



MINOR LAND DIVISIONS APPLICATION

APPLICANT

Name _____
 Mailing Address _____

 Contact Person _____
 Phone _____ Fax _____
 Email _____

PROPERTY INFORMATION

Assessor's Parcel # _____
 Township _____ Range _____ Section _____
 Subdivision _____
 Unit # _____ Lot # _____ Lot size _____
 Address/Location _____
 Existing Access and Utility Easements _____

MINOR LAND DIVISION REQUEST

Please provide a brief description of the request.

SUBMITTAL CHECKLIST

- Minor Land Division application and non-refundable processing fee.
- Proof of ownership.
- Signed, Notarized Affidavit "Acting in Concert"
- A survey map prepared by a Registered Land Surveyor indicating original & revised lot lines, legal access to all newly created parcels, all easements, and roadways.
- Site plan showing all structures and setbacks.
- ADOT permit granting ingress / egress access
- Legal descriptions of original, split property and easements.

CERTIFICATION & SIGNATURE

In accordance with the definition contained in the Arizona Revised Statutes Section 11-831, any minor land divisions which are the result of any individual, firm, partnership, or corporation conspiring together to create five (5) or less parcels of land, any one (1) of which is 10 acres or less in size, shall be deemed a minor land division and subject to all provisions of the Apache County Subdivision Ordinance and state subdivision laws.

I hereby certify that there is legal access to all parcels created.

Signature of Applicant

_____ Date _____

Signature of Property Owner (if not the applicant)

_____ Date _____

TREASURER

- Paid/Updated Taxes

Signature _____ Date _____

OFFICE USE ONLY

Received By _____ Date _____
 Receipt # _____ Fee _____
 Reference # _____
 Related Cases _____

PLANNING & ZONING ACTION

Approved Denied
 Comments _____

 Signature _____ Date _____



MINOR LAND DIVISIONS APPLICATION

Legal Description of Newly Created Parcel(s) (Separate sheets may be attached):

1. Legal Description _____

Proposed Access and Utility Easements _____

2. Legal Description _____

Proposed Access and Utility Easements _____

3. Legal Description _____

Proposed Access and Utility Easements _____

4. Legal Description _____

Proposed Access and Utility Easements _____

5. Legal Description _____

Proposed Access and Utility Easements _____

NOTE: Dedication of proposed easements must occur through a separate instrument.



Checklist for Splitting Land

The following list outlines the necessary steps for processing a Land Division Permit/Split request. Please be sure to read this list thoroughly and follow all instructions.

NOTE: The Land Division process is not complete until it is recorded and a new parcel number is assigned.

PLANNING & ZONING:

- _____ Obtain Land Division Permit application and Combination/Split Form.
- _____ Complete application **IN FULL** and return to Planning and Zoning for review and approval.
- _____ A processing fee of \$300.00 (2-lots), \$375 (3-lots), \$450 (4-lots), and \$525.00 (5-lots) is required.
- _____ Applicant must be owner on record and must sign the forms. Proof of ownership.
- _____ Applicant must sign and return the original signed Acting in Concert Affidavit. (A.R.S. §11-831)
- _____ Survey completed by a Registered Land Surveyor (R.L.S.) indicating original & revised lot lines, easements and roadways.
- _____ New legal descriptions for each new parcel
- _____ Verify that all taxes are paid, have Treasurer's office sign form.

NOTE: There is generally a minimum two to four-week processing period for complete applications. The time period for review could be significantly longer if all information isn't provided, if the information is not clear, or if it is inaccurate.

RECORDER:

- ◆ Original Land Division Permit and Combination/Split Form with original (not photocopy) signatures from Planning and Zoning, Treasurer, and property owner.
- ◆ All paperwork must be legible and make a reproducible copy from microfilm.
- ◆ If the required map is larger than 8 ½" x 14" laws regarding Record of Survey Maps must be followed (for copy of Record of Survey criteria contact the Recorder's office).
- ◆ Book and Page must be referenced on the Land Division Permit form.

ASSESSOR:

Once the Land Division Permit is recorded, the Recorder's office will forward the paperwork to the Assessor's office for processing. The Assessor's office will map the changes and assign new parcel numbers.



Guidelines for Requesting a Minor Land Division

**THIS INFORMATION HAS BEEN SELECTED
FROM THE APACHE COUNTY SUBDIVISION RESOLUTION**



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

AFFIDAVIT
MINOR LAND DIVISION
“ACTING IN CONCERT”
Parcel # (A.P.N) _____

I/we, _____ acknowledge by signing this affidavit that I/we am/are aware pursuant to Arizona Revised Statute §11-831 subsection F and Arizona Revised Statute §32-2181, subsection D that it is unlawful for a person or group of persons to attempt to avoid these sections or the subdivision laws of this state by acting in concert to divide a parcel of land into six or more lots or parcels or sell or lease six or more lots by using a series of owners or conveyances. A familial relationship alone is not sufficient to constitute unlawful acting in concert.

I/we swear/affirm that I/we am/are not “Acting in Concert” with any person or group of persons to attempt to avoid the provisions of the subdivision laws of the State of Arizona to divide a parcel of land or sell illegal subdivision lots by using a series of owners or conveyances or by any other method which ultimately results in the division of the lands into an illegal subdivision or the sale of an illegal subdivision or the sale of illegally subdivided lots.

I/we am/are aware that the county where the land division occurred, or the state real estate department may investigate and enforce the prohibition against acting in concert to unlawfully divide a parcel of land into six or more lots or parcels.

Penalty per infraction from the Arizona Department of Real Estate – State of Arizona Revised Statute §32-2185.09.

“Acting in Concert” means evidence of collaborating to pursue a concerted plan.

Persons “Acting in Concert” include but are not limited to, business partners, relatives, etc.

I/we swear/affirm under penalty of perjury that the information contained in this affidavit is true, complete and correct according to my/our best belief and knowledge.

Dated this _____ day of _____, 20____ by:

Seller's name (print): _____ Signature: _____

Seller's name (print): _____ Signature: _____

State of Arizona)
) ss.
County of)

SUBSCRIBED and SWORN/AFFIRMED before me this ____ day of _____, 20____

by _____.

Notary public

My commission expires: _____

(Seal)