdivider shall be required to install a central sewage system meeting State Health Department and the County Health Officer's requirements or tie into an existing State Health approved sewage treatment system.
- E) Subdivider shall cooperate with the County Planning and Zoning Commission in providing reasonable sites to be dedicated for future schools, churches, parks and other public uses.

8-4_ With regard to water, the subdivider shall have two (2) optional plans.

Plan 1. Water in quantity and quality to meet State Health Department regulation shall be provided to each lot in subdivision, regardless of lot size. Subdivider shall franchise the area for operation of such water system. Water system installation shall begin not later than six (6) months from date of the Board of Supervisors approval of final plat, or shall begin when ten percent (10%) of the subdivided lots have been sold, whichever comes first. The water system shall be completely installed and operating within eighteen (18) months from the time set for installation to begin.

Plan 2. Each and every subdivision plan under Plan 2 will be considered on its own merits. The subdivider will be required to drill and test pump a well sufficient in size to supply water in the quantity and quality required under current State Health Department regulations for the planned subdivision on land owned by the subdivider. Each lot purchaser must receive an undivided interest in the well and well-site and any required easements needed for the water distribution system, in the proportion that his property ownership bears in relation to the whole subdivision.

8-5) Cost of Required Improvements Shall be Shared as Follows:

<u>Facility</u>	<u>Developer</u>	<u>County</u>
a. Easements and rights-of-way, "on-site" and "off-site"	100%	0%
b. Grading and drainage of streets, "on-site"	100% of all minor and collector streets	100% of all grading and drainage required by County over costs grading and drainage of collector street
c. Grading and drainage of streets, "off-site"	Special negotiations with Board of Supervisors	
d. Special negotiations with Board of Supervisors. Bridges	100% for all minor streets	0%
e. Street Surfacing	100% for all minor streets and collector and arterial streets up to 40' of surfacing width	All required of surfacing over 40' by special negotiations with Board of Supervisors
f. Curb and Gutter and curb cuts	100%	0%
g. Sidewalks	100%	0%
h. Street Signs	100% of cost per County	0%



i. Street Lighting	100% for easements and right of ways	Maintenance after installation by utility company
j. Utilities	100% for easements and rights-of-ways	0%
k. Water System	100%	0%
l. Sewer Mains	100%	0%
m. Storm Drain, Canal and Flood Channel Protection	100%	0%

8-6) Environmental Impact Statement. The Planning and Zoning Commission may determine that an Environmental Impact Statement shall be prepared after its review of the vicinity of preliminary plan stage(s.) This document, under the direction of the Commission, may include all or part of the following points of impact in its process of preparation.

- i. Control of erosion within the subdivided area.
- ii. Provision of potable water for occupants of the subdivision.
- iii. Provision for the proper disposal of solid and liquid wastes that will likely come from the occupants of the subdivision when it is fully developed.
- iv. Prevention of fire and control of dust.
- v. Prevention of the accumulation of noxious weeds or debris.
- vi. Preservation of the existing vegetation of the establishment of any new vegetation. If the subdivider expects the public to provide any of these services, the statement should so indicate.

SECTION 9

GENERAL REQUIREMENTS

A) School Sites; Other Public Spaces.

In subdividing property, consideration shall be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the County's comprehensive plan. Any provision for such open spaces shall be indicated on the preliminary plan.

B) Construction and Maintenance of Private Roads and Driveways by County Prohibited.

The County of Apache shall not open, grade, pave, or perform any maintenance work on any private or undedicated street or alley, and the County shall refrain from laying utility lines in any street which has not:

- vii. been accepted by the Board of Supervisors as a public street or alley, or
- viii. which has not received the approval of the Board of Supervisors as part of a final plat of a subdivision unless an easement is granted therefor.

C) Work To Be Done by a Registered Engineer or Surveyor.

All engineering work or surveying of property must be done by or under the direction of a registered professional engineer or land surveyor registered in the State of Arizona.

D) Continuity of Dead-End Streets Protected.

Whenever a proposed subdivision has a street which terminates against private property of an individual, other than the subdivider, a strip of land at least one (1) foot wide across the entire end of the subdivider's proposed street and on the subdivider's property must be platted as a lot, and said lot shall be deemed to the County as a lot in the proposed subdivision for future street purposes.

E) Unsuitability of Land for Intended Purpose.

If from investigation it is determined that the land is unsuitable for its proposed purpose and that it cannot be developed in accordance with these regulations, the Planning and Zoning Commission must disapprove the subdivision and must indicate in writing its reasons for such disapproval.

F) Standards and Specifications.

The County Engineer is hereby charged with the preparation of minimum standards and specifications as required herein. Upon presentation of such standards and specifications, the Board of Supervisors may adopt the standards for Apache County.



SECTION 10

REVERSION TO ACREAGE — FEE

When the developer intends to subdivide property already totally or partially included in a previously recorded subdivision OR if the owner of record of an existing subdivision, or portion thereof, desires to consolidate the property into a larger acreage the following steps and consideration shall apply:

- ix. No such reversion shall occur in an existing subdivision that is currently constrained by covenants, conditions or restrictions OR has developed controls regulated by an active home owners association that would specifically be in conflict with rule and/or authority, unless:
 - a. The applicable covenants conditions or restrictions are amended through a majority decision by the property owners within the subdivision.
 - b. The developer, as total or majority land holder, legally abolishes any applicable covenants, conditions or restrictions that would prevent such an action.
 - c. The developer shall receive a majority of written signatures from other properties within the subject subdivision stating that these property holders are not objecting to the reversion.
2. No party within the subject subdivision or adjacent property holder shall be denied access by action of reversion to acreage.
3. Provision shall be made to retain existing utility easements and necessary roadways, easements and dedication as deemed appropriate by the Planning and Zoning Commission.
4. Any and all contacts with the residents, fees for notice of public hearings, fees for recording and fees for responsibility of the developer or land holder requesting such reversion.
5. Apache County shall post the subject property as a notification procedure during the same time as the public notice in the paper is available.
6. The developer or land holder shall cause an amended or reversion to acreage plat to be filed indicating the following:

- a. For amended plats, the titled "AMENDED" shall appear on each sheet that is to be filed for recordation. The title of the subject subdivision shall follow the term "AMENDED."
- b. In addition to the acknowledgement and dedication, the amended plat shall have affixed to it the seal of the registered engineer preparing the plat and his registration number. All basic criteria in the preparation of a plat map shall apply.
- c. That portion of the subject subdivision that is to be deleted shall have all appropriate bearings and distances indicated and the boundary shall be in contrast to other boundaries or lot lines by having a noticeably heavier line thickness.
- d. For reversion to acreage plats, the title "REVERSION TO ACREAGE" shall appear on each sheet that is to be filed for recordation. All other items in 6. a-c above shall be applicable to reversion plats.
- e. Amended or reversion to acreage plats shall indicate those easements that will remain apart from the abandonment. The developer or land holder shall be responsible in contacting the applicable utilities and a letter indicating their approval shall be received prior to the Planning and Zoning Commission taking any action.
- f. The plat shall include signature lines for the Chairman of the Planning and Zoning Commission, Chairman of the Board of Supervisors and notary on behalf of the acknowledgement and dedication.

PROCESS

Prior to subdividing property located on existing recorded subdivision a reversion or amendment plat shall be prepared, reviewed, approved and recorded.

Step 1. The developer or land holder shall provide the Planning Director with letter of intent to describe the reasons and future use of the affected property, letter(s) from utilities approving the action, petition or letters from the majority of the owners within the subdivision approving the action, an "AMENDED" or "REVERSION TO ACREAGE" plat and a filing fee. Upon receipt, review and acceptance of the filing by the Planning Director, the proposed reversion shall be scheduled before the Planning and Zoning Commission within forty-five (45) days.

Step 2. The Planning and Zoning Commission after review of the filing shall recommend approval, denial, approve it subject to modification requirements, or table the proposal.

Step 3. After receiving a recommendation for approving the reversion from the Planning and Zoning Commission, the County will cause a public notice to be printed in a local paper no sooner than fifteen (15) days prior to public hearing before the Board of Supervisors. The County shall also post the property in accordance to the same time period.

After review of the proposal, the Board shall approve, deny or table the proposal. In receiving an approval, the petitioner shall receive the signature of the Board Chairman. Copies shall be made by the Planning Department and made available for future review.

The Planning Department may cause the plat(s) to be recorded and bill the petitioner, or the petitioner may cause the recordation himself.



FEE

The fee to perform the filing, check the plat and post the property will be as set by the Board of Supervisors.

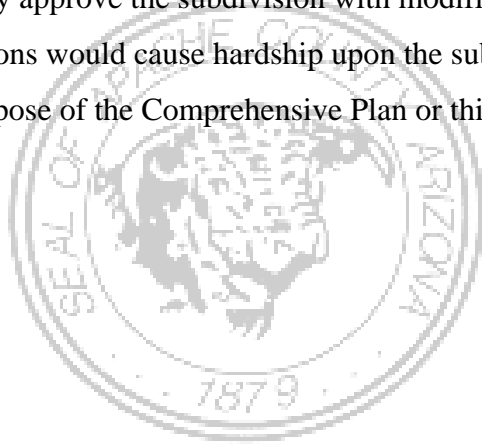
NOTE

The Planning Director, Planning and Zoning Commission, or Board of Supervisors may request additional information that relates to the proposed area. All minimum information outlines in this section will not deter the gathering of other necessary data.

SECTION 11

APPEAL

Where the subdivider can show that the application of these regulations will result in an unnecessary hardship, or where the subdivider alleges that there is error in any requirement made by Planning and Zoning Commission or Administrative Officer in the Administration of the regulations, he may appeal to the Board of Supervisors. The appeal shall be made in writing, setting forth the particulars and reasons for the appeal. The Board of Supervisors may then approve or disapprove, or may approve the subdivision with modification where a literal enforcement of these regulations would cause hardship upon the subdivider which is unnecessary to carry out the spirit and purpose of the Comprehensive Plan or this resolution.



SECTION 12
SUBDIVISION OF LAND WITHIN THREE MILES OF
MUNICIPAL LIMITS

A. Written Notice of Intent to Subdivide.

When the owner of land, the whole or part of which lies in this unincorporated area of the County within three (3) miles of the corporate limits of any Municipality, desires to subdivide with the Planning Director. The Planning Director shall first submit the request to the Municipal Planning and Zoning Commission and/or Town/City Council of the Municipality for their comments.

B. Submission of Preliminary Plan.

In addition to the written notice, the subdivider shall submit to said County Planner a preliminary plan of the land showing the manner in which he desires to subdivide the land. The comments of the Municipal Planning and Zoning Commission and of the Town/City Council shall accompany the vicinity and the preliminary plan when presented to the County Planning and Zoning Commission for their action.

C. Projection of Streets and Alleys.

The Municipality may, if it desires that the streets or alleys of the tract conform with the projected streets or alleys of the Municipality, project the lines of such streets and alleys to the nearest outer boundary lines of the subdivision and thereon mark the same. The Municipality may supply the subdivider with the courses of the lines.

D. Written Report by Municipality.

The Municipality may submit a written report to the subdivider, recommended changes in the submitted plat of the location of dimension of street, alleys, parks, easements for rights-of-way or property intended to be devoted to the use of the public. One copy of such report shall be

furnished to the Board of Supervisors of Apache County and one copy shall be furnished to the Planning Director.

E. Time Within Which Report Must be Submitted; or Projections of Streets and Alley Lines Must be Submitted.

The report, or the projection of street and alley lines, or both, must be submitted to subdivider within thirty (30) days from the date the notice of intention to subdivide is delivered to the Planning Director.

F. Duty of Subdivider: Plat.

In conjunction with meeting the standard development requires the subdivider, when furnished with a written report, or the projection of street and alley lines, or both, shall cause the land to be subdivided into lots, blocks, streets, alleys, parks, and parkways, so as to reasonably conform to the report and projected lines and the courses thereof, and shall prepare an accurate plat thereof on tracing linen or equivalent, drawn and attested to by a civil engineer from his survey of the ground. The engineer shall, in making the surveys, leave sufficient permanent monuments so that another surveyor or engineer may retrace his work. The nature and location of the monument shall be plainly shown on the plat.

G. Additional Contents of Plat.

The plat shall particularly set forth and describe:

1. Parcels of ground within the tract or subdivision to be used for public purposes or offered for dedication for public uses; and their dimensions, boundaries and courses.
2. Either by number or letter, lots intended for sale, or reserved for private use, and their dimensions, boundaries and courses.
3. The location of the subdivision and lots therein with reference to adjacent subdivisions, the maps and plats of which have been previously recorded, or if not, then with reference to corners of a United States survey, or is on land unsurveyed by the United States, then to some prominent artificial monument established for such purpose.

H. Filing of Plat.

One copy of the plat shall be filed with the Municipal Clerk and six (6) copies shall be submitted to the County Planner together with a petition for the approval of the Preliminary Plan, and all other documents required for consideration as a Preliminary Plan.

I. Hearing by the Board of Supervisors

Pursuant to law, the Board of Supervisors shall set the petition for hearing not less than fifteen (15) nor more than thirty (30) days from the date of the filing of the plat and petition with the Board by the County Planning and Zoning Commission and shall cause written notice thereof to be given to the Municipality, as provided in Arizona Revised Statutes § 9-475.

J. Appearance by Municipality.

Representatives of the Municipality may appear at the hearing and show cause why the petition should or should not be granted.

K. Amendments to Plat.

If, on the hearing, it is determined by the Board that corrections, additions, or amendments in any respect shall be made to the plat, then a plat shall be prepared by the subdivider in accordance with the amendments, corrections or additions, and the consent of the subdivider and the Board shall be endorsed thereon.

L. Approval by the Board of Supervisors.

Pursuant to law if it appears to the Board of Supervisors that the subdivision conforms to all legal requirements, it shall approve and endorse the approval upon the plat, and transmit it to the County Recorder for filing.

M. Nonacceptance by Subdivider: Projection Expenses.

If the subdivider declines to accept the amendments, additions or corrections he shall pay to the Municipality the actual engineering expenses incurred in the preparation of the projections.

N. Subdivision Name.

Upon the plat shall be endorsed a name, title or designation of the subdivision.

O. Limitation of Name of Subdivision.

P. Title to Property Reserved to Public Use.

Upon the filing of the plat or map, the fee of all streets, alleys, parks, and other parcels of ground reserved therein to the use of the public shall vest in the public.

Q. Conveyance by Reference to Plat: Restriction.

No property shall be sold or described in a conveyance or other instrument by reference to any map or plat of a subdivision comprehended with the provision of Arizona Revised Statutes, Title 9, Article 7, unless the map or plat has been prepared and filed under the provisions of said article.



SECTION 13

PENALTY

Conveyance of a land division or any part thereof, before final approval in full compliance with the provisions of these regulations has been duly recorded in the office of the County Recorder, shall be a Class III Misdemeanor resulting in the following:

A) Penalties

Any person, firm, partnership, or corporation convicted of a misdemeanor pursuant to a violation of this article shall be punishable by a fine not more than seven hundred and fifty dollars (\$750.00) or by imprisonment in the County Jail for a period not more than thirty (30) days, or by such fine and imprisonment. The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of these regulations.

B) Daily Separate Violations

Each day that a violation of these regulations continues to exist shall constitute a separate offense.

C) Withholding of Building Permits

Any parcel of land which has been the result of a land division that does not comply with this Ordinance shall not be issued a building permit until said land division is caused to comply with this Ordinance.

SECTION 14

CONFLICT

All ordinances, regulations, resolutions, and parts thereof which are in conflict, are hereby repealed. Also that resolution which was passed and adopted by the Board of Supervisors and signed by its chairman on the 7th day of July 1969, and all subsequent amendments to said resolution which have been adopted since the 7th day of July, 1969, are hereby repealed.

SECTION 15

VALIDITY — OTHER REQUIREMENTS

If any section, subsection, sentence, clause, or phrase of this resolution is for any reason, held by a court of competent jurisdiction to be invalid, such holdings shall not affect the validity of the remaining portion of this resolution. Nothing contained in this resolution shall be construed as released a subdivider from full compliance with the Arizona Revised Statutes and the Rules and Regulations of the State Land Department, Real Estate Division, and the Arizona State Health Department pertaining to the establishment of subdivisions.

SECTION 16

EFFECTIVE DATE

In consideration of impending development, in the opinion of the Board of Supervisors and emergency exists. This resolution shall therefore be in full force and effect from and after its passage by the Board of Supervisors and by publishing and posting the same as required by law.

Subdivision Fees

Minor Land Division:	1 st Split (2-lots)	\$275.00
	2 nd Split (3-lots)	\$350.00
	3 rd Split (4-lots)	\$425.00
	4 th Split (5-lots)	\$500.00

Subdivision:

Preliminary Plat : \$500.00 plus \$10/lot

Final Plat: \$500.00 plus \$10/lot

There is a fee of \$10.00 per lot within the subdivision for each additional time the subdivision must be checked because of plat errors in closing.

Reversion to acreage: \$300.00 plus \$5.00/acre

